

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

Tuesday November 15, 2016
Open Session Meeting Agenda

- 7:00 PM Call to Order
Pledge of Allegiance; Review and Approve Agenda; Announcements
- 7:05 PM* Public Input
Chief William A. Murray, Ayer Police Department
1. Appointment of Prisoner Watch Personnel
2. Appointment of Patrol Officer
3. Truck Exclusion – Columbia Street
- 7:15 PM Mr. Alan Manoian, Director of Community and Economic Development
1. Approval of Amendment of the CDBG Program Guidelines
2. Holiday Stroll and Tree Lighting
3. Main Street MBTA Fence Project Update
4. Former Fire Station RFP Update
- 7:30 PM Discussion on Future Use of Advocates, Inc./USO Building
- 7:45 PM Town Administrator's Report
1. Administrative Update
2. Appointments
3. Application for 1-Day Outdoor Beer and Wine License (11/23/16), Carlin's
4. Special Granting Permit Authority Discussion for Aquifer Protection District Discussion
5. Appointment of Public Records Officer
- 8:00 PM New Business/Selectmen's Questions
1. Walking Path at Pirone Park (Selectman Hillman)
2. Marijuana Zoning (Selectman Hillman)
- 8:10 PM Approval of Meeting Minutes
November 1, 2016
- 8:15 PM Ms. Lisa Gabree, Town Accountant/Finance Director
1. General Obligation Bond Anticipation Notes
2. FY' 18 Budget Snapshot
- Executive Session Pursuant to MGL Chapter 30A, Section 21A
Review and Approval of Executive Session Minutes
- **Adjournment**

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

*** The BOS will adjourn at the conclusion of the Executive Session*



AYER POLICE DEPARTMENT

54 Park Street · Ayer, Massachusetts 01432-1161
Tel. (978) 772-8200 · Fax (978) 772-8202



William A. Murray
Chief of Police

MEMORANDUM

RECEIVED
NOV 10 2016

TOWN OF AYER
SELECTMEN'S OFFICE

To: Board of Selectmen
From: Chief William A. Murray
CC: TA Pontbriand, file
Date: November 8, 2016
Re: Prisoner Watch Appointment

Please refer to the below Memo from Lt. Gill for biographical information on Linda J. Taylor. I am respectfully requesting that the Board appoint Ms. Taylor to the position of Prisoner Watch effective November 21, 2016.

The Prisoner Watch position is a per-diem, non-benefitted position within the Department that is compensated at a flat rate of \$12.00/hr.

Memo

To: Chief William Murray
From: Lieutenant Brian Gill
Date: 11/7/2016
Re: Prisoner Watch Recommendation

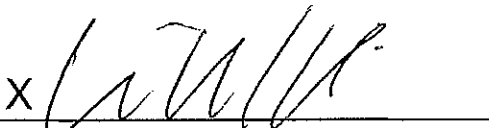
Chief,

As you know, we are always on the lookout for people interested in learning to be civilian Prisoner Watch personnel. I am submitting an individual for consideration of appointment to this position:

- 1) Linda J. Taylor: is a Shirley resident who works in Ayer and learned of the per diem Prisoner Watch position while attending the current Citizens Police Academy. After reviewing her application and background, I found nothing prohibitive.

If appointed, she will be scheduled to attend the necessary training (taught by Ptl. Krasinskas) on November 18, 2016.

Respectfully,

X 

Brian Gill
Lieutenant



AYER POLICE DEPARTMENT

54 Park Street · Ayer, Massachusetts 01432-1161
Tel. (978) 772-8200 · Fax (978) 772-8202



William A. Murray
Chief of Police

RECEIVED

NOV 10 2016

TOWN OF AYER
SELECTMEN'S OFFICE

MEMORANDUM

To: Board of Selectmen
From: Chief William A. Murray
CC: TA Pontbriand, file
Date: November 8, 2016
Re: Patrol Officer Appointment

Please refer to the below Memo from Lt. Gill for biographical information on David M. Lansing. I am respectfully requesting that the Board appoint Mr. Lansing to the open Patrol Officer position effective December 8, 2016. The appointment should be made contingent on passing a physical and psychological exam as well as passing the Department's Field Training program. Where Mr. Lansing is already Academy trained I am requesting that he be started at a rate of pay defined as Step 2 in the CBA between the Town and the APPOA.

Memo

To: Chief William Murray
From: Lieutenant Brian Gill
Date: 11/7/2016
Re: Full Time Police Officer Recommendation: **David M. Lansing**

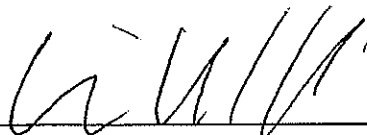
Chief,

As you know, we were given permission to increase our police force by two and in July we began the process of hiring two officers. We posted the request for Police Officer application's with a deadline of 7/21/16 on the Town's social media outlets, CJS, and a Massachusetts law enforcement community forum (MassCops). Out of the applications received, eight were interviewed by myself, Sgt. Edmonds and Ptl Krasinskas over a span of two days (August 30 and September 1). Our selection process ultimately identified two candidates (the first being appointed in October). Upon identifying the second candidate, a background investigation was conducted by Detective Kularski who "**recommended with confidence**" David M. Lansing.

