

RECEIVED
TOWN CLERK
TOWN OF AYER

2016 SEP -1 PM 3: 01

Susan Copeland

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



Tuesday September 6, 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. Lisa Gabree, Town Accountant
1. Reserve Fund Transfer (Audit Services)
- 7:10 PM Chief William A. Murray, Ayer Police Department
1. Appointment of Full-Time Dispatcher
2. Appoint of Special Police Officer
- 7:15 PM Mr. Alan Manoian, Dir. Office of Eco. & Comm. Development
1. Approval of FY' 2017 Economic and Community Development Budget
- 7:20 PM Request for Additional All Alcohol License
1. Ayer Shop 'n Save
- 7:30 PM Superintendent Mark Wetzel, Department of Public Works
1. Pleasant Street Reconstruction Project Contract Change Order
2. Request for Sewer Abatement for 7 Wachusett Avenue East
- 7:35 PM Presentation by MassDevelopment
1. Proposed Devens zoning amendment for October 24, 2016 Super Town Meeting
- 8:00 PM Town Administrator's Report
1. Administrative Update
2. Appointments
3. Opening of Special Fall Town Meeting Warrant
4. Amendment #5 Devens Household Hazardous Waste Agreement
5. Ch. 61 Cowfield Realty Trust II, Assessor's Map 3, Parcel 2 (Rosewood Avenue)
6. Conservation Commission Request - Complete Organization of Con Com Files
7. Notice of Contract Award: Police Station Roof Replacement Project
- 8:30 PM New Business/Selectmen's Questions
- 8:35 PM Approval of Meeting Minutes
August 16, 2016

Adjournment

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

RESERVE FUND TRANSFER REQUEST

Section I (Completed by Elected Official or Department Head)

This request for a transfer from the Reserve Fund is being made in accordance with M.G.L., Chapter 40, Section 6:

- 1. Amount requested: \$7,474.40
- 2. To be transferred to:
 - A. Account Name Audit Services
 - B. Account #: 01135-53020
- 3. Present balance in budget \$152,378.25
- 4. The amount requested will be used for (please attach supporting information):
To pay for Giusti & Hingston Invoice for Cash Audit (see attached).
- 5. The expense is extraordinary or unforeseen for the following reason(s):
To pay for Special Cash Audit due to turnover in Treasurer. This is a normal responsible business practice. This amount was NOT included in the Audit Service line budget as it was unknown at the time of budget development.

Date 9/1/2016

Elected Official or Department Head

Lisa Galbrae

Section II Action by Board of Selectmen or Appointing Authority when Section I not completed by an Elected Official

Transfer Approved: YES NO

Amount Approved: \$ _____

Date of Meeting: _____ Number Present/Voting _____

Chairman

Section III Action by Finance Committee

Transfer Approved: YES NO

Amount Approved: \$ _____

Date of Meeting: _____ Number Present/Voting _____

Chairman

Giusti, Hingston and Company

Certified Public Accountants

36 Jackman Street, Unit One

Georgetown, MA 01833

Tel: 978-352-7470 Fax: 978-352-8812

Email: GiustiHingstonCo@aol.com

July 29, 2016

Invoice submitted to:

Town of Ayer
Attn: Town Accountant
Main Street
Ayer, MA 01432

In Reference To: Cash Audit - April 30, 2016

Invoice # 12933

Professional Services

			<u>Hours</u>	<u>Amount</u>
7/5/2016	SSA	Cash	0.30	24.00
7/13/2016	PG	Cash	7.80	1,310.40
	PG	Mileage		32.40
7/14/2016	PG	Cash	7.50	1,260.00
	PG	Mileage		32.40
7/15/2016	PG	Cash	8.50	1,428.00
7/18/2016	JJG	Review Cash Reconciliation Matters with Pam	0.50	100.00
	PG	Cash	8.00	1,344.00
	PG	Mileage		32.40
7/19/2016	PG	Cash	2.10	352.80
7/20/2016	JJG	Review Various Cash Reconciliation Matters	2.00	400.00
	PG	Cash	6.70	1,125.60
	PG	Mileage		32.40
		For professional services rendered	<u>43.40</u>	<u>\$7,474.40</u>

rec'd 08/03/16

09/01/2016 10:06
2481gabr

TOWN OF AYER
BUDGET REPORT

P 1
glytdbud

FOR 2017 03

ACCOUNTS FOR: 001 GENERAL FUND	ORIGINAL APPROP	TRANFRS/ ADJSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<u>01135 TOWN ACCOUNTANT</u>							
<u>01135 51100 TOWN ACCOUNTANT SALARY</u>	99,848	0	99,848	15,302.40	.00	84,545.60	15.3%
<u>01135 51110 TOWN ACCT ASSIST-WAGES</u>	48,295	0	48,295	7,401.61	.00	40,893.39	15.3%
<u>01135 51120 WAGES</u>	0	0	0	577.00	.00	-577.00	100.0%
<u>01135 51140 LONGEVITY</u>	1,490	0	1,490	.00	.00	1,490.00	.0%
<u>01135 51150 COLLEGE INCENTIVE</u>	4,876	0	4,876	4,973.28	.00	-97.28	102.0%
<u>01135 52000 SERVICES</u>	3,000	0	3,000	.00	.00	3,000.00	.0%
<u>01135 53020 AUDIT SERVICES</u>	22,000	0	22,000	.00	.00	22,000.00	.0%
<u>01135 54200 OFFICE SUPPLIES</u>	600	0	600	76.46	.00	523.54	12.7%
<u>01135 57000 OTHER CHARGES & EXPENS</u>	700	0	700	100.00	.00	600.00	14.3%
TOTAL TOWN ACCOUNTANT	180,809	0	180,809	28,430.75	.00	152,378.25	15.7%
TOTAL GENERAL FUND	180,809	0	180,809	28,430.75	.00	152,378.25	15.7%
TOTAL EXPENSES	180,809	0	180,809	28,430.75	.00	152,378.25	



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

To: Board of Selectmen
From: Chief William A. Murray
CC: TA Pontbriand, file
Date: August 31, 2016
Re: Dispatcher Appointment

I respectfully request that the Board appoint **Erin McNulty** to the position of Full-time Dispatcher. As the Board is aware, Town Meeting approved the addition of two Dispatch positions beginning FY17. One of those positions was filled immediately with our part-timer. Following a search process to fill the second position, Erin was chosen, from a field of high quality candidates, as the one most likely able to fit the needs of the Town and Department.

