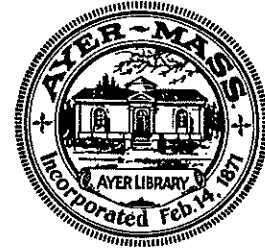


RECEIVED
TOWN CLERK
TOWN OF AYER

2016 SEP 30 PM 12:11

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



Tuesday October 4, 2016
Open Session Meeting Agenda

7:00 PM

Call to Order

Pledge of Allegiance; Review and Approve Agenda; Announcements

7:05 PM*

Public Input

Ms. Susan Copeland, Treasurer, Collector and Clerk

1. Appointment of Part-Time Finance Department Assistant
2. Presidential Election Update

7:10 PM

Mr. Mark Wetzel, Superintendent Department of Public Works

1. Appointment of Highway Division Laborer
2. Vote of Intent to Layout Norwood Avenue
3. Amendment to Water Line Easement – Kingswood Corporation

7:20 PM

Ms. Alicia Hersey, Office of Community Development

1. Affordable Housing Unit Sale – Right of First Refusal, 19 Bates Street
2. Lien Subordination Request Case 05-291 & 06-315

7:30 PM

Town Administrator's Report

1. Administrative Update
2. Approval of Super Town Meeting Warrant for October 24, 2016
3. Approval of Special Fall Town Meeting Warrant for October 24, 2016
4. Approval of Purchase Order #2427 - Police Dept. - Cruiser

8:00 PM

New Business/Selectmen's Questions

8:05 PM

Approval of Meeting Minutes

September 20, 2016; September 27, 2016

Adjournment

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

Michelle Bishara

EXPERIENCE

Evergreen Investments, Boston/Cambridge, MA Contracted, Boston

1/88-8/06
8/03-8/06

- Assist with 10 floor facility buildout project
- Assist with space planning for buildout of floors
- Coordinate departmental relocations
- Oversee construction during buildout
- Purchase furnishings/fixtures for project

Manager - Facility Services, Boston

5/96-2/03

- Manage staff of two part-time Receptionists and one Facility Administrator
- Monitor daily security system reports, troubleshoot alarms, upkeep and maintain system
- Investigate and document thefts and other security violations in conjunction with building management security personnel
- Assist in the management of \$3.2 million budget for the department
- Liaison to building management company, approve and monitor vendors for facility
- Coordinate and administer monthly switchboard break coverage schedule, administer requests for conference room set-ups for major functions/meetings
- Check audio/visual and Picture-Tel systems to ensure they are working properly for daily use and train the end users as needed
- Oversee established vendor relationships to operate and staff a corporate copy center and assure the delivery of reliable service at cost effective levels
- Coordinate and schedule maintenance services for ten floors of the facility to ensure the interior finishes of the building were in top condition. Ensure furniture and fixtures were maintained in first class working condition
- Assist with space planning and build out of floors to include departmental relocations within the facility
- Notify Building Services of any mechanical, plumbing, and electrical system problems and monitor each situation for prompt resolution to ensure the facility remains in good working condition
- Troubleshoot company fax machine problems to determine if service is needed

Purchasing Assistant, Cambridge/Boston

3/92-5/96

- Inventory control and procurement of forms, stationary, printing/copying needs for a 250 person facility
- Monitor internal amenities for facility including coffee, vending machines, plants, refrigerators
- Review invoices for items received or services rendered for facility usage
- Troubleshoot fax machine and copier problems, place service calls when necessary
- Notify Building Services of mechanical, plumbing and electrical problems
- Administrator on the Business Continuity Committee which entailed, updating and distributing quarterly manuals; schedule and prepare for monthly meetings, recording and issuing of meeting minutes, assist in projects
- Administrator for purchasing, ordering and distributing all cab voucher books, maintaining database of departments and process monthly invoices
- Coordinate quarterly fire evacuation drills in conjunction with building management company
- Maintain the department's routine personnel records such as timecards, attendance and vacation schedules, manuals/procedures
- Interact with employees daily to ensure that the needs of the company were being met to help provide a productive work environment
- Responsible for processing purchase requisitions for standard and special orders in accordance with pre-established policies and procedures
- Review/reconcile invoices of items purchased and services received before being sent to Accounts Payable
- Interact with Accounts Payable and vendors to solve problems regarding invoices and services

- Review and process annual maintenance contracts for facility's fax machines, copiers, internal plant services, vending, etc.
- Assisted in facility relocation from Cambridge to Boston
- Solicit and analyze vendor bids for everything from office supplies to printing needs to ensure Evergreen was receiving the best price and quality of service
- Administrator for coordinating parking for employees, maintained database of parkers for payroll deduction and budget report purposes, processed monthly invoices

Human Resource Assistant, Cambridge

1/88-3/92

- Administrative support for Human Resources Department; one Manager and three Generalists/Benefits Coordinators
- Assist employees with all aspects of company benefits
- Developed a reference kit for newlywed employees
- Greet and assist all incoming visitors and applicants
- Create and maintain employee personnel files, prepare new hire and termination paperwork
- Assist Training Department with class rosters as needed
- Update Business Continuity Manual with respect to employee names, phone numbers and departmental changes
- Assist Executive Assistant with annual board meeting planning and set-up
- Order and distribute MBTA passes and maintained spreadsheet of monthly activity
- Sort and distribute payroll checks
- Update monthly employee census
- Type annual performance reviews for Executives
- Handle sensitive/confidential telephone calls for HR, Executive Assistants, Executives and Training Department

Middlesex Registry of Deeds, Cambridge, MA

Block Typist

6/86-1/88

- Typed property/land information as it was registered by Attorneys and title Examiners onto reference sheets
- Assisted public, Attorneys and Title Examiners with researching land/property
- Filed registered documents

EDUCATION

Somerville High School, Somerville, MA 02143
graduated 1986

SKILLS

MS Excel, MS Word, MS Windows, Casi-Rusco Secure Perfect, Lotus Notes, MS Outlook and Outlook Express, MS Access, Symantec PCAnywhere, MAC Pages/iWork

REFERENCES

Available upon request



General Election

Tuesday, November 8th, 2016

Ayer Town Hall

1 Main Street

Great Hall 2nd Floor

Precinct 1 & 2

7am – 8pm

Last Day to Register to vote or change political party

Wednesday, October 19th, 2016

Ayer Town Hall

Town Clerk Office

1 Main St. Ayer, MA 01432

Introducing Early Voting



For the November 8 General Election



You can early vote from
October 24 to November 4

Monday, Wednesday, Thursday 8am to 4pm
Tuesday 8am to 7pm
Friday 8am to 1pm

****EXTENDED HOURS****

Saturday, October 29 from 9am to 1pm

Town Clerks Office
1 Main Street
Ayer, MA 01432

Voting is now more convenient than ever and on
YOUR schedule



Questions: Please call us! 978-772-8215; we're here to help!
Email: scopeland@ayer.ma.us

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

RECEIVED
SEP 28 2016

TOWN OF AYER
SELECTMEN'S OFFICE

MEMORANDUM

Date: September 28, 2016
To: Board of Selectmen
From: Mark Wetzel, P.E. Superintendent of Public Works
Subject: **October 4 Meeting Agenda Items**

1. **Appointment of DPW Highway Division Utility Position-** See attached memo with recommendation for appointment of Highway Division Utility Person position.
2. **Vote of Intent to Layout Norwood Avenue located within Elizabeth Estates Subdivision (between Highland Ave and Washington Street –** See attached memo and “Intention to Layout” document for approval by the Board. The proposed schedule for Acceptance is as follows:

October 4 - BOS vote intention to layout and accept
October 6 - Planning Board votes to recommend acceptance
October 7 - Notice given to owners of any land or easements to be taken for the roadway, including any slope or drainage easements
October 18 - BOS vote to layout the street
October 19 - Layout Plan is filed with Town Clerk
October 24 - Town Meeting vote
3. **Amendment to Easement - Kingswood Corp on New England Way-** See attached documentation from Alphen & Santos, PC. This is required to clarify the location of a water main easement on Kingswood’s property.

DEPARTMENT OF PUBLIC WORKS

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



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

MEMORANDUM

Date: September 27, 2016

To: Town of Ayer Board of Selectmen

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

Subject: Highway Division Utility Person Recommendation

In accordance with the ASFCME Collective Bargaining Agreement, Article 15, the Department of Public Works posted the position of Highway Division Utility Person and there were no applicants within the union. Therefore the position was publicly advertised. The DPW received over 30 applications and we interviewed the four most qualified applicants.

Based on the applications and interviews, Mr. Ryan Januskiewicz of Ayer was selected for the DPW Highway Division Utility Position. Mr. Januskiewicz is a 2008 graduate of ASRD High School and has equipment operation and snow plowing experience.

I recommend that the Board of Selectmen appoint Mr. Ryan Januskiewicz as the DPW Highway Division Utility Person, pending the results of the required physical, results of drug and alcohol testing and obtaining the CDL B and hoisting licenses. The position has a 12 month probation period as stipulated in the Agreement.