David M. Lansing, is 29 years old and lives in Marlborough Ma. Mr. Lansing is employed as a Police Officer for the Tufts University Police Department since August 2015, when he graduated from the MBTA Transit Police Academy. Mr. Lansing is a graduate of BHBL High School in Burnt Hills NY (Class of 2005) and has a Bachelor's Degree from State University New York (Class of 2009), and is currently attending Graduate classes at Tufts University.

After interviewing Mr. Lansing on several occasions and reviewing the background investigation, I find no negative attributes and believe that he is a candidate that the Town of Ayer should extend an offer of employment.

Respectfully,

X 

Brian Gill
Lieutenant

RECEIVED

NOV 09 2016

TOWN OF AYER
SELECTMEN'S OFFICE

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: Alan Manoian, Director Community & Economic Dev
Alicia Hersey, Program Manager

DATE: November 9, 2016

RE: BOS Approval of Amendment of the CDBG Program Guidelines

Upon review of the Town's Program Guidelines for the CDBG grant, it has been found that the guidelines have not kept pace with the State Lead laws. Up until the FY15 grant this office has been working with guidelines that were passed in 2005. When we submitted the 2015 grant application the Town's guidelines were updated with approval of the BOS. Due to the new CDBG requirement that we follow state lead guidelines not federal, office of Community & Economic Development is recommending an amendment to the Town's CDBG Program Guidelines.

The Town has always paid for Lead Inspection test through the grant and we do not lien the homeowner's property for said tests. We have always seen this as a program administrative cost. By an oversight this Town policy was not written into the 2015 guidelines. I recommend that we make the necessary changes to reflect the past policy of the Town.

The amendment would also allow for the lead abatement work of scraping and painting to not be a lien for low to moderate income families. In the past under federal regulations we were allowed to exempt the elderly from lead abatement. But with the requirement to follow State lead laws all properties must be brought up to state compliance. Many elderly applicants will drop out of the program when they discover lead work is required. Deleading increases the cost of the rehab and elderly do not want that additional lien on their property. The elderly are a large percentage of our clients. We are trying to keep them in their homes while stabilizing the neighborhood. Many Massachusetts towns have found the best way to deal with the state lead requirements is to not lien rehab properties for the painting and scraping lead abatement portion of that rehab. This is usually only 10 to 20 % of the rehab. It is a public health benefit to delead as many properties as possible and this policy would benefit the Town as well as the rehab clients.

Request the Board of Selectmen approve by vote the attached amendment to the Town of Ayer Housing Rehabilitation Program FY 2015 Guidelines section E number 4.

Current Guidelines:

E. Type of Assistance

4. Assistance for Lead-based Paint Hazard Reduction/Abatement: Grants for the full cost of lead testing will be provided to low- and moderate-income owner-occupied single-family and multi-family properties. Homes constructed after 1978 do not require testing. Multi-unit properties with rental units with one or more bedrooms and homes where children under six (6) years of age reside are required to be de-leaded under Massachusetts law. In addition, the federal lead paint laws are triggered by the amount of federal funds estimated for expenditure due to the rehabilitation of the property, exclusive of lead paint hazard reduction. The Housing Rehabilitation Specialist is responsible for determining when lead testing is required based on the scope of work to be accomplished.

Investor-owners and over-income owner occupants of multi-family properties will receive full assistance to cover the costs associated with lead testing. However, this assistance will be provided as a 0% interest DPL and will be included in the lien amount.

Proposed Amendment:

E. Type of Assistance

4. Assistance for Lead-based Paint Hazard Reduction/Abatement: Grants for the full cost of lead testing and lead paint hazard reduction will be provided to low- and moderate-income owner-occupied single-family and multi-family properties if the lead work is required for participation in the program. However, should such lead work result in the installation of new materials such as windows, replacement doors, vinyl siding, coil stock, etc., costs associated with the installation of these items are subject to owner match requirements and will be included in the lien amount. Homes constructed after 1978 do not require testing. Multi-unit properties with rental units with one or more bedrooms and homes where children under six (6) years of age reside are required to be de-leaded under Massachusetts law. In addition, the federal lead paint laws are triggered by the amount of federal funds estimated for expenditure due to the rehabilitation of the property, exclusive of lead paint hazard reduction. The Housing Rehabilitation Specialist is responsible for determining when lead testing is required based on the scope of work to be accomplished.

Investor-owners and over-income owner occupants of multi-family properties will receive full assistance to cover the costs associated with required lead-based paint hazard reduction/abatement. However, this assistance will be provided as a 0% interest DPL and will be included in the lien amount. In addition, costs of lead work resulting in the installation of new materials (see examples above) are subject to owner match requirements.

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: November 10, 2016

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: **Town Administrator's Report for the November 15, 2016 Board of Selectmen's Meeting**

Dear Honorable Selectmen,

I am pleased to transmit to you the following Town Administrator's Report for the November 15, 2016 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:

- I will offer a brief Administrative Update at the meeting regarding various projects and issues since the last Board meeting on November 1, 2016.

Appointments:

- The Board is respectfully requested to appoint the following individuals to the Memorial Garden Committee:
- Ms. Ruth Rhonemus of Ayer to a one-year term on the Memorial Garden Committee to expire on June 30, 2017.
- Ms. Carol Bousquet of Ayer to a one-year term on the Memorial Garden Committee to expire on June 30, 2017.