Erin is a long time resident of Ayer, graduating from the Parker Charter School on Devens. She is a recent graduate from the Massachusetts College of Liberal Arts with a Bachelor Degree in Sociology and a Minor in Criminal Justice. While in college she worked three summers as a lifeguard at the Town Beach. Erin was interviewed by Lt. Brian Gill and Dispatcher Cailey McCarthy and both feel that she will be able to learn the skills necessary to be a high quality emergency dispatcher.

Erin has no formal experience in emergency dispatching and will have to attend the 200 hour Massachusetts State 911 Public Safety Communications Academy, beginning on September 12, 2016.

I am recommending that this appointment be made contingent upon the satisfactory completion of a thorough background investigation.

Carly Antonellis

From: Chief William Murray <pdchief@ayer.ma.us>
Sent: Monday, August 29, 2016 11:17 AM
To: Carly Antonellis
Cc: Robert Pontbriand
Subject: RE: BOS Meeting 9/6/16 - Agenda Items Due Wednesday 8/31/16 by 3:00 PM

Categories: On BOS Agenda

Dear Carly,

I respectfully request that the TA, under his report, request that the Board appoint Nicholas Trinqué as a Special Police Officer for the Town. Nicholas is a Devens DOD officer and would be appointed primarily to join our pool of outside Detail Officers. All other DOD officers have already been appointed.


Thank you for any consideration.

Sincerely,

Chief William A. Murray
Ayer Police Department
54 Park Street
Ayer, MA 01432
978-772-8200



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 **Please consider the environment before printing this email.**

From: Carly Antonellis [<mailto:cantonellis@ayer.ma.us>]
Sent: Monday, August 29, 2016 10:35 AM
To: Alan Manoian <amanoian@ayer.ma.us>; Charlie Shultz <cshultz@ayer.ma.us>; Chief Pedrazzi <firechief@ayer.ma.us>; Chief William Murray <pdchief@ayer.ma.us>; Cindy Knox <cknox@ayer.ma.us>; Dan Sherman <dsherman@ayer.ma.us>; Jeff Thomas <jthomas@ayer.ma.us>; Karin Swanfeldt <kswanfeldt@ayer.ma.us>; Kevin Johnston <kjohnston@ayer.ma.us>; Lisa Gabree <lgabree@ayer.ma.us>; Mark Wetzel <mwetzel@ayer.ma.us>; Mary Anne Lucht <ayerlibrary@live.com>; Robert Pontbriand <ta@ayer.ma.us>; Susan Copeland <scopeland@ayer.ma.us>; Tom Hogan <tshogan@ayer.ma.us>
Cc: bcolleran@ayer.ma.us; Sandy Bean <sbean@ayer.ma.us>; Robert Pontbriand <ta@ayer.ma.us>
Subject: BOS Meeting 9/6/16 - Agenda Items Due Wednesday 8/31/16 by 3:00 PM
Importance: High

Good Morning Department Heads –

RECEIVED

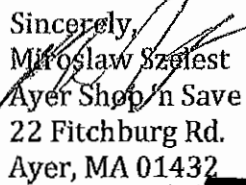
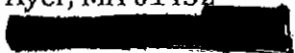
MAR 28 2016

TOWN OF AYER
SELECTMEN'S OFFICE

Ayer Board of Selectmen
1 Main St.
Ayer, MA 01432

To whom it may concern,

The Ayer Shop 'n Save is requesting special legislation via home rule petition for an all alcohol (section is off premise) license to further serve our customers and their needs. This license will allow us to build our client base and provide more products and services generating higher revenue and customer satisfaction.

Sincerely,

Mirosław Szafest
Ayer Shop 'n Save
22 Fitchburg Rd.
Ayer, MA 01432


DEPARTMENT OF PUBLIC WORKS

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



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

MEMORANDUM

Date: August 31, 2016
To: Board of Selectmen
From: Mark Wetzel, P.E. Superintendent of Public Works
Dan Van Schalkwyk, P.E. Town Engineer
Subject: **September 6 Meeting Agenda Items**

1. **Pleasant Street Reconstruction Project Contract Change Order** – This Change Order is for a spot repair performed on the sewer main. CCTV conducted prior to cured-in-place pipe (CIPP) lining showed a hole with severely cracked pipe in one joint length of the sewer main. In order for the liner to form properly within the existing pipe, a five (5) foot portion of the sewer main was repaired with new piping. A copy of the Change Order is attached. For signature by the Chair.
2. **Request for Sewer Abatement for 7 Wachusett Ave East** – Ms. Annie Reed has requested an abatement of \$377.09 for here seasonal home at 7 Wachusett Ave East. There was a leak in here water pipe in the houses crawl space sometime last winter. She has paid for the water related to the leak. Based on our investigation, the DPW recommends that Ms. Reed be abated for the sewer portion of the bill in the amount of \$377.09.