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: September 28, 2016

To: Ayer Board of Selectmen

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



Re: Intention to Layout Road for Acceptance

Mr. Robert Prescott of North Shirley Realty Trust has requested that the Town accept the section of Norwood Avenue, within the Elizabeth Estates Subdivision (between Highland Ave and Washington Street). Upon affirmative vote to layout the road, we will notify the Planning Board for a non-binding approval, notify abutters with easements related to the roadway and then recommend that the Board vote to layout the street. The final acceptance will require a two third vote at Fall Town Meeting.

The DPW recommends the Board of Selectmen vote intention to layout Norwood Avenue within the Elizabeth Estates Subdivision as public ways as the first step toward road acceptance.

Regards,

AYER PUBLIC WORKS DEPARTMENT



Mark L. Wetzel, P.E.
Superintendent

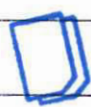
Board of Selectman Vote of Intention to Lay Out and Accept Norwood Avenue located within "Elizabeth Estates" as shown on a plan entitled "Definitive Subdivision of land in Ayer, Mass. prepared for North Shirley Realty Trust" dated April 2006 and recorded at the Middlesex South District Registry of Deeds as Plan No.90 of 2007.

Moved: Having considered the proposed layout of Norwood Avenue as a public way in the Town, as shown as Norwood Avenue located within "Elizabeth Estates" as shown on a plan entitled "Definitive Subdivision of land in Ayer, Mass. prepared for North Shirley Realty Trust" dated April 2006 and recorded at the Middlesex South District Registry of Deeds as Plan No.90 of 2007, the Board hereby deems that public convenience and necessity require the layout of said road in a manner shown on said plan and refers the proposed layout to the planning Board for its report thereon, pursuant to G.L. c.41. §81.1.

Dated this ____ day of October 2016

TOWN OF AYER
By Its Board of Selectmen

COPY



Town of Ayer



Warrant Article Submission Form

Submitted by: North Shirley Realty Trust

Warrant Article Text: Board of Selectman Vote of Intention to Accept Norwood Avenue located within "Elizabeth Estates" as shown on a plan entitled "Definitive Subdivision of land in Ayer, Mass. prepared for North Shirley Realty Trust" dated April 2006 and recorded at the Middlesex South District Registry of Deeds as Plan No.90 of 2007.

Purpose of the Article: Formal vote of Acceptance of Norwood Avenue

Funding Source:

COPY

Reason(s)/Justification for Article's Placement on Warrant:

Anticipated Timeline for Implementation of Article:

Scheduling of Article: Annual Town Meeting Special Town Meeting

Date Warrant Article Submission Received:

Date Reviewed by Town Administrator:

Date Reviewed by Town Counsel:

Date Approved by Ayer Board of Selectmen:

ALPHEN & SANTOS, P.C.

ATTORNEYS AND COUNSELORS AT LAW

200 LITTLETON ROAD, WESTFORD, MA 01886

(978) 692-3107 FAX (978) 692-5454

www.alphensantos.com

RECEIVED
SEP 28 2016

TOWN OF AYER
SELECTMEN'S OFFICE

Paul F. Alphen, Esquire
Maria L. Santos, Esquire

Sandra M. Meneses, Esquire

September 27, 2016

Robert A. Pontbriand
Town Administrator
Town of Ayer
1 Main Street
Ayer, MA 01432

RE: Kingswood Corporation

Dear Mr. Pontbriand:

To follow up on the various emails between my office and Town Counsel, Katharine Klein, enclosed please find the agreed up "Amendment to Easement" instrument signed by our client, Kingswood Corporation.

The original water line easement was depicted on a plan recorded with Middlesex South District Registry of Deeds as Plan 1396 of 1883 (Exhibit A). Before our client constructed his building on the property, he obtained site plan approval from the Planning Board, and the approved plan included the relocation of the water line so that the building would not run over the water line. The location of the amended location of the water line easement is shown as the shaded area on the plan recorded with said Registry of Deeds as Plan 405 of 2008 (Exhibit B).

The enclosed "Amendment to Easement" will clarify the record title. It is an agreement between the parties that the Town's water line easement rights have been relocated to the shaded area shown on Exhibit B.

Please accept this as a request that the Board of Selectmen vote to sign the Amendment to Easement. I am happy to record the original with the Registry. Please let me know if you have any questions.

Very truly yours.

~~Alphen & Santos, P.C.~~

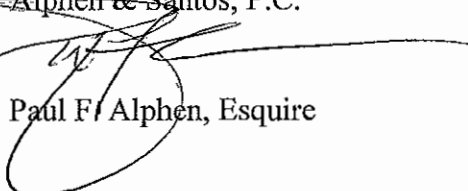
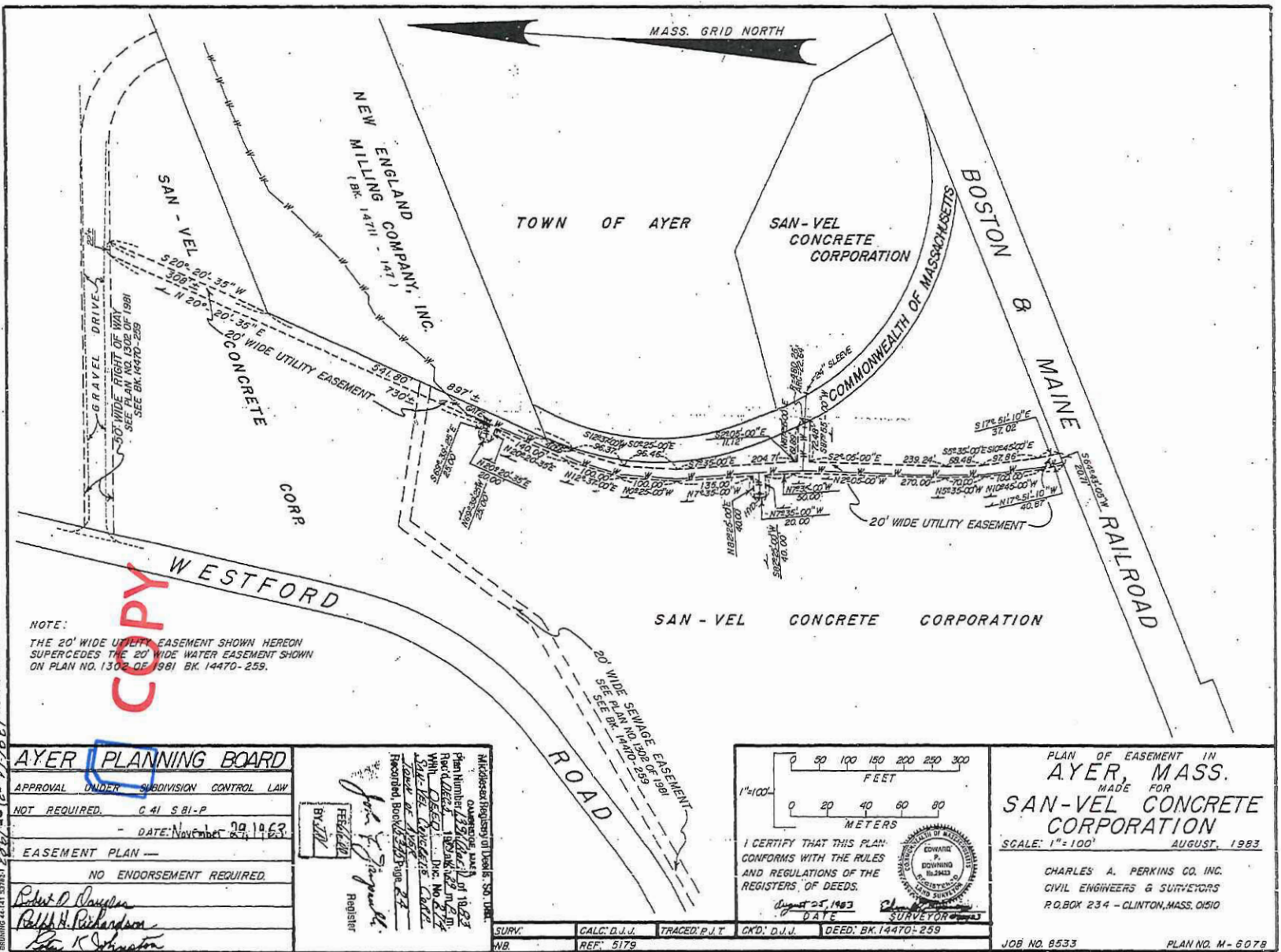

Paul F. Alphen, Esquire

EXHIBIT A



PLAN NUMBER 1396 (A-2) OF 1983
RECORDED BOOK 14345 PAGE 22

AYER PLANNING BOARD

APPROVAL UNDER SUBDIVISION CONTROL LAW

NOT REQUIRED. C.41 S.81-P

DATE: November 29, 1983

EASEMENT PLAN —

NO ENDORSEMENT REQUIRED

Robert D. Chandler
William H. Richardson
John R. Johnston

MASSACHUSETTS REGISTER OF DEEDS, SSO, URB.