Application for 1-Day Outdoor Beer and Wine License (11/23/2016) for Carlin's

- Mr. David Berry of Carlin's will appear before the Board seeking approval of Carlin's application for a 1-Day Outdoor Beer and Wine License for Wednesday, November 23, 2016 (See Attached).

Special Granting Permit Authority Discussion for Aquifer Protection District Discussion:

- At the request of the Planning Board as part of the zoning bylaw review, the policy question has arisen as to what entity shall be the special granting permit authority for the Aquifer Protection District. The general trend across the Commonwealth is that the Planning Board is the special granting permit authority and this is consistent with the Statute. In Ayer it has been the Board of Health since prior to 2010 but the Board of Health does not have statutory authority. The Board is asked to review the attached materials and to weigh in on how the Town should proceed. It is respectfully recommended that the granting authority be with the Planning Board in accordance with the Statute. This change would be part of the recommendations of the zoning bylaw review. (See Attached)

Appointment of Public Records Officer:

- As a result of the new Public Records Law to go into effect on January 1, 2017, each municipality is required to have one designated Public Records Officer responsible for all public records request and to ensure the Town's compliance with such requests which include new provisions that require timely posting of publically requested documents on the Town's website and to ensure the proper preparation, redaction (if applicable), fee assessment, and overall compliance with the new provisions of the law. Though informally and historically, the Town Administrator has served as the Public Records Officer for the Town, the new law requires an official appointment/designation.
- It is respectfully requested that the Board of Selectmen appoint the Town Administrator as the Town of Ayer's Public Records Officer in accordance with the new Public Records Law.

Thank you.

Attachment(s).

Carlins Restaurant, Inc.
7 Depot Square
Ayer, MA 01432

RECEIVED
NOV 02 2016

TOWN OF AYER
SELECTMEN'S OFFICE

Board of Selectman
Ayer Town Hall
1 Main Street
Ayer, MA 01432

October 26, 2016

To Whom It May Concern,

Carlins' annual Thanksgiving reunion, on Wednesday November 23rd, is rapidly approaching. We are hosting a similar event to last year with the same live entertainment. In lieu of the issue of overcapacity issue we faced last year we would like to request a one-day outdoor beer and wine license. The live entertainment would go from 9:00 PM to 1:00 AM to contain the crowd and ensure there is no issue with overcapacity. We will be hosting the band in a large outdoor tent, similar to those of past outdoor Open Ayer festivals, which would be located behind the building. Attached is a map showing the location of the tent and stanchions to contain the area. We will ensure proper security procedures and protocol are followed with proper staffing both inside and out. We look forward to a safe and great holiday this year.

Thank you for your consideration,

David W. Berry

President

Carlins Restaurant, Inc.

CC: Ayer Police Department
ATTN: Chief Murray

CC: Ayer Fire Department
ATTN: Chief Pedrazzi

MAIN STREET

MAIN STREET

48 MAIN

44 MAIN

50 MAIN

CARLINS
5-7 DEPOT

~~DEPOT~~ SOURCE

SECURITY

OPEN SECTION OF TENT
BARRIER

TENT 20' x 60'