Change Order No. 1

Date of Issuance: _____ Effective Date: _____

Project: Pleasant Street Reconstruction Project	Owner: Town of Ayer, MA	Owner's Contract No.:
Contract: Pleasant Street Reconstruction Project	Date of Contract: <u>May 17, 2016</u>	
Contractor: Ricciardi Bros., Inc.	Engineer's Project No.:	

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Perform additional spot repair on sewer line based on CCTV survey. Additional spot repair located at approximately Station 9+20 (near House #38). Spot repair of approximately 5-feet of the existing 8-inch sewer main.

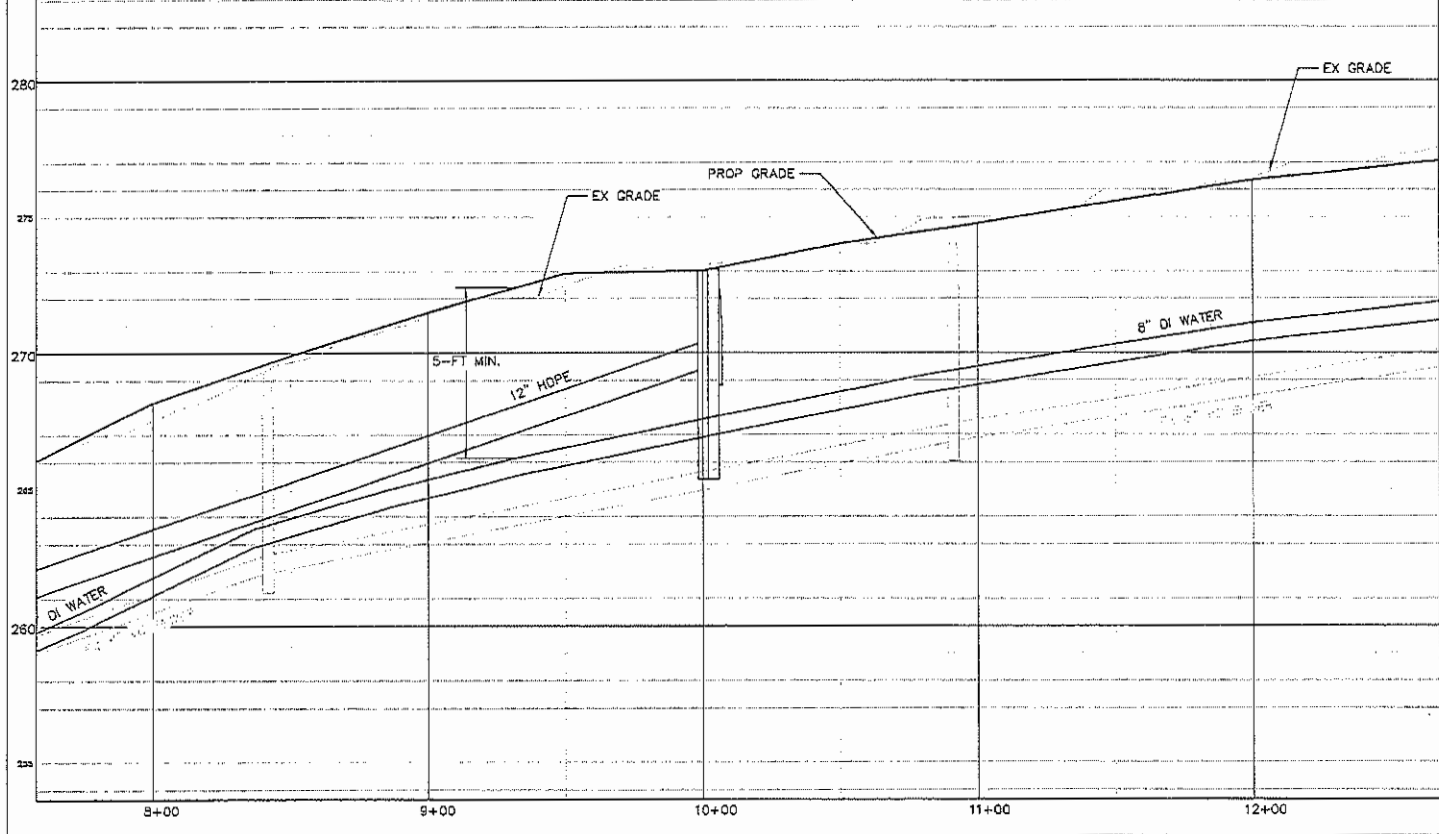
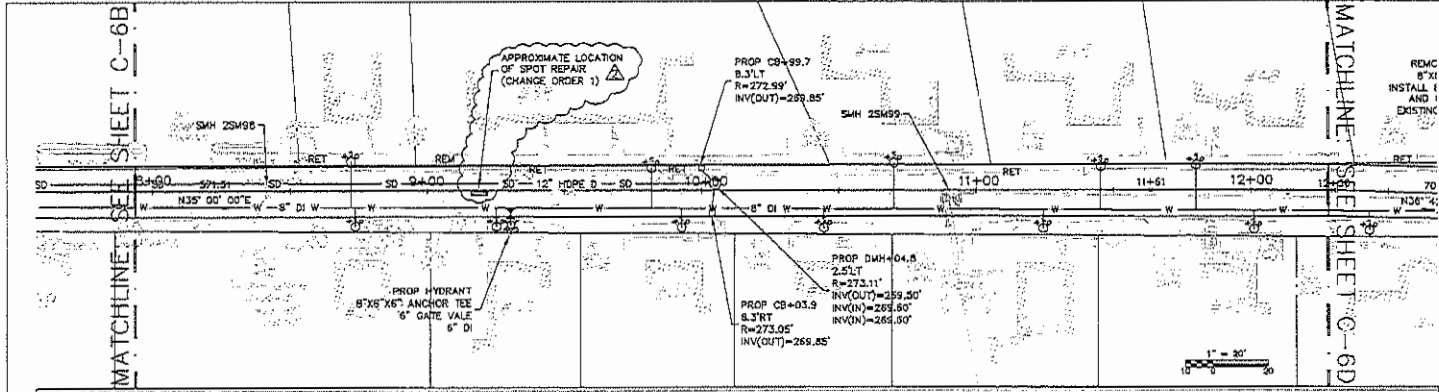
Note: Unit price for Item 5b (Spot Repair, per repair) in the Contract used for payment.