Companion Map No. 1397
Plan Number 1396 (A-2) of 1983
Recorded Book 14345 Page 22
WHILE ON FILE IN THE
SAN-VEL CONCRETE CORP.
Records of Ayer
Recorded Book 14345 Page 22

John R. Johnston
BY: JRM
REGISTER

20' WIDE SERVICE EASEMENT
SEE PLAN NO. 1302 OF 1981
BK. 14470-259

SURV. CALC. D.J.J. TRACED: P.J.T. CKD: D.J.J. DEED: BK. 14470-259
NR. REF. 5179

0 50 100 150 200 250 300
FEET

0 20 40 60 80
METERS

1"=100'

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

August 25, 1983
DATE

Charles A. Perkins
SURVEYOR

PLAN OF EASEMENT IN
AYER, MASS.
MADE FOR
SAN-VEL CONCRETE CORPORATION

SCALE: 1"=100' AUGUST, 1983

CHARLES A. PERKINS CO. INC.
CIVIL ENGINEERS & SURVEYORS
P.O. BOX 234 - CLINTON, MASS. 01510

JOB NO. 8533 PLAN NO. M-6078

Middlesex County, Massachusetts
 Commonwealth of Massachusetts
 Plan No. **405** of **2008**
 Record No. **5-29-2008**
 at **11:37 AM** on **5/29/08**
 FOR REGISTRY USE ONLY

NOTES:
 1. LOT 2-F-1 IS SHOWN IN ITS ENTIRETY ON A PLAN ENTITLED, "PLAN OF LAND IN AYER, MASS. PREPARED FOR KINGSWOOD CORP.," BEING PLAN NO. L-8035 BY DAVID E. ROSS ASSOCIATES, INC., DATED JANUARY 2005 - ENDORSED "APPROVAL NOT REQUIRED" 8/11/2005, RECORDED IN MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS AS PLAN NO. 238 OF 2006.
 2. EXISTING EASEMENTS ARE SHOWN IN THEIR ENTIRETY ON A PLAN ENTITLED, "STONY BROOK PARK" DEFINITIVE SUBDIVISION OF LAND IN AYER, MASS., PREPARED FOR STONY BROOK ASSOCIATES REALTY TRUST," BEING PLAN NO. 5788 BY CHARLES A. PERKINS CO., INC., DATED AUGUST 1985 - ENDORSED 9/17/1985, RECORDED IN MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS AS PLAN NO. 1662 (D OF J) OF 1985.
 3. WATER LINE EASEMENT PROPOSED ON THIS PLAN IS SHADED WITH A DOTTED PATTERN TO DISTINGUISH IT FROM EXISTING EASEMENTS SHOWN ON ABOVE ENDORSED SUBDIVISION PLAN 5788.

Nasoya Foods, Inc.
Vitasoy USA, Inc.
 (BK 26913-390; PLAN IN BK 16681-162)
 (BK 47458-225; PLAN 238 OF 2006)
 1 NEW ENGLAND WAY
 SEE PARCEL EXCHANGES:
 BK 47458-225
 BK 47458-227
 PLAN 238 OF 2006

Kingswood Corporation
 4 NEW ENGLAND WAY
 (BK 39182-546; PLAN 238 OF 2006)
 SEE PARCEL EXCHANGES:
 BK 47458-225
 BK 47458-227
 BK 47043-84
 BK 47043-85

Silpro Corporation
D & L Realty Trust
 J. RAYMOND, TRUSTEE
 2 NEW ENGLAND WAY
 (BK 16168-99; PLAN 1662 OF 1985)
 SEE PARCEL EXCHANGES:
 BK 47043-84
 BK 47043-85
 PLAN 238 OF 2006

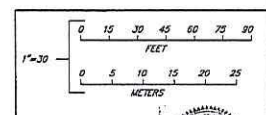
11-14-1111-1111
 5-29-2008
 405 of 2008

COPY

Ayer Planning Board	
APPROVAL UNDER SUBDIVISION CONTROL LAW NOT REQUIRED	
CH. 41, S. 81-P.	DATE:
See Surveyor's Certificate	

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 OWNERSHIP 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 STREETS OR WAYS ARE SHOWN.

11/26/07
 DATE
 [Signature]
 SURVEYOR



I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.
 11/26/07
 DATE
 [Signature]
 SURVEYOR

PLAN OF EASEMENT IN
Ayer, Mass.
 PREPARED FOR
Kingswood Corporation
 SCALE: 1"=30'
 JANUARY 2007

David E. Ross Associates, Inc.
 CIVIL ENGINEERS - LAND SURVEYORS
 ENVIRONMENTAL CONSULTANTS
 PO BOX 368-111 FITCHBURG RD, AYER, MA 01432
 (TEL. NO. 978-772-0232)
 JOB NO. 18881
 PLAN NO. L-8035A

SURV: S.D.R. CALC: M.K.W. DRAFTED: M.L.B. CK'D: M.K.W. ND: 480-55; ND 494-7; ND 627-20,29 DEED: BK.39192-546; BK 47458-225; BK 47043-86 REF: L-8035, L-7640, L-553

405

EXHIBIT B

AMENDMENT TO EASEMENT

AGREEMENT, made this 28th day of September, 2016 by and between the Town of Ayer, a municipal corporation, of 1 Main Street, Ayer, Massachusetts, acting by and through its Board of Selectmen (sometimes hereinafter referred to as "Town of Ayer") and Kingswood Corporation, a duly organized and existing Massachusetts corporation having its usual place of business at 132 Littleton Avenue, Littleton, Massachusetts (sometimes hereinafter referred to as "Kingswood").

Whereas, Kingswood is the owner of that land in said Ayer situated on the easterly side of New England Way and being shown as "Lot 2-F" on the plan of land entitled: "Plan of Land in Ayer, Mass. Prepared for Kingswood Corporation, Scale 1" = 40', January 2005" prepared by David E. Ross Associates, Inc. and recorded with Middlesex South District Registry of Deeds as Plan Number 238 of 2006 ("Land of Kingswood"); and

Whereas, the Land of Kingswood is subject to a Grant of Easement for the benefit of the Town of Ayer dated November 22, 1983 recorded with said Registry of Deeds at Book 15345, Page 35; and

Whereas, concurrent with the construction of improvements upon Land of Kingswood, and consistent with the Site Plan Approval endorsed by the Ayer Planning Board the water line situated within Land of Kingswood was relocated to the area shown as "Proposed 20' Wide Water Line Easement" on the plan of land entitled: "Plan of Easement in Ayer, Mass. Prepared for Kingswood Corporation Scale: 1"=30', January 2007" prepared by David E. Ross Associates, Inc., which plan is recorded with said Registry of Deeds as Plan No. 405 of 2008 ("2008 Plan"); and

Whereas, the parties hereto wish to agree and acknowledge that the water line and the easement rights of the Town of Ayer are amended by relocating same from a portion of the "Existing 20' Wide Water Line Easement" shown on said 2008 Plan to the area shown as the "Proposed 20' Wide Water Line Easement" shown on the 2008 Plan.

Now, therefore, in consideration of One (\$1.00) Dollar each to the other paid and in consideration of the mutual easements and covenants agreed herein, the parties hereto agree as follows:

1. The water line and the easement rights of the Town of Ayer are hereby amended by relocating same from within that portion of the "Existing 20' Wide Water Line

Easement" shown on said 2008 Plan situated (i) southerly of the point of intersection of the line shown as running S 13°02'11" W a distance of 82.29' depicting the "Proposed 20' Wide Water Line Easement" with the westerly side of the "Existing 20' Wide Water Line Easement," and (ii) northerly of the point of intersection of the line shown as running S 59°34'58" E a distance of 37.17' depicting the "Proposed 20' Wide Water Line Easement" with the westerly side of the "Existing 20' Wide Water Line Easement," all as shown on said 2008 Plan ("Former Easement Area") to the land shown as "Proposed 20' Wide Water Line Easement" on said 2008 Plan ("Relocated Easement Area").

2. It being the intention of the parties that the Relocated Easement Area may be used by the Town of Ayer for all purposes for which the Former Easement Area could have been used, including, but not limited to, for all purposes for which municipal water line easements are commonly granted in the Town of Ayer, including, but not limited to the right to install, inspect, maintain, repair and replace underground water pipes and related distribution equipment, and the perpetual right and easement from time to time to pass and repass over, across and upon said Proposed 20' Wide Water Line Easement area as is reasonable and necessary in order to renew, replace, repair, inspect, remove, add to, maintain, patrol and otherwise operate said underground water pipes and related infrastructure and equipment and each and every part thereof, and to make such other excavation or excavations as may be reasonably necessary for the safe and efficient operation and maintenance of the municipal water supply pipes and other related equipment.

3. Nothing herein shall affect the rights of the Town of Ayer in those portions of the "Existing 20' Wide Water Line Easement" shown on said 2008 Plan not amended pursuant to Paragraph 1 of this Agreement, and Kingswood acknowledges and reaffirms said rights, which shall be consistent with those enumerated at Paragraph 2 of this Agreement.

Separability. Invalidation of any one or more of the covenants or conditions or easements contained herein by judgment or Court Order or otherwise, shall in no way affect any other provision, which shall remain in full force and effect.

Construction of Declaration. Said Easement rights shall run with the land and shall be enforceable by the Town of Ayer and by Kingswood and their successors and/or assigns for whose benefit they are imposed. A breach of any of this instrument and the easement rights conferred herein will give to the party for whose benefit said Easement is imposed, the usual legal and equitable remedies to compel the performance hereof, or to recover damages, and the right to enter upon the subject land and abate and remove, at the expense of the party at fault, any erection or work that may be contrary to the intent of this instrument, without being deemed guilty of any manner of trespass therefore.