BARRIER

LED TENT LIGHTS

5 SEATERS

BAND + DJ
STAGE

BARRIER

FENCE

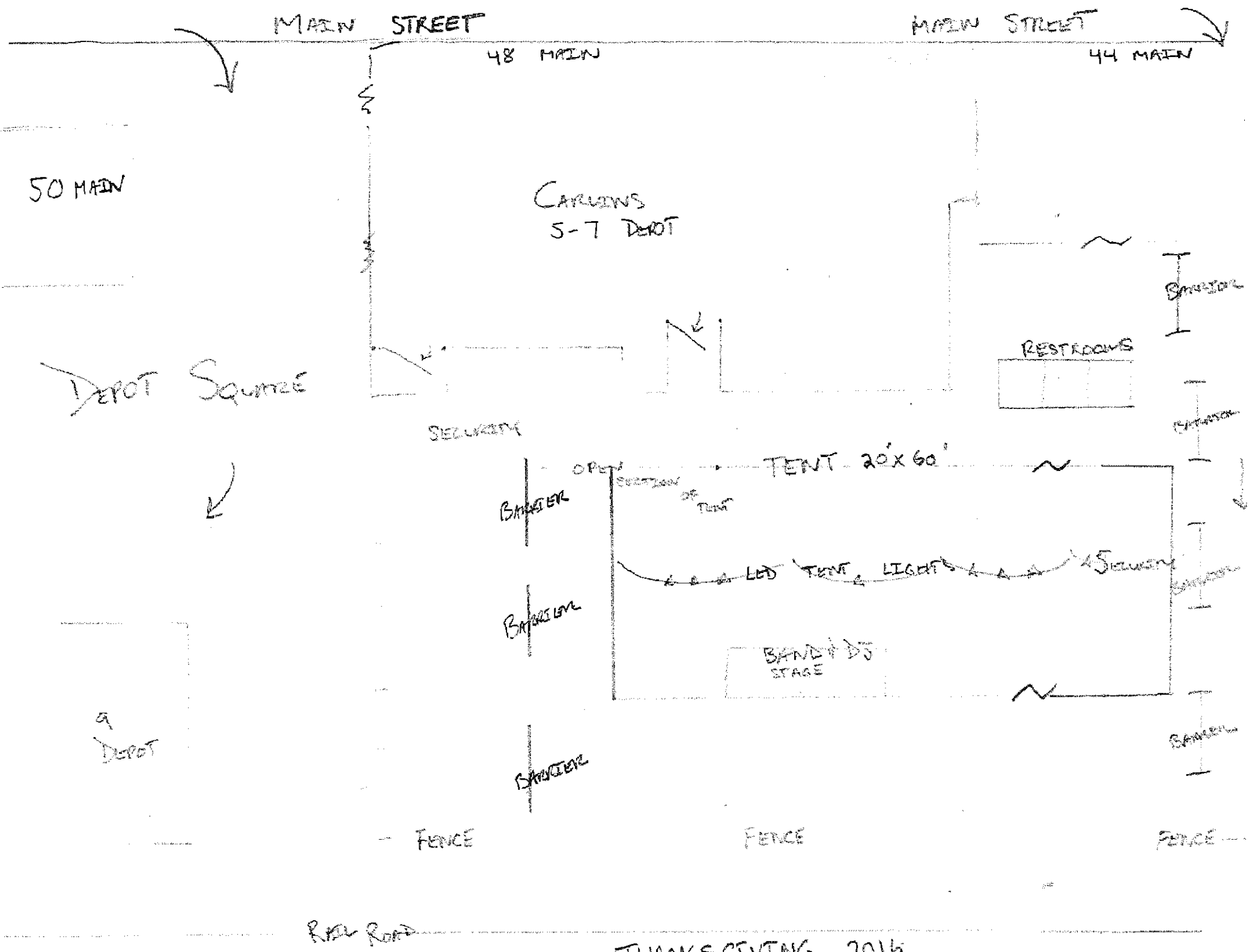
FENCE

FENCE

RAIL ROAD

THANKSGIVING 2016

9
DEPOT



Town of Ayer
Board of Selectmen's Office
Transmittal Form – Department Head Review



_____	Board of Health	Review Deadline Date	<u>Thursday November 10, 2016</u>
_____	Department of Public Works	Public Hearing Date	<u>Tuesday November 15, 2016</u>
_____	Police Department		<u>BOS Meeting</u>
_____	Fire Department		
_____	Building Inspector/Zoning Enforcement Officer		
_____	Conservation Committee		
_____	Clerk/Collector/Treasurer		
_____	Assessor's Office		
_____	Planning Board		
_____	Economic & Community Development Office		

Permit Sought: One Day Outdoor Beer and Wine License for Wednesday November 23, 2016

Description See attached letter and plans

Submitted by David Berry

Address 7 Depot Square Telephone Not Provided

This plan is submitted for your review, comments, and recommendations. Please return to the Board of Selectmen's Office by the Review Deadline Date so that the Board of Selectmen can consider your recommendation.

_____ Approved _____ Modifications Needed _____ Disapprove

(If your recommendation is not "Approved", please specify/illustrate reasons why.)

Comments:

Signed _____

Title _____

Date _____

Town of Ayer
Board of Selectmen's Office
Transmittal Form – Department Head Review



Board of Health
 Department of Public Works
 Police Department
 Fire Department
 Building Inspector/Zoning Enforcement Officer
 Conservation Committee
 Clerk/Collector/Treasurer
 Assessor's Office
 Planning Board
 Economic & Community Development Office

Review Deadline Date Thursday November 10, 2016
~~Public Hearing~~ Date Tuesday November 15, 2016
BOS Meeting

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Approved Modifications Needed Disapprove

(If your recommendation is not "Approved", please specify/illustrate reasons why.)

Comments:

Signed Bridgette Prally Title Health Agent

Date 10/7/16

Town of Ayer
Board of Selectmen's Office
Transmittal Form – Department Head Review



Board of Health
 Department of Public Works
 Police Department
 Fire Department
 Building Inspector/Zoning Enforcement Officer
 Conservation Committee
 Clerk/Collector/Treasurer
 Assessor's Office
 Planning Board
 Economic & Community Development Office

Review Deadline Date Thursday November 10, 2016
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Approved Modifications Needed Disapprove

(If your recommendation is not "Approved", please specify/illustrate reasons why.)

Comments: No ISSUES

Signed 

Title DPW Supt

Date 11/2/16

Town of Ayer
Board of Selectmen's Office
Transmittal Form – Department Head Review



_____ Board of Health
_____ Department of Public Works
_____ Police Department
_____ Fire Department
_____ Building Inspector/Zoning Enforcement Officer
_____ Conservation Committee
_____ Clerk/Collector/Treasurer
_____ Assessor's Office
_____ Planning Board
_____ Economic & Community Development Office

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~~Public Hearing~~ Date Tuesday November 15, 2016
BOS Meeting

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Approved Modifications Needed Disapprove

(If your recommendation is not "Approved", please specify/illustrate reasons why.)