Attachments: (List documents supporting change): Drawing, Cost Sheet

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$833,566.45	Original Contract Times: <input type="checkbox"/> Working days <input type="checkbox"/> Calendar days Substantial completion (days or date): <u>November 17, 2016</u> Ready for final payment (days or date): _____
[Increase] [Decrease] from previously approved Change Orders No. <u>N/A</u> to No. <u>N/A</u> : \$0.00	[Increase] [Decrease] from previously approved Change Orders No. <u>N/A</u> to No. <u>N/A</u> : Substantial completion (days): <u>0</u> Ready for final payment (days): _____
Contract Price prior to this Change Order: \$833,566.45	Contract Times prior to this Change Order: Substantial completion (days or date): <u>November 17, 2016</u> Ready for final payment (days or date): _____
Increase of this Change Order: \$5,500.00	Increase of this Change Order: Substantial completion (days or date): <u>November 18, 2016</u> Ready for final payment (days or date): _____
Contract Price incorporating this Change Order: \$839,066.45	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>November 18, 2016</u> Ready for final payment (days or date): _____

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Date: _____	Date: _____	Date: _____

APPROVED BY FUNDING AGENCY (IF APPLICABLE): _____ Date: _____
Agency (Authorized Signature)



- NOTES**
1. INSTALL TEMPORARY WATER MAIN FROM MAIN STREET TO GROTON STREET. SEE SPECIFICATIONS.
 2. WATER SERVICE LOCATIONS ARE APPROXIMATE. WATER DIVISION WILL FIELD LOCATE ALL EXISTING WATER SERVICES DURING CONSTRUCTION.
 3. SEE SPECIFICATIONS FOR SENCH REHABILITATION.

CERTIFICATION:

19/96

ENGINEER:

Ayer DPW
25 Brook Street
Ayer, Massachusetts

REVISIONS:

NO.	DATE	BY	DESCRIPTION
1	02/21/2016	RENO P. DE	
2	02/23/2016	ADDD TONY REHAB COE.	

PROJECT:

PLEASANT STREET RECONSTRUCTION PROJECT
AYER, MA

FILE NAME:
S:\1-Projects\Pleasant Street
CDDG Drawings\CAD Files\Curb Tie
and Grading\Plan.DWG
AUTHOR: DAN VAN SCHAALKWIJK
DRAFTER: DAN VAN SCHAALKWIJK
CHECKED BY: M. WETZEL
DATE: MARCH 2016
SHEET TITLE:
PLAN &
PROFILE

SHEET:

C-4C

RECEIVED
by *pjm* Date *8/4/16*

August 1, 2016

To Ayer DPW,

I would like to formally request an abatement for a portion of my Sewer charges from my Water/Sewer Bill covering the quarterly period from 02/02/16 – 05/04/16. Please see attached.

I experienced a water main break during the cold snap that occurred in mid-February. This is my summer vacation house located on Sandy Pond. I close the house around Thanksgiving each year & shut off the heat & drain all water pipes & shut off the main water supply in my crawl space. The main water pipe from the street burst between the meter & main shut off valve in the crawl space & wasn't discovered for approximately 5 days until I was able to check on the house on a Saturday. Most of the water from the broken pipe probably drained into the pond, which is only about 50 feet from the house. In any event, none of the water would have gone into the sewer system piping.

Since this is a house I use only on weekends during the warm months typically, my history of Water/Sewer use (during last 3 years that I have owned the house), shows that I am typically billed for just the minimum - \$10 per quarter each for water & sewer.

I have enclosed a check for \$147.14 for the water portion of my bill and an additional \$20 for minimal charge sewer usage, which reflects my normal usage history.

I am seeking an abatement for the remaining \$377.09 of the sewer bill.

I will be sure to have Ayer DPW shut off the water line in the street from now on to prevent future ruptures; I wasn't aware you could do this but the gentleman from the DPW who came to shut off the water & install a new meter, made me aware that this is the best way to shut down for the winter months.

Thank you in advance for considering giving me this abatement.