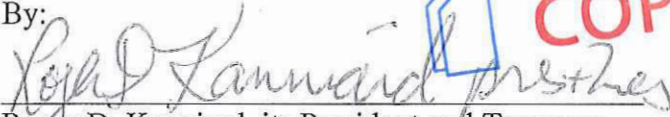
No waiver. The failure of either party to enforce any covenant, agreement, easement or condition herein contained, shall in no event be deemed a waiver of the right to enforce the same thereafter.

For Kingswood's title, see: Deed of Patrick B. Maraghy, et al., Trustees of Stony Brook Associates Realty Trust u/d/t dated December 29, 1984, recorded with said Registry of Deeds at Book 15950, Page 396, to Kingswood dated May 6, 2003, which deed is recorded with said Registry of Deeds at Book 39192, Page 546; Deed of Vitasoy USA, Inc. to Kingswood dated May 11, 2006 and recorded with said Registry of Deeds at Book 47458, Page 225; Deed of D&L to Kingswood dated December 13, 2005 recorded with said Registry of Deeds at Book 47043, Page 86; and excepting the land conveyed to Vitasoy USA, Inc. by deed dated May 15, 2006 and recorded with said Registry of Deeds at Book 47458, Page 227, and land conveyed to D&L by deed dated December 13, 2005 recorded with said Registry of Deeds at Book 47043, Page 84.

The instrument duly executed under seal this 28th day of September, 2016 has been recorded with Middlesex South District Registry of Deeds, and the affected land is subject to, and with the benefit of the easements, rights and covenants described herein.

KINGSWOOD CORPORATION


By:


Roger D. Kanniard, its President and Treasurer

 COPY

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

On this 28th day of September, 2016, before me, the undersigned notary public, personally appeared Roger D. Kanniard, proved to me through satisfactory evidence of identification, which was one of the following (check applicable box): a driver's license; a valid passport; personally known to be the person whose name is signed on the preceding or attached document; or other _____, and acknowledged to me that he/she signed it voluntarily for its stated purpose as President and Treasurer for Kingswood Corporation, a corporation.

 COPY


PAUL F. ALPHEN
My commission expires _____



TOWN OF AYER,
By Its Board of Selectmen

Gary J. Luca, Chair

Christopher R. Hillman, Vice Chair

Jannice L. Livingston, Clerk

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF MIDDLESEX

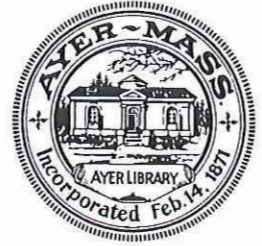
On this _____ day of _____, 2016, before me, the undersigned notary public, personally appeared _____, proved to me through satisfactory evidence of identification, which was one of the following (check applicable box): a driver's license; a valid passport; personally known to be the person whose name is signed on the preceding or attached document; or other _____, and acknowledged to me that he/she signed it voluntarily for its stated purpose as member of the Ayer Board of Selectmen.

- Notary Public
My commission expires:

Town of Ayer

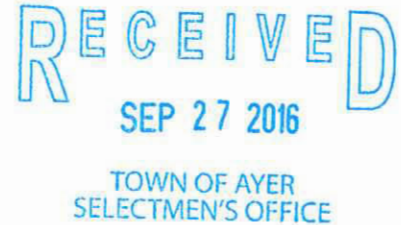
Department of Planning & Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8221 ♦ 978-772-8208 (fax)



MEMORANDUM

TO: Board of Selectmen
FROM: Alicia Hersey, Program Manager
DATE: September 27, 2016
RE: Sale of Home at 19 Bates St., Unit D, Devens, MA

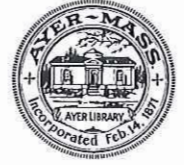


The State and the Town have been notified by the owner of 19 Bates St., Unit D, Devens MA, that she wishes to sell her property. Since this is an affordable unit, they have contacted DHCD and are following the procedures required for the sale.

Due to the fact that this is an affordable unit, the Town has the right of first refusal on this property. In order for the home owner to move forward with the sale of her property the Town must vote on exercising or waiving their right to purchase the property.

Request the Board of Selectmen vote to exercise or waive the Right of First Refusal for the purchase of the home at 19 Bates St., Unit D, Devens, MA.

Town of Ayer Board of Selectmen



Town Hall ♦ One Main Street ♦ Ayer, MA 01432
978-772-8220 ♦ 978-772-3017 (fax) ♦ Town Administrator 978-772-8210

September 27, 2016

Rieko Hayashi
LIP/HOP Coordinator
Dept. of Housing & Community Development
100 Cambridge Street, Suite 300
Boston, MA 02114

**RE: Waiver of Right of First Refusal
19 Bates St., Unit D, Devens, MA**

Dear Ms. Hayashi:

Based upon the information received from your office, and the information contained within your correspondence with Tammy Sedor dated September 26, the Ayer Board of Selectmen hereby decline to exercise the Town's right of first refusal in this matter.

The Board will encourage potential eligible buyers to contact the housing agent of your choice (to be determined) with interest in purchasing this affordable housing unit.

Thank you for your assistance.

AYER BOARD OF SELECTMEN

Gary J. Luca, Chairman

 **COPY**

Christopher R. Hillman, Vice-Chairman

 **COPY**

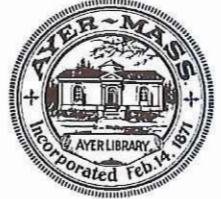
Jannice L. Livingston, Clerk

cc: Alicia S. Hersey, Office of Community Development

Town of Ayer

Department of Planning & Development

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



RECEIVED
SEP 28 2016

TOWN OF AYER
SELECTMEN'S OFFICE

MEMORANDUM

TO: Board of Selectmen
FR: Alicia Hersey, Community Development Office
RE: Lien Subordination Request Cases **05-291 & 06-315**
DT: September 28, 2016

The property owner of housing at 5 Forest Street has requested the Town subordinate its mortgage on the property in favor of a new first mortgage.

Assessed Value of Property	\$185,300.00
Appraised Value of Property	\$255,000.00
First Mortgage (to be paid off)	\$146,973.38
Amount of Program Assistance (2 Loans)	\$ 20,860.61
Proposed New Mortgage Amount	\$146,809.00
Maturity Date of Program Lien	March 27, 2022 & February 19, 2023

The borrower is seeking to obtain a new mortgage. She is seeking a new loan to lower her interest rate. This new first mortgage will lower her interest rate from 4.75% to 3.50%. She will be using this new loan to pay off her existing first mortgage. The Town's liens are in force on this property until March 27, 2022 and February 19, 2023.

Based upon the subordination policy approved by the Town and state Dept. of Housing and Community Development, "if total is more *than* 65% but *less than* 80 % of the appraised valuation, a recommendation to approve with conditions, will be made to the Board of Selectmen. In the current case, the outstanding liens will be equal to 65.75% 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 \$146,809.00.

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: September 30, 2016

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: Town Administrator's Report for the October 4, 2016 Ayer Board of Selectmen Meeting

Dear Honorable Selectmen,

I offer the following Town Administrator's Report for your October 4, 2016 meeting. Please do not hesitate to contact me directly if you have any questions prior to the meeting. Thank you.

Administrative Update:

- I will provide the Board with a brief Administrative Update at the meeting.

Approval of Super Town Meeting Warrant for October 24, 2016:

- The Board is respectfully asked to review and approve the attached DRAFT Super Town Meeting Warrant for October 24, 2016 as provided by MassDevelopment (See attached). Representatives from MassDevelopment will be present at the meeting to answer any questions. The Super Town Meeting will take place at 7pm on Monday, October 24, 2016 prior to the Special Fall Town Meeting.

Approval of Special Fall Town Meeting Warrant for October 24, 2016:

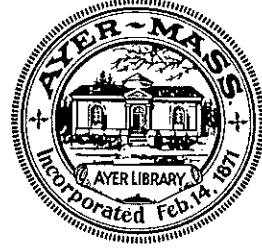
- The Board is respectfully asked to review and approve the attached DRAFT Special Fall Town Meeting Warrant for October 24, 2016. This Warrant has been reviewed by the Executive Bi-Board; Finance Committee; and Town Counsel (See attached). The Special Fall Town Meeting will take place immediately following the Super Town Meeting on Monday, October 24, 2016.

Approval of Purchase Order #2427 – Police Department Cruiser:

- The Board is respectfully asked to review and approve the attached Purchase Order #2427 in the amount of \$39,314 for a Police Department Cruiser (See attached).

Thank you.

Attachment(s)



Town of Ayer

SUPER TOWN MEETING WARRANT

Ayer Shirley Regional High School Auditorium
141 Washington Street, Ayer, MA 01432
October 24, 2016 @ 7:00 p.m.

Commonwealth of Massachusetts
Middlesex, ss.

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Ayer qualified to vote in Town Elections and Affairs to meet at the Auditorium in the Ayer Shirley Regional High School located at 141 Washington Street, Ayer, Massachusetts on Monday, the Twenty-fourth (24th) day of October, 2016, at seven o'clock in the evening (7:00 p.m.) then and there to act on the following article:

Hereof fail not and make due return of this warrant with your doings thereof to the Town Clerk before the date appointed for said meeting.

Given under our hands this 4th day of October AD 2016.