Comments:

Signed [Signature]

Title Chief of Police

Date 11/3/16

Town of Ayer
Board of Selectmen's Office
Transmittal Form – Department Head Review



_____ Board of Health
_____ Department of Public Works
_____ Police Department
_____ Fire Department
_____ Building Inspector/Zoning Enforcement Officer
_____ Conservation Committee
_____ Clerk/Collector/Treasurer
_____ Assessor's Office
_____ Planning Board
_____ Economic & Community Development Office

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_____ Approved _____ Modifications Needed _____ Disapprove

(If your recommendation is not "Approved", please specify/illustrate reasons why.)

Comments: Must comply with 507CMR 1.00:20.1.5.6
Crowd manage training, Crowd over 250 requires (2)
trained personnel.

Signed *[Signature]* Title Fire Chief

Date 11-2-16

Town of Ayer
Board of Selectmen's Office
Transmittal Form – Department Head Review



_____ Board of Health
_____ Department of Public Works
_____ Police Department
_____ Fire Department
_____ Building Inspector/Zoning Enforcement Officer
_____ Conservation Committee
_____ Clerk/Collector/Treasurer
_____ Assessor's Office
_____ Planning Board
_____ Economic & Community Development Office

Review Deadline Date Thursday November 10, 2016
~~Public Hearing~~ Date Tuesday November 15, 2016
BOS Meeting

Permit Sought: One Day Outdoor Beer and Wine License for Wednesday November 23, 2016

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_____ Approved _____ Modifications Needed _____ Disapprove

(If your recommendation is not "Approved", please specify/illustrate reasons why.)

Comments: Will the party goers be confined to the tent area or will they have access to Carlins?

Signed Allen J. M.

Title Asst Zoning/ Building Insp

Date 11-9-16

Town of Ayer
Board of Selectmen's Office
Transmittal Form – Department Head Review



_____	Board of Health	Review Deadline Date <u>Thursday November 10, 2016</u>
_____	Department of Public Works	Public Hearing Date <u>Tuesday November 15, 2016</u>
_____	Police Department	BOS Meeting
_____	Fire Department	
_____	Building Inspector/Zoning Enforcement Officer	
_____	Conservation Committee	
_____	Clerk/Collector/Treasurer	
_____	Assessor's Office	
_____	Planning Board	
_____	Economic & Community Development Office	

Permit Sought: One Day Outdoor Beer and Wine License for Wednesday November 23, 2016

Description See attached letter and plans

Submitted by David Berry

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Approved _____ Modifications Needed _____ Disapprove

(If your recommendation is not "Approved", please specify/illustrate reasons why.)

Comments:

Signed *Anna Copeland*
Date November 3, 2016

Title Clerk, Collector Treasurer

Town of Ayer
Board of Selectmen's Office
Transmittal Form – Department Head Review



_____ Board of Health
_____ Department of Public Works
_____ Police Department
_____ Fire Department
_____ Building Inspector/Zoning Enforcement Officer
_____ Conservation Committee
_____ Clerk/Collector/Treasurer
_____ Assessor's Office
_____ Planning Board
_____ Economic & Community Development Office

Review Deadline Date Thursday November 10, 2016
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BOS Meeting

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Submitted by David Berry

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Approved _____ Modifications Needed _____ Disapprove

(If your recommendation is not "Approved", please specify/illustrate reasons why.)

Comments:

Signed *David Berry*
Date 11/9/16

Title Assessing Administrator

Town of Ayer
Board of Selectmen's Office
Transmittal Form – Department Head Review



_____ Board of Health
_____ Department of Public Works
_____ Police Department
_____ Fire Department
_____ Building Inspector/Zoning Enforcement Officer
_____ Conservation Committee
_____ Clerk/Collector/Treasurer
_____ Assessor's Office
_____ Planning Board
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_____ Approved _____ Modifications Needed _____ Disapprove

(If your recommendation is not "Approved", please specify/illustrate reasons why.)

Comments:

NO ACTION REQUIRED

Signed *[Signature]*

Title CHAIRMAN

Date 11/3/16

Town of Ayer
Board of Selectmen's Office
Transmittal Form – Department Head Review



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Approved Modifications Needed Disapprove

(If your recommendation is not "Approved", please specify/illustrate reasons why.)

Comments:

Signed 

Title DIR. COMMUNITY + ECO DEVELOPMENT

Date 11/9/2016

MEMORANDUM

TO: Jennifer Gibbons
FROM: Judi Barrett
DATE: April 17, 2016
SUBJECT: "All Boards Meeting" Follow-up

The purpose of this memo is to follow up on your request for comments on the questions that came up at the "all boards" meeting in January. I also want to make some "next steps" recommendations. In no particular order, these are the questions attendees asked, together with my thoughts on each matter.

Q What statutory changes have occurred since the proposed Zoning Bylaw (ZBL) was written in 2011?

A A number of practices have evolved since 2011, but the only Zoning Act change that is not reflected in the draft ZBL involves an amendment the legislature passed in 2010. (Remember: the 2011 ZBL was written over the course of eighteen months.) In 2010, the legislature extended the agricultural exemption in G.L. c. 40A, § 3, to "parcels 2 acres or more if the sale of products produced from the agriculture, aquaculture, silviculture, horticulture, floriculture or viticulture use on the parcel annually generates at least \$1,000 per acre based on gross sales dollars ..." St. 240, s. 79 (2010). The 2011 proposed ZBL relies on the long-standing agricultural exemption for parcels of 5 or more acres: "[Agriculture] on five or more acres of land shall be as defined in M.G.L. c. 128A; exempt under M.G.L. c. 40A, § 3."