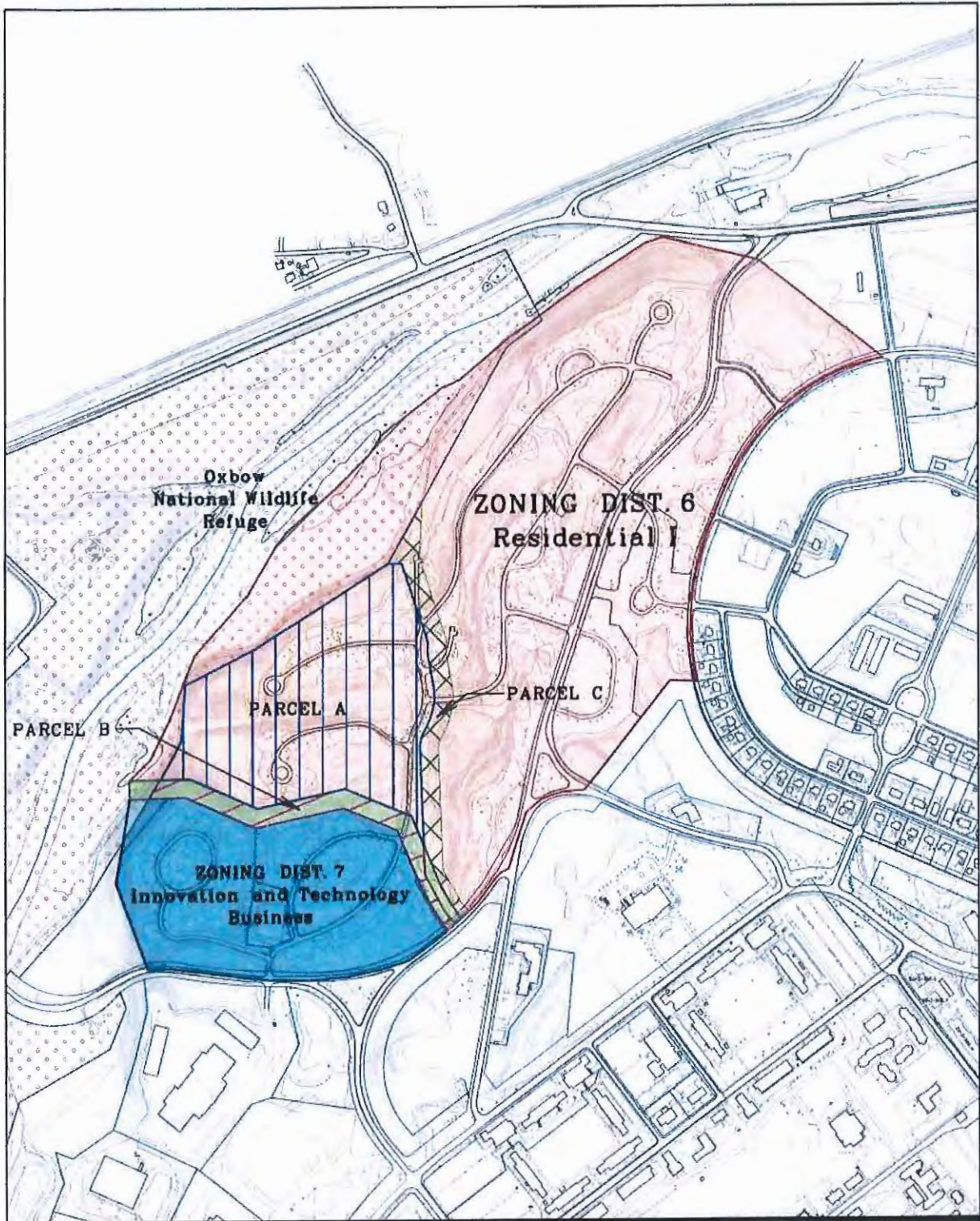
Annie Reed
7 Wachusett Ave East
Ayer MA 01432

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.

Figure 1. Zoning Map Changes



**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	4.2 Ac.
	Parcel 'C' - Residential I to Open Space Buffer	4.7 Ac.
	Oxbow National Wildlife Refuge Res I & ITB to Open Space	17.8 Ac.

Devens Regional Enterprise Zone
Ayer - Harvard - Lancaster - Shirley

Parcel No. 7 ITB

Parcel No. 4 Res. I

0 500 1000

0.1 1 Acre

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

Summary: Article 1 would rezone 32.7 acres of land in the vicinity of Beech and Plum Streets for Innovation and Technology Business (ITB) uses, creating a large site for appropriately-buffered office, light industrial, industrial, research and development, and similar facilities.

FREQUENTLY ASKED QUESTIONS

What has changed about this Article since it was voted down at the June, 2015 Super Town Meeting?

The Article has been simplified and revised in response to community comments. Most importantly, the current Article clarifies that the rezoned land will be zoned for ITB uses only whereas the 2015 Article would have allowed for an undesirable mix of residential and ITB uses. Additionally, the proposed changes have been more accurately delineated on the zoning map, allowing for the use of more precise acreages in the text of the zoning change.

Why is this change important? This proposed change would rezone 32.7 acres of land for ITB uses which, in conjunction with adjacent land already zoned ITB, would create a 40+ acre development site. This would be by far the largest commercial development site currently available at Devens and would meet the needs of modern manufacturing and research and development users seeking a “campus like” environment. The largest commercial site currently being marketed at Devens is 45 Jackson Road at 22.3 acres. While Devens’ Salerno and Airfield parcels are both large sites, their development is constrained by a combination of ongoing environmental cleanup, access limitations, rare species issues, and height restrictions.

Where is this district located? The land in question is located in the western portion of Devens adjacent to the U.S. Fish & Wildlife Service Oxbow Refuge, west of Spruce Street and north of the former Oak and Maple housing areas. See Figure 1 on the following page.

How would this zoning change work? 28.4 acres of land currently zoned Residential I (labelled Parcel A on Figure 2) will be rezoned to Innovation and Technology Business. The 4.2-acre former open space buffer area (Parcel B) between Parcel A and the adjacent Oak and Maple parcels (zoned Innovation and Technology Business) will be rezoned to Innovation and Business Technology as well, as a buffer is not needed between similarly-zoned parcels. A new 4.7-acre open space buffer (Parcel C) will be created between Parcel A and the remaining Residential I zone. Additionally, all land owned by the U.S. Fish & Wildlife Service within the Residential I district will be rezoned as open space.

Is this land adequately buffered from surrounding uses? The new parcel would be buffered from the new Emerson Green neighborhood by existing topography, specifically the two wooded ridges. The parcels, which would sit approximately 40 feet below the level of the Grant Road neighborhood, would be further offset by a new forested, 100-foot-wide buffer strip running east of Spruce Street. Uses on the new parcels would also be required to meet the DEC’s stringent performance standards for noise and light emissions. Existing roads connecting the Emerson Green neighborhood with the parcels would be closed or gated for emergency vehicle use only.