Gary J. Luca, Chairman

Christopher R. Hillman, Vice-Chairman

Jannice L. Livingston, Clerk

AYER BOARD OF SELECTMEN

Any persons needing disability related assistance (such as signing, etc.) at the town meeting please contact the Selectmen's Office at 978-772-8220 before October 19, 2016. We shall make every reasonable effort to assist you. Large print version of the text of this warrant is available upon request.

*DRAFT Super Town Meeting Warrant
October 24, 2016, 7:00pm*

ARTICLE 1: DEVENS – REVISIONS TO THE DEVENS ZONING BY-LAWS, DEVENS ZONING MAP, AND DEVENS REUSE PLAN – EXPANDING THE INNOVATION AND TECHNOLOGY BUSINESS ZONE

To see if the Town will vote to approve revisions to the By-Laws, Zoning Map and Reuse Plan of the Devens Regional Enterprise Zone as follows:

1. In Zoning District 6 (“Residential I”), rezone 28.5 acres of land (labeled as “Parcel A” in Figure 1 attached hereto and made a part hereof) from Residential I to Innovation and Technology Business.
2. Between Zoning District 6 (“Residential I”) and Zoning District 7 (“Innovation and Technology Business”), rezone 4.2 acres of land (labeled as “Parcel B” in Figure 1) from open space buffer to Innovation and Technology Business.
3. Where the reconfigured Zoning District 7 (“Innovation and Technology Business”) abuts the reconfigured Zoning District 6 (“Residential I”), rezone 4.7 acres of land (labeled as “Parcel C” in Figure 1) from Residential I to open space buffer.
4. Rezone the portions of Zoning District 6 (“Residential I”) and Zoning District 7 (“Innovation and Technology Business”) located within the Oxbow National Wildlife Boundaries to Open Space and Recreation.
5. In the Devens Reuse Plan and Devens Zoning By-Laws, all references to the matters set forth in Items 1, 2, 3 and 4 of this Article 1 shall be revised to the extent required to remain consistent with such revisions. Any inconsistency between the Devens Reuse Plan and Devens By-Laws and the Devens Zoning Map shall be resolved in favor of the Devens Zoning Map as revised pursuant to this Article 1.

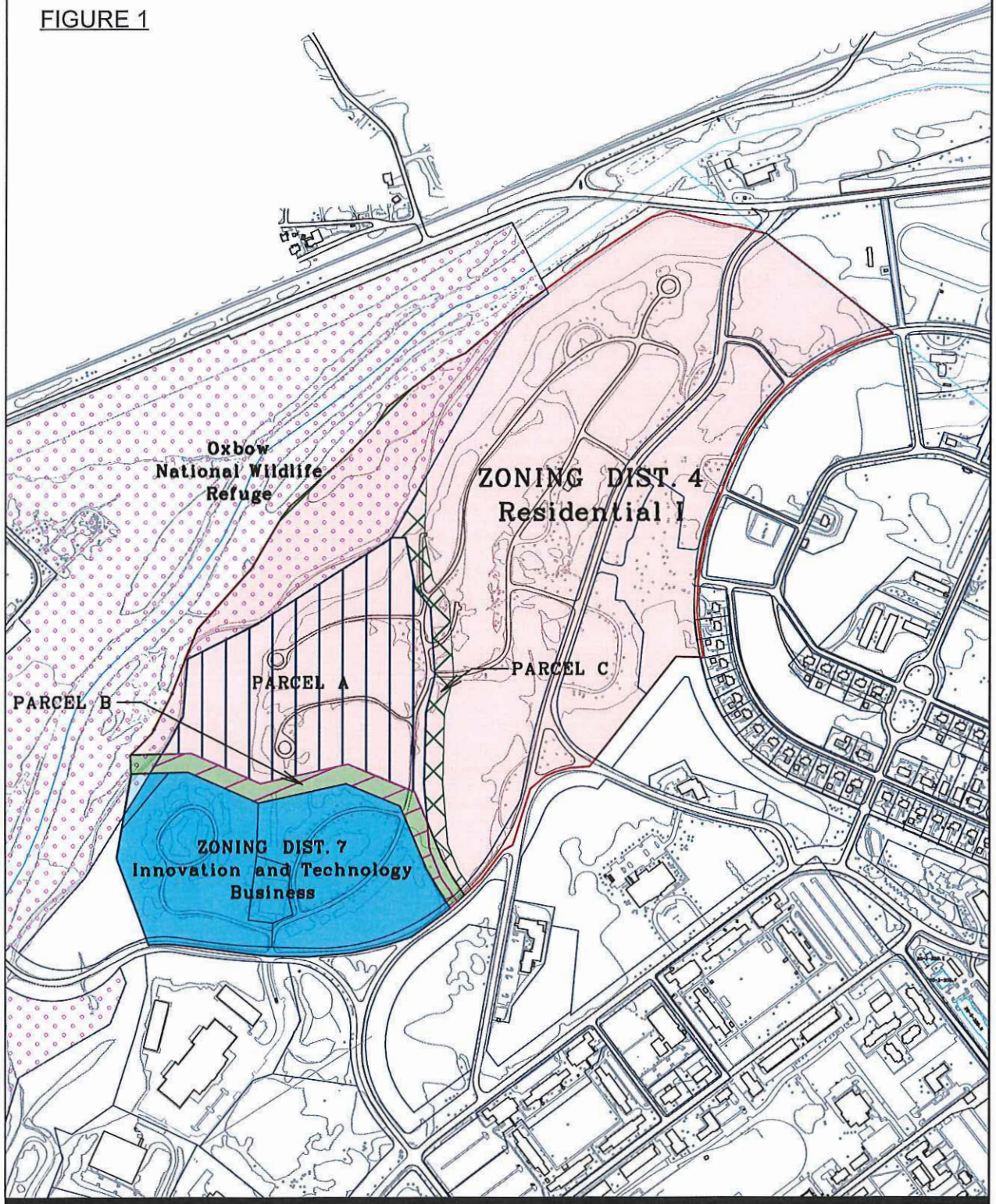
Or take any action thereon or in relation thereto.

*Explanatory Note: See map on next page. For more information go online to: <http://courbanize.com/projects/devens-ma>
Presentation to be made at Super Town Meeting.*








Sponsor: Board of Selectmen

Simple Majority Vote Required

FIGURE 1



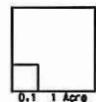
**Current Zoning District Boundaries
With Proposed Changes**

	Existing Residential District (Res I)	148.8 Ac.
	Existing Open Space	4.9 Ac.
	Existing Commercial District (ITB)	30.9 Ac.
	Parcel 'A' Residential I to ITB	28.5 Ac.
	Parcel 'B' - Open Space Buffer to ITB	4.23 Ac.
	Parcel 'C' - Residential I to Open Space Buffer	4.78 Ac.
	Oxbow National Wildlife Refuge Res I & ITB to Open Space	17.88 Ac.

Devens Regional Enterprise Zone
Ayer - Harvard - Lancaster - Shirley

Parcel No. 7 ITB

Parcel No. 4 Res. I



Town of Ayer
SPECIAL TOWN MEETING
WARRANT



Ayer Shirley Regional High School Auditorium
141 Washington Street, Ayer, MA 01432
October 24, 2016 @ 7:15 p.m.

Commonwealth of Massachusetts
Middlesex, ss.

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Ayer qualified to vote in Town Elections and Affairs to meet at the Auditorium in the Ayer Shirley Regional High School located at 141 Washington Street, Ayer, Massachusetts on Monday, the Twenty-fourth (24th) day of October, 2016, at seven-fifteen o'clock in the evening (7:15 p.m.) then and there to act on the following articles:

Hereof fail not and make due return of this warrant with your doings thereof to the Town Clerk before the date appointed for said meeting.

Given under our hands this 4th day of October AD 2016.

Gary J. Luca, Chairman

Christopher R. Hillman, Vice-Chairman

Jannice L. Livingston, Clerk

AYER BOARD OF SELECTMEN

Any persons needing disability related assistance (such as signing, etc.) at the town meeting please contact the Selectmen's Office at 978-772-8220 before October 19, 2016. We shall make every reasonable effort to assist you. Large print version of the text of this warrant is available upon request.

ARTICLE 1: TEENAGE ANXIETY AND DEPRESSION SOLUTIONS (TADS) GRANT

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$4,000.00 to fund the Town’s portion of the Teenage Anxiety and Depression Solutions (TADS) two (2) year contract (November 1, 2016 – October 31, 2018); or take any action thereon or in relation thereto.

Explanatory Note: This article would fund the Town of Ayer’s portion of the 1st year contract. The 2nd year of the contract and moving forward will be part of the Town of Ayer’s annual assessment to the regional school district. The ASRSD, Town of Ayer, and Town of Shirley each contribute \$4,000 each to the TADS program which provides mental health services in the areas of teenage anxiety and depression to all students and their families in the ASRSD.

Sponsor: Board of Selectmen
Finance Committee: Recommends Simple Majority Vote Required

ARTICLE 2: CONTRACT FUNDING – NEPBA Police Superior Officers Contract (July 1, 2016 to June 30, 2019)

To see if the Town will vote to fund the collective bargaining agreement between the Town of Ayer and the New England Police Benevolent Association (NEPBA) Police Superior Officers for the period of July 1, 2016 through June 30, 2019, and to raise and appropriate from available funds such sum or sums of money required to fund the collective bargaining agreement, or take any other action thereon or in relation thereto.