We can expand the definition if you want, or simplify it so that "agriculture" shall be as defined in G.L. c. 128A unless the agricultural use is not exempt under G.L. c. 40A, § 3. This would help the Town regulate the extent of agricultural activity that can occur on small parcels or so-called backyard farms, which is the intent of defining "Agriculture, Non-Exempt" in the 2011 draft.

In 2012, passage of the medical marijuana dispensary ballot question opened the door to the creation of up to 35 dispensaries in Massachusetts. As the Town is already aware, the Massachusetts Department of Public Health (DPH) is the agency with authority to license treatment dispensaries under Chapter 369, Acts of 2012 and 105 CMR 725. As far as we know, the Town of Ayer did not adopt any particular zoning provisions to regulate the location of medical marijuana facilities, but one is operating on Central Avenue.

An aspect of zoning practice that has changed quite a bit since 2011 involves cluster development or open space residential development (OSRD). As you may remember, in 2008 the Massachusetts Appeals Court struck down a zoning bylaw in Westwood that required developers to obtain a special permit for any plan to create four or more house lots.¹ The inability to require an OSRD special permit helps to explain the structure of the proposed OSRD in Section 10.1 of the 2011 ZBL, i.e., a special permit that developers may voluntarily seek and which the Planning Board may approve. By contrast, the approach that planners promote today is an OSRD requirement that does not involve a special permit. (An annotated example is available on the "Smart Growth Toolkit" website.) The "new" OSRD establishes dimensional, open space, design, and procedural requirements in zoning for projects that will be filed with the Planning Board under subdivision control. The intent is to make OSRD mandatory without forcing applicants to seek a special permit for a development that involves a subdivision of land. If the Planning Board prefers this approach, we can revise Section 10.1 for you.

Finally, there has been much-heightened interest in zoning for solar access in the past few years – particularly large-scale ground-mounted solar installations. This topic was not on the "to-do" list in 2011 and I don't recommend trying to tackle it now, but the Board may want to discuss adopting regulations for large-scale ground-mounted and roof-mounted systems in the future.

Q Can the BOH retain its existing role as SPGA in the Aquifer Protection District?

A G.L. c. 40A, § 1A, defines special permit granting authority as follows: "... the board of selectmen, city council, board of appeals, planning board, or zoning administrators as designated by zoning ordinance or by-law for the issuance of special permits." We recommend that you refer this matter to Town Counsel.

Q Is there anything we would change in the 2011 draft today, based on changes in best practices or case law?

A Yes. I recommend the following:

- 1) Simplify the Site Plan Review (SPR) section by removing matters that can be handled through the Planning Board's administrative regulations. The same can be said about Section 10, Special Regulations. Matters that are administrative – e.g., submission requirements and procedures – do not have to be in the ZBL. Transferring them to Planning Board regulations would make it much easier for the Board to modify its procedures on an as-needed basis because administrative regulations do not require town meeting approval.
- 2) Update the proposed Section 8.2 if new floodplain maps have been issued for Ayer.
- 3) Replace the proposed Section 10.1 with a new, non-special permit OSRD bylaw (requiring subdivisions to comply).

¹ *Wall Street Development Corporation vs. Planning Board of Westwood*, 72 Mass. App. Ct. 844 (2008).



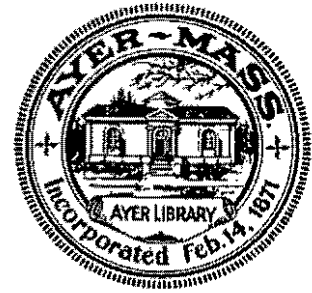
- 4) Update the definition of agriculture.
- 5) Revisit the need for Section 9.7, Earth Removal, in light of proposed Section 9.6, Land Clearing and Grading.

Q Can the proposed zoning amendments be divided into separate warrant articles?

A No. When we were hired to assist the Town with drafting policy-level changes to the Zoning Bylaw, we anticipated building upon the recently recodified bylaw (so-called "phase one" process). Unfortunately, the phase one ZBL – which is what the Town is working with today – has many problems. We concluded, in consultation with the Planning Board at the time, that accomplishing the changes they wanted would first require a true recodification. The proposed ZBL in 2011 represents a major reorganization of the existing ZBL. It would not be possible to take pieces of the 2011 draft and propose them individually.

Considering the above, please let me know if the Planning Board would like us to make the changes outlined above under the third question. It would not take long to make those changes, at which point I would send you back a newly revised draft dated April (or May) 2016. Thank you!

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



Tuesday November 1, 2016
Open Session Meeting Minutes

Present: Gary J. Luca, Chair; Christopher R. Hillman, Vice-Chair (Entered at 6:33 PM);
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 6:00 PM.

Motion: A motion was made by J. Livingston and seconded by G. Luca to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A Exemption #3 (Litigation Strategy) Properties Enforcement: *Town of Ayer v. Velardi*; *Town of Ayer v. Ernisse*; 190 West Main Street, 64 Westford Road and Exemption #3 (Litigation Strategy) *U.S. v. B&M Railroad v. Town of Ayer*. J. Livingston further stated that to discuss these items in Open Session would be detrimental to the Town's negotiating strategy. By Roll Call Vote: G. Luca, aye; J. Livingston, aye. **Motion passed by roll call 2-0.**

Reconvene in Open Session: The Board of Selectmen reconvened in Open Session at 7:25 PM.