How will this impact the Nashua River and adjacent U.S. Fish & Wildlife Oxbow Refuge? The zoning district in question was specifically delineated in the 1994 reuse planning process to avoid impacts to the Nashua River and Oxbow Refuge. At its closest point, the zoning district is approximately 500 feet

from the river. As far as the change from residential use to commercial use, based on 2015 conversations with senior representatives of the Oxbow Refuge and local environmental advocacy groups, commercial uses are likely to have less environmental impact than a residential neighborhood. Additionally, all U.S. Fish & Wildlife land within the Residential I district will be rezoned to open space.

Which town's historic boundaries does this land lie within? All of this land lies within the historic boundaries of Harvard.

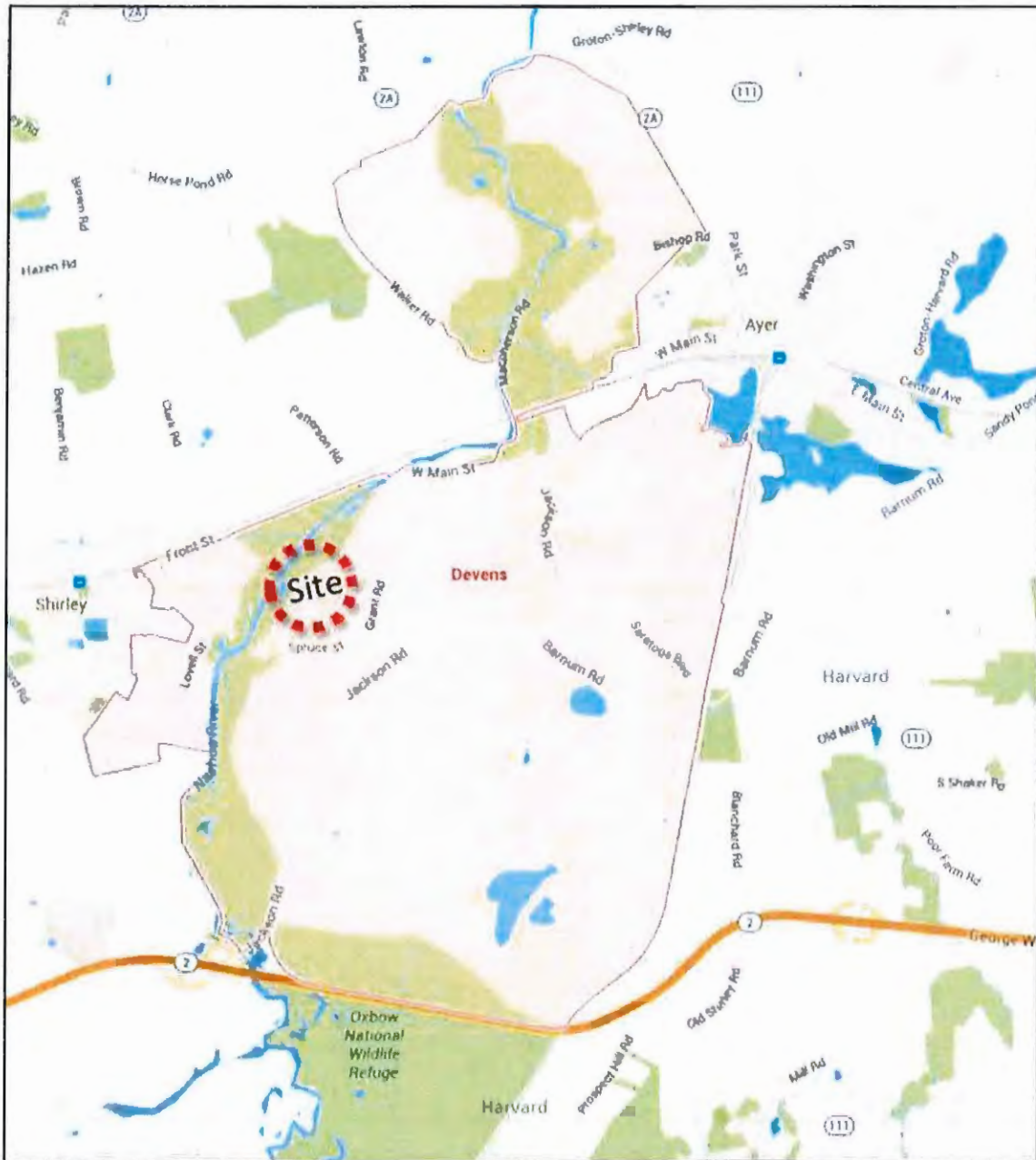


Figure 1. The approximate location of the proposed zoning change. See Figure 2 for more detail.