Explanatory Note: Per MGL Chapter 150 E, Union Contracts are subject to the appropriation of funds by Town Meeting. The Board of Selectmen and NEPBA reached a Memorandum of Agreement on July 12, 2016 for a three year contract in the total estimated amount of \$29,454.00 over three years (FY 2017 to FY 2019). The FY 2017 estimated total cost of the Contract is \$15,108.00. Memorandum of Agreement available on Town’s website (www.ayer.ma.us). Presentation to be made at Town Meeting.

Board of Selectmen:
Finance Committee: Recommends Simple Majority Vote Required

ARTICLE 3: SUPPLEMENTAL APPROPRIATION FOR POSITION OF CONSERVATION COMMISSION AGENT

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$35,178.00 to increase the position of Conservation Commission Agent to full-time, benefitted status; or take any action thereon or in relation thereto.

Explanatory Note: This article would provide the funding to make the part-time Conservation Agent position a full-time position with benefits. The portion of the article for salary increase to full-time is \$18,236 with \$16,943 for the portion for benefits (health insurance, etc.)

Sponsor: Conservation Commission
Board of Selectmen:
Finance Committee: Does Not Recommend Simple Majority Vote Required

ARTICLE 4: FUNDING FOR AQUATIC WEED CONTROL FOR TOWN PONDS

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$54,000 for the purposes of the aquatic weed control of the Town's ponds; or take any action thereon or in relation thereto.

Explanatory Note: This article would fund the Town's Spring 2017 aquatic weed treatment of Sandy Pond, Flannagan Pond, and Pine Meadow Pond.

Sponsor: Conservation Commission

Board of Selectmen:

Finance Committee: Recommends

Simple Majority Vote Required

ARTICLE 5: BORROW ARTICLE: FUNDING FOR AYER POLICE DEPARTMENT RADIO COVERAGE IMPROVEMENT PROJECT (PHASE I)

To see if the Town will vote to borrow, the sum of \$222,066 for the purposes of funding Phase I of the Ayer Police Department Radio Coverage Improvement Project; or take any action thereon or in relation thereto.

Explanatory Note: This article would fund the first phase of the Police Department Radio Coverage Improvement Project in the amount of \$222,066. The second phase of funding in the amount of \$166,793 will be presented and requested at the 2017 Annual Town Meeting. Presentation was made to the Board of Selectmen on September 20, 2016 (video and presentation available on the Town's website at www.ayer.ma.us). Presentation to be made at Town Meeting.

Board of Selectmen:

Finance Committee: No Vote Taken

Two-Thirds Majority Vote Required

ARTICLE 6: INCREASED FUNDING FOR RESERVE FUND BALANCE

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$50,000 for the purposes of funding the Reserve Fund; or take any action thereon or in relation thereto.

Explanatory Note: This article would increase the FY 2017 balance of the Town's Reserve Fund from \$100,000 to a total of \$150,000.00

Board of Selectmen:

Finance Committee: Recommends

Simple Majority Vote Required

ARTICLE 7: UDAG REPLENISHMENTS

To see if the Town will vote to raise and appropriate or transfer from available funds, the sum of \$300,000.00 to replenish the Urban Development action Grant (UDAG) account; or take any action thereon or in relation thereto.

Explanatory Note: This article would replenish the Town's UDAG Fund in the amount set forth in the article. The total committed UDAG funds for which there is no replenishment mechanism for is \$617,596.00.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

ARTICLE 8: TRANSFER UNEXPENDED BALANCES FOR WATER GARAGE AT GROVE POND

To see if the Town will vote to transfer the following unexpended funds to supplement Article 22 of the May 2015 Annual Town Meeting to construct a garage at the Grove Pond Treatment Plant:

Article 19, May 2010 Annual Town Meeting, transfer from Water Fund Retained Earnings to construct the Grove Pond Water Treatment Plant Expansion \$80,063.22

Article 23, May 2015 Annual Town Meeting, from Water Fund Retained Earnings to construct the Pingry Hill Water Storage Tank \$26,145.11

Article 12, October 2015 Special Town Meeting, from Water Fund Retained Earnings to construct the Pingry Hill Water Storage Tank \$72,000.00

Or to take any action thereon or in relation thereto.

Explanatory Note: This article takes the unexpended balances from each specified article and transfers them for the purposes of constructing the garage at the Grove Pond Water Treatment Plant.

Sponsor: Board of Selectmen
Finance Committee: Recommends

Simple Majority Vote Required

ARTICLE 9: PLEASANT STREET SCHOOL PRESERVATION RESTRICTION & CONSERVATION RESTRICTION

To see if the Town will vote to amend Article 37, Section #1 of the Spring 2005 Annual Town Meeting from

“the premises shall be subject to a recorded Preservation Restriction on the exterior envelope of the building, **in perpetuity**, to be held by the Town acting by and through its Historical Commission, approved by the Massachusetts Historical Commission’;

to the following:

“the premises shall be subject to a recorded Preservation Restriction on the exterior envelope of the building for a Term of 99 years, to be held by the Town acting by and through its Historical Commission”

and;

to amend Article 37, Subsection #2 from:

“the premises shall be subject to a recorded Conservation Restriction on such portion of the premises as the Selectmen deem to be in the best interest of the Town while still permitting the development of the Property for senior housing, **in perpetuity**, to be held by the Town, approved by the Secretary of the Executive Office of Environmental Affairs”;

to the following:

“the premises shall be subject to a recorded Conservation Restriction on such portion of the premises as the Selectmen deem to be in the best interest of the Town while still permitting the development of the property for senior housing, **for a Term of 99 years**, to be held by the Town”;

Or take any action thereon or in relation thereto.

Explanatory Note: This article will convert the current Historic-Pleasant Street School Building Preservation Restriction & Conservation Restriction from an “in perpetuity” legal instrument to a “Term of 99 years” legal instrument which will resolve the long-standing subordination requirement impasse with regard to the legal recording and settlement of the property deed.

Sponsor: Board of Selectmen

Finance Committee: No Vote Taken

Simple Majority Vote Required

ARTICLE 10: BY-LAW AMENDMENT (ARTICLE 3, SECTION 3): NO DOG LICENSE FEE FOR A DOG OWNED BY A PERSON AGED 70 YEARS OR OLDER

To see if the Town will vote to amend Article III, Section 3 of the Town’s Bylaws by adding the provisions of MGL Chapter 140, Section 139 as follows:

“No fee shall be charged for a license for a dog owned by a person aged 70 years or over in a city or Town that accepts this provision.”

Or take any action thereon or in relation thereto.

Explanatory Note: This article would amend the Town’s Bylaw III, Section 3 by adopting the provision of MGL Chapter 140, Section 139 which would not charge for a license for a dog owned by a person 70 years or older.

Sponsor: Board of Selectmen

Finance Committee: Recommends

Simple Majority Vote Required

ARTICLE 11: AUTHORIZATION TO GRANT ONE ADDITIONAL ALL ALCOHOL LICENSE

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to authorize the Town to grant one additional license for the sale of all alcoholic beverages not to be drunk on the premises, in the form set forth below; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition:

AN ACT AUTHORIZING THE TOWN OF AYER TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Ayer may grant an additional license for the sale of all alcoholic beverages not to be drunk on the premises pursuant to section 15 of said chapter 138. The license shall be subject to all of said chapter 138, except said section 17. The licensing authority shall not approve the transfer of the license to any other location, person, or entity, but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid. If the license granted under this act is cancelled, revoked, or no longer in use, it shall be returned physically, with all of the legal rights, privileges, and restrictions pertaining thereto to the licensing authority, which may then grant the license to a new applicant at the same location and under the same conditions as specified in this act.

Section 2. This act shall take effect upon passage.

Or take any action thereon or in relation thereto.

Explanatory Note: If passed this article would petition the State Legislature to authorize the Board of Selectmen to issue one (1) additional all-alcohol license for the Town of Ayer. If passed the total number of all-alcohol licenses for the Town of Ayer would increase from three (3) to four (4).

Sponsor: Board of Selectmen

Finance Committee: No Vote Taken

Simple Majority Vote Required

ARTICLE 12: WATER LINE EXTENSION FOR NATIONAL GUARD FACILITY ON BARNUM ROAD, DEVENS

To see if the Town will authorize the extension of the Town water line on Barnum Road to provide water service to the existing National Guard Facility located at 87 Barnum Road, Devens; or take any action thereon or in relation thereto.

Explanatory Note: The National Guard facility located at the property abutting the Grove Pond Water Treatment Plant on Barnum Road currently has water service from the Devens water system. Due to poor water quality, the National Guard have inquired about connecting to the Ayer water system. If the article is approved, an agreement between the Ayer Board of Selectmen and Devens will need to be executed which will detail the responsibilities, conditions, rate(s), and billing.

Sponsor: Board of Selectmen

Finance Committee: No Vote Taken

Simple Majority Vote Required

A True Copy Attest: _____ Date: _____

Susan E. Copeland
Town Clerk, Tax Collector and Treasurer

As directed in the foregoing warrant, I have this day posted three attested copies in three public places, one of which was the Town Hall at least fourteen days before said meeting, all as herein directed.