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

Review and Approve Agenda: R. Pontbriand asked that item #3 under his report "Approval of Council on Aging MART Contract" be removed.

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

Announcements: G. Luca made the following announcements:

- The Presidential Election is being held on Tuesday November 8, 2016 from 7:00 AM -- 8:00 PM on the 2nd floor of Ayer Town Hall.
- Early Voting is available during regular business hours until Friday November 4, 2016 at 1:00 PM
- 2nd Quarter Taxes are due today November 1, 2016.
- G. Luca also wished Ms. Lisa White, Administrative Assistant at the Ayer Fire Department best wishes. Ms. White recently announced she'll be relocating to Texas. Ms. White was a Town employee for the past 16 years.

Public Input - None

Application for Common Victualler's License - Lamp and Dragon, 41 Main Street – Ms. Hannah Rudd was in attendance seeking a Common Victualler's License for her already established business, The Lamp and Dragon, located at 41 Main Street. She is looking to add a café to the comic book and game store. Ms. Rudd has submitted proof of her Serv Safe Certification.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the Common Victullaer's License for Lamp and Dragon, 41 Main Street. **Motion passed 3-0.**

Ms. Alicia Hersey, Director, Office of Community Development - Contract Execution Advocates Inc. - Behavioral Health Treatment Court Collaborative – Ms. Alicia Hersey and Ms. Hillary Curtis, Director of Advocates Inc. were in attendance seeking approval of the 2016-2017 Behavioral Health Treatment Court Collaborative grant. Ms. Hersey stated this was the third year of a four year grant.

G. Luca asked about the opioid epidemic in the area. H. Curtis stated that there were a lot of people struggling and Advocates, Inc. is looking to increase education by community outreach.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the 2016-2017 BHTCC contract with Advocates, Inc. in the amount of \$341,312 for the period of September 30, 2016 – September 29, 2017. **Motion passed 3-0.**

Public Hearing - Application for § 12 (On Premise All Alcohol) License - The Revival Pub, 25 Main Street – J. Livingston opened the Public Hearing at 7:31 PM by reading the Public Hearing notice as advertised in the Nashoba Valley Voice on October 14, 2016.

Mr. Keith Leighton was in attendance seeking approval of an All Alcohol License for 25 Main Street for a new establishment, The Revival Pub. He stated that the establishment will be small and serve craft beer. He also stated that the occupancy will be about 28 people. He plans to open in the early spring of 2017.

There were no abutters in attendance.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the Section 12 All-Alcohol License for the Revival Pub, 25 Main Street. **Motion passed 3-0.**

Motion: A motion was made by J. Livingston and seconded by C. Hillman to close the Public Hearing at 7:40 PM. **Motion passed 3-0.**

Superintendent Mark Wetzel, Department of Public Works: M. Wetzel was in attendance for the following various items:

Main Street – M. Wetzel stated that he is in the process of putting together budget figures for new sidewalk infrastructure on Main Street.

Update on Pan Am Diesel Fuel Spill Clean-Up – M. Wetzel presented a slide of the recent diesel fuel spill. He reported that both Pan AM and Department of Environmental Protection personnel were immediately on site to assess damage. The spill was caused by a piece of the track coming loose which caused a puncture in the diesel fuel tank causing an approximate 2,500 gallon leak. M. Wetzel stated that he does not believe that the Town's drinking water will be affected, but he is closely monitoring the situation.

Recommendation of Reduced Sewer Connection Fee for Existing Residents – M. Wetzel is recommending a temporary reduction in the sewer connection fee for existing residents with Town sewer abutting their property. He is proposing the temporary reduction be in effect until July 1, 2017 at a rate of \$2,000 per household, as opposed to \$4,800.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve the temporary reduction in the sewer connection fee to \$2,000 for existing residents with Town sewer abutting their property until July 1, 2017. **Motion passed 3-0.**

Pleasant Street Reconstruction Project Contract Change Order – M. Wetzel presented project Change Order #2 in the amount of \$31,541.95 for the installation of temporary bypass and final connections for fire services on Main Street as part of the Pleasant Street Reconstruction project.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve Change Order #2 in the amount of \$31,541.95 to Ricciardi Brothers, Inc. for the Pleasant Street Reconstruction Project. **Motion passed 3-0.**

Pre-Engineered Garage at Grove Pond Water Treatment Plant Agreement – M. Wetzel presented an agreement between the Town and Dankris Builders Corp. for construction of a pre-engineered garage at the Grove Pond Water Treatment Plant in the amount of \$308,986.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the agreement between the Town and Dankris Builders Corp. in the amount of \$308,986 for the pre-engineered garage at Grove Pond Water Treatment Plan Agreement. **Motion passed 3-0.**

West Main Street Wastewater Pumping Station Contract Change Order – M. Wetzel presented Change Order #2 for Scherbon Consolidated Inc. for the construction of the West Main Street Wastewater Pumping Station Replacement. The change order is for \$8,993 related to changes in connections to the existing sewer on West Main Street.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve Change Order #2 in the amount of \$8,993 to Scherbon Consolidated Inc. for the West Main Street Wastewater Pumping Station project with signature by the Chair. **Motion passed 3-0.**

Nashua Wild and Scenic River Study Status Report: R. Pontbriand and Mr. Al Futterman from the Nashua River Watershed Association made a presentation a status report on the Wild and Scenic Rivers Nashua River Study Committee. The study will determine if a portion of the Nashua River can be designated federally as a Wild and Scenic River. A Wild and Scenic Designation adds federal protection to ensure that any future federally-funded or permitted water resource project would not adversely impact the River. Both R. Pontbriand and A. Futterman will be presenting the status report to the Boards of Selectmen in Dunstable, Groton, Harvard, Lancaster, Pepperell, Shirley and Townsend.