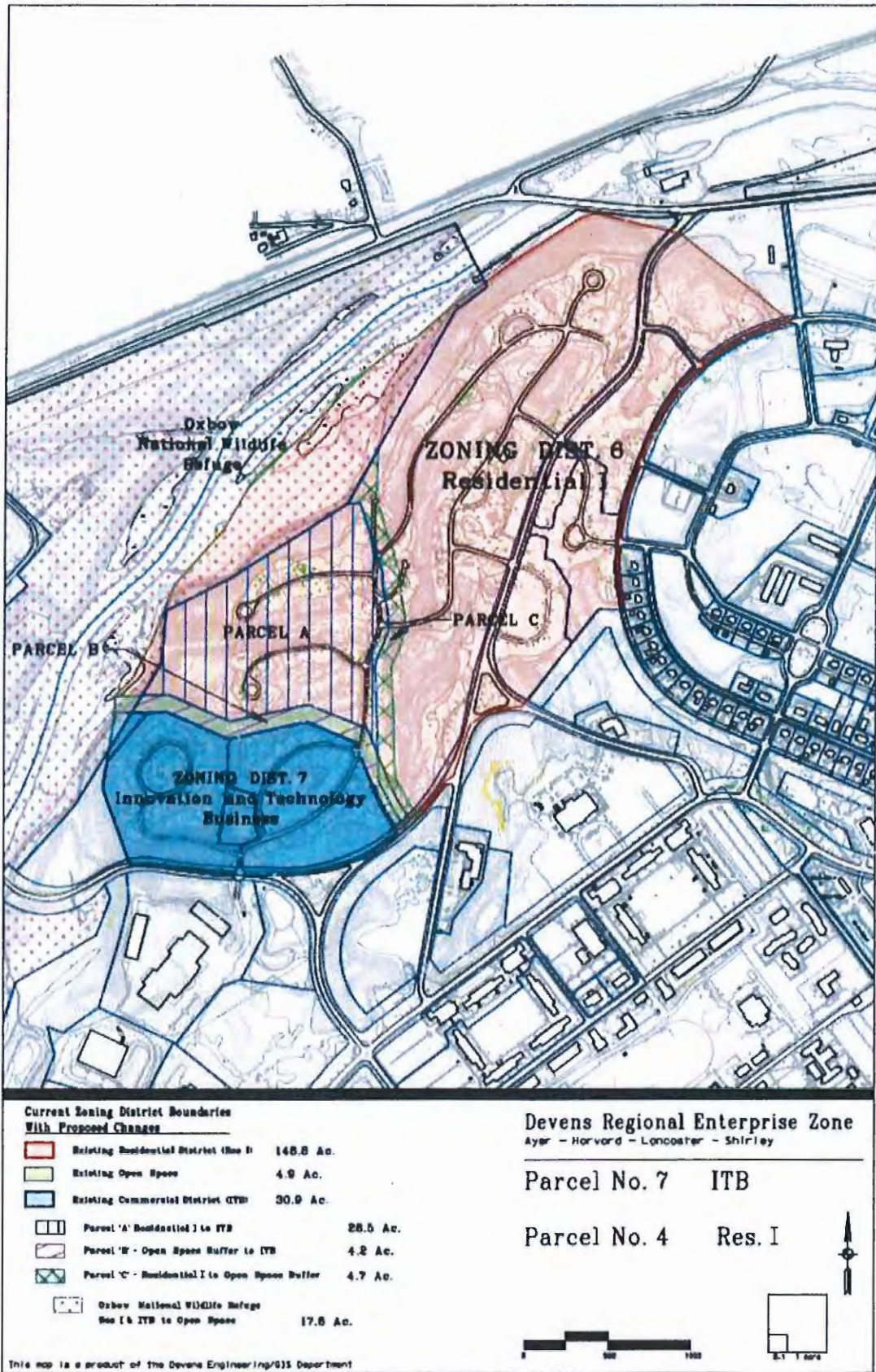


Figure 2. Plan showing proposed changes to the Devens Zoning Map.

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 1, 2016

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: Town Administrator's Report for the September 6, 2016 Board of Selectmen's Meeting

Dear Honorable Selectmen,

I am pleased to submit to you my Town Administrator's Report for the September 6, 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 provide a brief Administrative Update to the Board at the meeting which will include a project update of the Ayer Commuter Rail Surface Parking Lot and Access Improvement Project.

Appointments:

- Due to an administrative error from the August 16, 2016 Board Meeting, the name of the candidate for appointment to the Water and Sewer Rate Review Committee was the incorrect name submitted from Naysoa. Therefore I am respectfully recommending that the Board vote to rescind the appointment of Mr. Ross Gatta and appoint Mr. Niel Middleton of Nasoya to the Water and Sewer Rate Review Committee for a one year term to expire on June 30, 2017 effective immediately.

Opening of the 2016 Special Fall Town Meeting Warrant:

- The Board is respectfully requested to vote to officially open the Warrant for the 2016 Special Fall Town Meeting Warrant to be held on October 24, 2016 at 7pm in the ASRSD High School Auditorium.
- The deadline for all Citizens Petitions to the Town Clerk will be 12pm Noon on Friday, September 30, 2016.
- The deadline for all warrant articles to the Board of Selectmen's Office will be 12pm Noon on Friday, September 30, 2016.

Devens Household Hazardous Waste Center Amendment #5:

- It is respectfully recommended that the Board vote to approve Amendment #5 of the Household Hazardous Waste Center Contract (see attached). Amendment #5 will allow the Town of Pepperell to become a member of the Center.

Chapter 61 Notification Re: Conversion of 61 Land on Rosewood Avenue for Solar Development:

- The attached Notice to Convert Chapter 61 Land was received on July 14, 2016 which was previously transmitted to the Board (see attached). Upon an internal review of the parcel, Town Departments did not indicate a use interest for said land. Additionally, there is no existing funding within the FY 2017 Budget to conduct an appraisal required for the right of first refusal. Finally, the 30-day statutory timeline lapsed. I am respectfully recommending that the Board officially vote whether or not to waive its right of first refusal.

Conservation Commission Request-Complete Organization of ConCom Files:

- The Board is respectfully requested to approve the attached request from the Conservation Commission (see attached).

Notice of Award of Contract for the Police Station Roof Replacement Project:

- The Board is respectfully requested to vote to authorize the notice of award of contract for the Police Station Roof Replacement Project to Almar, LLC of Medfield, MA. Almar was the lowest and most responsive and responsible bid received for the project in the amount of \$117,748. All professional due diligence and references were positive for Almar as conducted by the Facilities Department.
- Upon the Board's vote to award the notice of contract, the project contract will be developed for final review and approval by the Board at the September 20, 2016 Board Meeting.

Thank you.

Attachment(s).