Constable

Date: _____



QUOTE

CUSTOMER

Contact Name: Sgt. Mike Edmonds
 Company/Dept: Ayer Police Department
 Street Address: 54 Park Street
 City, State, Zip: Ayer MA 01432
 Phone: 978-772-8200 x-S05
 E-Mail: medmonds@ayer.ma.us

Date: Sep. 21, 2016
 Valid for: until 9/30/16
 Customer #: 10615
 Contract: GBPC REV 1
 Sales Rep: Steve Spokowsl

CONTRACT LINE REFERENCE	LINE DESCRIPTION	UNIT PRICE	QTY.	EXTENDED PRICE
	2017 Ford Interceptor Utility V6 all wheel drive Black	\$ 26,550.00	1	\$26,550.00
	Predrilled headlamp assemblys to accommodate LED lighting	\$ 119.00	1	\$119.00
	Dark car feature (courtesy lamp disabled at doors, activate by panel sv	\$ 19.00	1	\$19.00
	Driver side pillar mounted LED spot light	\$ 375.00	1	\$375.00
	Small center hub wheel covers	\$ -	1	\$0.00
	Heated exterior rear view mirrors	\$ 57.00	1	\$57.00
	Reverse sensing	\$ 261.00	1	\$261.00
	Back up camera standard - display in rear view interior mirror	\$ -	1	\$0.00
	Noise supression straps	\$ 95.00	1	\$95.00
	Rear door interior handles disabled	\$ 33.00	1	\$33.00
	Rear door window switches disabled - operable by front master panel	\$ 24.00	1	\$24.00
	Power group: driver seat, windows & locks	\$ -	1	\$0.00
	5 year/100k mile powertrain warranty \$0 deductible included	\$ -	1	\$0.00
	Install/transfer supplied 2 way police radio	\$ 175.00	1	\$175.00
	Install portable radio charger	\$ 50.00	1	\$50.00
	Power distribution system	\$ 795.00	1	\$795.00
	Additional paint: roof & 4 doors white - wing remains black	\$ 795.00	1	\$795.00
	Front & rear window vent shades	\$ 75.00	1	\$75.00
	Graphics package B - unit # 39 - include chevron on rear gate	\$ 395.00	1	\$395.00
	Class II trailer hitch receiver & 4 pin flat connector	\$ 395.00	1	\$395.00
	Passenger side air bag cut off switch	\$ 395.00	1	\$395.00
	Liberty LED light bar with Cencom siren, switching & public address	\$ 2,260.00	1	\$2,260.00
	Special order: rear bar color:Blue/red/amber/blue/blue/amber/red/b	\$ -	1	\$0.00
	One pair blue IONS in front headlamp assembly corners	\$ 355.00	1	\$355.00
	(4) LED hideaways rear: red in directional, blue/clear split in b/u	\$ 440.00	1	\$440.00
	One pair dual tier 400 series push bar lights: blue/blue & blue/red	\$ 510.00	1	\$510.00
	One pair blue IONS from rear roofline with tilt switch	\$ 355.00	1	\$355.00
	One pair blue IONS in lower center rear side glass	\$ 355.00	1	\$355.00
	One pair blue IONS recessed in lower interior gate bottom	\$ 355.00	1	\$355.00
	Blue LED mirror lights	\$ 405.00	1	\$405.00
	100w siren speaker on push bar	\$ 200.00	1	\$200.00
	10s recessed prisoner cage	\$ 775.00	1	\$775.00
	Dual electric gun rack	\$ 460.00	1	\$460.00
	Rear transport seat with cargo security cage	\$ 1,055.00	1	\$1,055.00
	Rear window bars	\$ 245.00	1	\$245.00
	Jotto center console	\$ 376.00	1	\$376.00
	Armrest	\$ 88.00	1	\$88.00
	Dual cup holders	\$ 42.00	1	\$42.00
	Push bar with clear recessed IONS in top cross member	\$ 770.00	1	\$770.00

Blue/red split LINZ6 LED lights on sides of push bar - one per side	\$ 255.00	1	\$255.00
3 db (5db) gain antenna	\$ 70.00	1	\$70.00
Transfer radar	\$ 55.00	1	\$55.00
Heavy duty computer stand	\$ 560.00	1	\$560.00
Universal mounting tray	\$ 225.00	1	\$225.00
Transfer computer	\$ 295.00	1	\$295.00
Less 2007 Dodge Charger trade 7H877890 w/approx 51k miles	\$ (1,800.00)	1	-\$1,800.00
TOTAL:			\$39,314.00

TERMS AND CONDITIONS

This quote is valid for 60 days from the date of quote. Any purchase orders or approved quotes received outside of the 60 day quote period will be subject to price adjustments. By signing this quote, the customer is agreeing to pay, in full, for all items listed above. Any requests for changes, modifications, replacements, removals or additional items may be subject to additional fees and/or adjusted delivery dates.

M.G.L c. 30B applies to the procurement of all commodities quoted. Contract items have been collectively purchased pursuant to M.G.L c 30B sec 1c and M.G.L c.7 sec 22B. The government body is responsible to determine the applicability of M.G.L. c30B to off contract items, but not limited to, off contract items that have already been properly procured under M.G.L. c30B sec 1c and M.G.L. c7 sec 22A (purchases from a vendor on contract with the Commonwealth), other contracts procured under M.G.L. c30B sec 1c and M.G.L. c. 30B contract between the vendor and the jurisdiction. All off contract items must be procured under M.G.L. c. 30B.

The terms and conditions stated herein and the provisions of any agreement between MHQ and Buyer, if applicable, shall constitute the complete and only terms and conditions applicable to any and all purchases by Buyer from MHQ. Any additional and/or different terms and/or conditions printed anywhere including on, or with, Buyer's order shall be inapplicable in regard to any purchase by Buyer from MHQ.

ORDER ACKNOWLEDGEMENT

By signing this document you are agreeing to the above terms and conditions of this order from MHQ, Inc.

x

PRINT NAME

x

TITLE

x

SIGNATURE

Quote provided by Steve Spokowski, Account Manager at MHQ
(508) 573-2628 or sspokowski@mhq.com

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



Tuesday September 20, 2016
Meeting Minutes

Broadcast and Recorded by APAC

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

Absent: Jannice L. Livingston, Clerk

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: R. Pontbriand stated that the DPW Superintendent would like to add item #2 under his report to include a drought update and that item #1 under the Police Department report was being deferred to a future meeting. C. Hillman stated that he would like to discuss properties enforcement under New Business.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the agenda, as amended.

Motion passed 2-0.

Announcements: G. Luca made the following announcements:

- The 8th annual "Recycle Your Reusables" event will be held on Saturday, October 15 at the Ayer Shirley Middle School from 9:00 AM – 2:00 PM
- The Page-Hilltop Elementary School will be participating in a Flash Mob dance in Downtown Ayer to celebrate World Kindness Day on November 13, 2016
- October is Breast Cancer Awareness Month

Public Input: Brian Lewis, 145 Snakehill Road and Chris Valentine, 141 Snakehill Road expressed their concern with the recent increase in the tie-in fee for sewer connections. They stated that it was too expensive for individual homeowners, when a developer has an option to pass along the cost to the buyer.

DPW Superintendent M. Wetzel stated that the cost is not just for the connection, it is for the cost of treatment of the water once it is in the Town system.

G. Luca asked M. Wetzel to look into the issue further to see how many people are affected. M. Wetzel will report back.

Chairman Scott Houde, Finance Committee: S. Houde was in attendance asking residents to consider serving on the Finance Committee. He also asked residents to considering serving on other various Boards and Committees.

Mr. Mark Wetzel, Superintendent Department of Public Works: M. Wetzel introduced Mr. Jared Aponte his recommended candidate for the position of DPW Department Assistant. M. Wetzel stated that the Town received over 150 applications for the position and conducted 5 interviews. Mr. Aponte has valuable municipal experience and is a graduate of the Ayer –Shirley Regional High School.

Motion: A motion was made by G. Luca and seconded by C. Hillman to appoint Mr. Jared Aponte as DPW Department Assistant pending pre-employment physical and six (6) month probationary period. **Motion passed 2-0.**

Drought Update – M. Wetzel gave a brief update on the current drought. The DPW has issued 89 written warnings; 12 first offense fines and 2 second offense fines. M. Wetzel stated that the water ban is likely to stay in effect until next year, given the lack of rain.

Mr. Alan Manoian, Director of Economic Development: A. Manoian was in attendance seeking approval of \$19,000 from the Town's IDFA account for a portion of the FY'17 Economic Development Budget.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve request for \$19,000 from IDFA account for FY' 17 Economic Development Budget. **Motion passed 2-0.**

Public Hearing – Pole Petition – Verizon (#1A1Q9VY) – Nashua Street Extension: G. Luca opened the public hearing at 7:45 PM by reading the public hearing notice sent to qualifying abutters. Mr. Bill Wallace was in attendance on behalf of Verizon. Mr. Wallace stated that the new pole is to accommodate a new development on Nashua Street Extension.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the pole petition request (Verizon #1A1Q9VY). **Motion passed 2-0.**

Motion: A motion was made by C. Hillman and seconded by G. Luca to close the Public Hearing at 7:47 PM. **Motion passed 2-0.**

Conservation Commission: Conservation Commission members were in attendance to discuss two requests: Increasing the Conservation Administrator position from Part-time to Full-time and Funding for FY' 2017 Aquatic weed treatments. Chairman Bill Daniels stated that the Conservation Commission is seeking full-time funding for the Conservation Administrator for several reasons. He stated that the part-time position is hard to fill because people are interested in fulltime work and benefits and there is a specific skill set needed by the Conservation Administrator. He continued that when the position was vacated in the past, it took over a year to fill because of the part-time status.