Town Administrator's Report: R. Pontbriand gave a brief administrative update focusing on the Fall Town Meeting of October 24, 2016, Capital Planning Process and the FY' 18 budget.

Authorization for Full-Time Conservation Agent Hours – Following the passage of Article 3 on the Fall Special Town Meeting Warrant of October 24, 2016, R. Pontbriand is requesting authorization to proceed with extending the Conservation Agent's hours from part-time to full-time benefitted status.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to authorize the extension of the Conservation Agent's hours from part-time to full-time benefitted status effective November 2, 2016. **Motion passed 3-0.**

New Business/Selectmen's Questions:

Signs at the Rotary (Selectman Luca) - R. Pontbriand reported that after a request from G. Luca, he had been in contact with Chief Murray about an overabundance of signs recently being placed at the Rotary (Carlton Circle). R. Pontbriand reported that because the Rotary is under Mass Highway's jurisdiction, he has asked Chief Murray to set up a meeting with Mass Highway to discuss the issue and look for possible solutions. Chief Murray will report back at the next BOS meeting.

C. Hillman echoed G. Luca's concern about the signs. J. Livingston stated that the Town has to find a balance because the signs at times are of value to the residents by displaying information.

G. Luca then stated that the recently reengineered intersection with traffic lights at Willow Rd and Rt. 2A looks good and that he is sure it is helping with traffic concerns.

Status of Advocates Building (Selectman Luca) - G. Luca stated that the intent of the taking of the Advocates building was to make access for public space and was concerned with the upcoming event being hosted by the Office of Economic and Community Development. G. Luca would like to see the building razed for the benefit of the Rail Trail Commuter Lot Access Project.

C. Hillman echoed G. Luca's concerns. R. Pontbriand stated that the Office of Economic and Community Development was holding a visioning exercise and that demolition was part of the potential solutions on what to do with the building. He advised that as of late last week MART has indicated they will pay for the demolition of the building, if the Town chooses to go in that direction. He also stated that the vote on whether to raze the building rests with the BOS.

Update on Various Projects/Items (Selectman Hillman) - C. Hillman thanked the R. Pontbriand for answering an email with a variety of topic matters including the Main Street fence, the downtown traffic study, MBTA/Pan AM easement on Main Street and LED lighting upgrades at the Town Hall.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of October 18, 2016. **Motion passed 3-0.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by C. Hillman to adjourn at 9:02 PM. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: _____

Signature Indicating Approval: _____

Town of Ayer, Massachusetts

\$2,128,161 General Obligation Bond Anticipation Notes

Sale Date: 11/9/2016
 Dated Date: 11/18/2016
 Delivery Date: 11/18/2016
 Due Date: 11/17/2017
 Days Per Year: 360
 Day Count: 359
 Bank Qualified: Yes
 Rating: None



Bidder	Principal	Coupon Rate	Premium	Interest	Net Interest	NIC	Prorata Premium	Prorata Interest	Award	Reoffering Yield
Eastern Bank	\$2,128,161	1.50%	\$10,950.81	\$31,833.74	\$20,882.93	0.9840%	\$10,950.81	\$31,833.74	\$2,128,161	
Easthampton Savings Bank	\$1,500,000	0.99%	\$0.00	\$14,808.75	\$14,808.75	0.9900%				
Century Bank	\$2,128,161	1.10%	\$0.00	\$23,344.74	\$23,344.74	1.1000%				
TD Securities	\$2,128,161	1.50%	\$7,320.87	\$31,833.74	\$24,512.87	1.1550%				
Jefferies LLC	\$2,128,161	2.00%	\$17,028.00	\$42,444.99	\$25,416.99	1.1976%				
Award Totals							\$10,950.81	\$31,833.74	\$2,128,161	

Weighted Average Net Interest Cost: 0.9840%

November 2016 BANs:

Borrow authorizations May 12, 2014

Article 21	Water Dept	East main St Water mains	895,088
Article 22	Sewer Dept	East main St Sewer mains	374,263

Borrow authorizations May 12, 2015

Article 21	Water Dept	Meter Radio Read System	50,000
Article 21	Water Dept	Water Main Replacements	150,000
Article 21	Sewer Dept	Meter Radio Read System	50,000
Article 21	Sewer Dept	Radio Telemetry System	30,000
Article 21	Solid Waste Dept	Resurface parking lot	175,000
Article 21	Ambulance	Purchase and Equip New Ambulance	250,000
Article 22	Water Dept	Grove Pond WTP Garage	<u>153,810</u>
			2,128,161