Motion: A motion was made by C. Hillman and seconded by G. Luca to support funding for a full-time Conservation Administrator and to place the item on the Special Fall Town Meeting Warrant. **Motion passed 2-0.**

Funding for 2017 Aquatic weed treatments - B. Daniels presented a brief summary of a cost estimates for aquatic weed treatments on Sandy Pond, Flannagan Pond, and Pine Meadow Pond done by Solitude Lake Management. He stated there is a very brief window to treat the ponds in the spring, therefore he is requesting that the item be taken up at the Fall Town Meeting, so the RFP process can be begin over the winter months and treatment can begin in the early spring. R. Pontbriand suggested adding a line item in the FY '2018 budget under the Conservation Commission for pond treatment. The Commission is requesting \$54,000 at the Special Fall Town Meeting.

Motion: A motion was made by C. Hillman and seconded by G. Luca to support \$54,000 for aquatic weed treatment and to place the item on the Special Fall Town Meeting Warrant. **Motion passed 2-0.**

Chief William A. Murray, Ayer Police Department: Lt. Brian Gill, Sgt. Mike Edmonds, Officer Rich Krasinskas and John Facella from Panther Pines Consulting were in attendance to discuss a long-time ongoing issue with regards to radio coverage with Police Department radios. Over the past several years there have been multiple instances of officers unable to communicate during various incidents. The overall goal of the improvement project is to increase system reliability. J. Facella gave an overview of the persistent issue and also gave funding options to resolve the problem. He is proposing that the project be split into two (2) phases. The first phase will cost \$222,066 and Phase II will cost \$166,793 and will go through the competitive bidding process.

G. Luca expressed concern about this going outside of the normal capital improvement process, but understands the need for protecting public safety personnel.

Motion: A motion was made by C. Hillman and seconded by G. Luca to support \$222,066 for radio improvement project and to place the item on the Special Fall Town Meeting Warrant. **Motion passed 2-0.**

Request for Additional All Alcohol License: Mr. Jeff Gendron and Mrs. Elizabeth Gendron were in attendance seeking an All Alcohol Retail License for their Package Store, The Vineyard, which currently holds a beer and wine license. He had been before the BOS in 2011 and denied for the same request, but because the Ayer Shop 'n Save had recently been before the BOS and got approval to place a request on the Special Fall Town Meeting Warrant, he too is looking for a warrant article. Mr. Gendron also presented the Board with a petition over 100 signatures supporting his request.

R. Pontbriand stated that since meeting last, he has reviewed the previously approved Ayer Shop 'n Save request with Town Counsel. The BOS must make a decision on whether the warrant article(s) should be more general in nature, meaning not specifying a particular business or the warrant article(s) should specify both Ayer Shop 'n Save and/or the Vineyard.

Both G. Luca and C. Hillman stated their opposition to having two additional all alcohol licenses, but felt comfortable putting forth a request to Town Meeting for one additional all alcohol license more general in nature not naming either business.

Mr. Calvin Moore, Mr. Paul Fillebrown and Ms. Peg Donahue all expressed support for Mr. Gendron receiving the additional license.

Motion: A motion was made by C. Hillman and seconded by G. Luca to place a warrant article on the Special Fall Town Meeting Warrant for one additional All – Alcohol License via the Home Rule Petition process, not specifying names or location of future use. **Motion passed 2-0.**

Town Administrator's Report: R. Pontbriand reported that the Notice of Intent to Convert for Riley Jane Farm, LLC was deemed sufficient by Town Counsel; therefore the 30 window for an appraisal began on September 1, 2016. He was doubtful that an appraisal could be completed within 10 days and that the property owner Mr. CJ Moore would have to agree to an extension on the appraisal timeline.

Ms. Beth Suedmeyer, Chair of the Open Space and Recreation Committee stated that a community agreement between the Town and the landowner could be beneficial for the eventual creation of a bike/walking path from the existing Nashua River Rail Trail to the Ayer Shirley Regional School complex as a safe walk to school route. B. Suedmeyer also stated that the Community Preservation Committee had funds available for due diligence and was interested in conducting an appraisal.

Mr. Jason Mayo from the Ayer Parks Department stated that this is a big opportunity for the Town and the BOS should support the endeavor.

C. Hillman stated that the BOS always supports Parks Department endeavors but that he was concerned about the timing and funding.

Property owner CJ Moore said he didn't see how there could be a connection made between the current rail trail and the school complex. He stated that he would not give an extension for the appraisal.

B. Suedmeyer stated she is trying to build better relationship with the landowner and reiterated that she is not interested in pursuing the entire parcel, but a portion of it for the creation of a trail. She also said that the land has prime agricultural soil and is home to wetland species. She stated that this would be a missed opportunity for the Town

Landowner CJ Moore again stated that he won't agree to an extension on the appraisal.

Mr. Calvin Moore stated that he will be resubmitting his notice to convert to residential use for Cowfield Realty Trust II/Pleasant Street Extension in the coming days. G. Luca stated that the BOS will reconvene, pursuant to the Open Meeting Law, at that time to discuss.

Motion: A motion was made by C. Hillman and seconded by G. Luca pursuant to M.G.L. c. 61 sec. 8 to waive the Town's Right of First Refusal for the Notice of Intent to Convert to Residential Use from Riley Jane Farm LLC./Pleasant Street (Map 13 Parcel 9 and Map 12 Parcel 106). **Motion passed 2-0.**

Reallocation of UDAG Funds – Planning Board to Parks Commission – R. Pontbriand asked the BOS to approve the reallocation of previously approved funds for the Planning Board for Administrative Support to the Parks and Recreation Commission, not to exceed \$1,660.60, which is the remaining balance in the original \$5,000 appropriation from the UDAG fund.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the reallocation of funds, not to exceed \$1,660.60 for Park Department administrative support. **Motion passed 2-0.**

Police Station Roof Replacement Contract Approval – R. Pontbriand asked that the BOS approve the contract between the Town of Ayer and Almar LLC in the amount of \$117,748 for the Police Station Roof Replacement Project.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the contract between the Town of Ayer and Almar LLC in the amount of \$117,748 for the Police Station Roof Replacement Project. **Motion passed 2-0.**

R. Pontbriand then stated that given the size and the scope of the project he was asking for authorization for the Facilities Director to receive up to 10 hours of pay per week for the duration of the project (4 weeks) to oversee the project. Both G. Luca and C. Hillman stated that they would not approve the request and that it is well within the duties of the Facilities Director.

New Business/Selectmen's Questions: C. Hillman stated that he would like a properties enforcement update at a future date.

Approval of Meeting Minutes: C. Antonellis stated that there was a small typo ("motion passed 3-0", inadvertently omitted) on the DRAFT minutes of September 6, 2016 submitted in the packet and it had been corrected on the final version.

Motion: A motion was made by C. Hillman and G. Luca seconded by to approve the meeting minutes of September 6, 2016, as amended. **Motion passed 2-0.**

Adjournment:

Motion: A motion was made by C. Hillman and seconded by G. Luca to adjourn at 10:04 PM. **Motion passed 2-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: _____

Signature Indicating Approval: _____

DRAFT

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



Tuesday September 27, 2016
Meeting Minutes

Broadcast and Recorded by APAC

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.

Review and Approve Agenda:

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

Review/Discussion of Ch. 61 - Pleasant Street (Cowfield Realty Trust II) Notice of Intent to Convert to Residential Use:

R. Pontbriand stated that the Notice of Intent to Convert to Residential Use was received on September 22, 2016 and that the notice was deemed sufficient by Town Counsel. The Community Preservation Commission, was originally scheduled to meet later in the evening to vote to authorize funding for an appraisal, but cancelled due to quorum issues. R. Pontbriand stated that at the last meeting, G. Luca advised that the BOS would reconvene when a legally sufficient Notice to Convert was received by the Town. R. Pontbriand then stated that the BOS should discuss which direction to go in with regards to the Right of First Refusal.

C. Hillman stated that the parcel wasn't of interest to him.

Beth Suedmeyer, Chair of the Open Space and Recreation Committee stated that she had reached out abutters of the property to discuss acquisition of property for a potential bike path/safe route to school and at this time they are unable to commit to exploring the possibility. She stated further that at this time it doesn't make sense to spend the money on the appraisal given the current situation.

Motion: A motion was made by C. Hillman and seconded by J. Livingston pursuant to M.G.L. c. 61 sec. 8 to waive the Town's Right of First Refusal for the Notice of Intent to Convert to Residential Use from Cowfield Realty Trust II/Pleasant Street (Map 12 Parcel 1). **Motion passed 3-0.**

Adjournment:

Motion: A motion was made by C. Hillman and seconded by J. Livingston to adjourn at 7:14 PM. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: _____

Signature Indicating Approval: _____