**FIFTH AMENDMENT TO
INTERMUNICIPAL AGREEMENT**

**By and Among Communities in the Devens Region Participating in the
Devens Regional Household Hazardous Products Collection Program**

This Fifth Amendment to Intermunicipal Agreement (“Amendment #5”) is dated as of the ____ day of _____, 2016, in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 4A, by and between the “Participating Communities” (as defined below). The effective date of Amendment #5 (the “Effective Date”) shall be September 1, 2016.

RECITALS

WHEREAS, the Massachusetts Development Finance Agency (“MassDevelopment”), acting on behalf of the Devens Regional Enterprise Zone (“Devens”), and the Towns of, Ayer, Bolton, Groton, Harvard, Lancaster, Littleton, Lunenburg, Townsend, Shirley, Ashby, Stow, and Clinton (the “Participating Communities”), entered into that certain Intermunicipal Agreement dated as of March 16, 2011 (the “IMA”), First Amendment dated July 1, 2012 (“Amendment #1”), Second Amendment dated July 1, 2013 (“Amendment #2”) Third Amendment dated June 30, 2016 (“Amendment #3”), and Fourth Amendment dated July 1, 2016 (“Amendment #4”) regarding the Devens Regional Household Hazardous Products Collection Program (the “Program”) (terms used but not defined herein shall have the meaning given to them in the IMA); and

WHEREAS, the Town of Pepperell desires to participate in the Program and join the Collaborative; and

WHEREAS, in a vote taken at its meeting on February 20, 2014, the Oversight Committee voted to admit the Town of Pepperell into the Collaborative; and accept the Town’s proposal to pay the annual fee and spread the one time capital cost over multiple years up to four years; and

WHEREAS, admittance of an additional municipality into the Collaborative requires an amendment to the IMA,

NOW THEREFORE, the Participating Communities and the Town of Pepperell agree as follows:

AGREEMENT

1. The term “Participating Communities” as set forth in the first recital of the IMA shall now be defined as: the Massachusetts Development Finance Agency (“MassDevelopment”), acting on behalf of the Devens Regional Enterprise Zone (“Devens”), and the Towns of Ayer, Bolton, Groton, Harvard, Lancaster, Littleton, Lunenburg, Townsend, Shirley, Ashby, Stow, Clinton and Pepperell.

2. Section 3(a) of the IMA (Membership Requirements; Termination of Membership) is hereby amended by adding the following paragraph thereto, in consideration of the Town of Pepperell being permitted to extend its required payment of the one time Infrastructure Fee over a 4 year term:

Four-Year Membership Requirement. By entering into this IMA and joining the Collaborative, the Town of Pepperell agrees to provide financial and operational support for the RHPCC as described herein for not less than a four (4) year term.

IN WITNESS WHEREOF this Fifth Amendment to Intermunicipal Agreement is executed in the name of each named municipality by a duly authorized officer of such municipality as of the date written above.

MASSACHUSETTS DEVELOPMENT FINANCE AGENCY

BY:

_____, duly authorized

Name:

Title:

Date:

TOWN OF AYER

BY:

_____, duly authorized.

Name:

Title:

Date:

TOWN OF BOLTON

BY:

_____, duly authorized.

Name:

Title:

Date:

TOWN OF GROTON

BY:

_____, duly authorized.

Name:

Title:

Date:

TOWN OF HARVARD

BY:

_____, duly authorized.

Name:

Title:

Date:

TOWN OF LANCASTER

BY:

_____, duly authorized.

Name:

Title:

Date:

TOWN OF LITTLETON

BY:

_____, duly authorized.

Name:

Title:

Date:

TOWN OF LUNENBURG

BY:

_____, duly authorized.

Name:

Title:

Date:

TOWN OF TOWNSEND

BY:

_____, duly authorized.

Name:

Title:

Date:

TOWN OF SHIRLEY

BY:

_____, duly authorized.

Name:

Title:

Date:

TOWN OF ASHBY

BY:

_____, duly authorized.

Name:

Title:

Date:

TOWN OF STOW

BY:

_____, duly authorized.

Name:

Title:

Date:

TOWN OF CLINTON

BY:

_____, duly authorized.

Name:

Title:

Date:

TOWN OF PEPPERELL

BY:

_____, duly authorized.

Name:

Title:

Date:

Law Office of Thomas A. Gibbons, PC.

Thomas A. Gibbons, Esq.
tgibbons@tgibbonslaw.com
Licensed to practice in MA & NH

www.tgibbonslaw.com
21 Park Street
Ayer, MA 01432

Victoria Horan, Esq.
vhoran@tgibbonslaw.com
Licensed to practice in MA & NH

Telephone: 978-772-2284
GENERAL FAX: 978-772-0802

RECEIVED
JUL 14 2016

TOWN OF AYER
SELECTMEN'S OFFICE

Tracey B. Harding, Esq., Esq.
tharding@tgibbonslaw.com
Licensed to practice in MA

July 14, 2016

VIA IN HAND

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

VIA IN HAND

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

VIA IN HAND

Conservation Commission
Town of Ayer
1 Main Street
Ayer, MA 01432

VIA IN HAND

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

VIA CERTIFIED MAIL

9414 7118 9956 3065 3938 67

Department of Conservation and Recreation
Leo Roy, Commissioner
Attn: State Forester
251 Causeway Street, Suite 90
Boston, MA 02114

**NOTICE OF INTENT TO CONVERT TO SOLAR ENERGY FACILITY USE
PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 61A**

Dear Honorable Board Members:

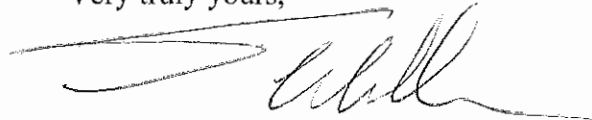
Please be advised that this office represents Calvin E. Moore, Trustee of the Cowfield Realty Trust II, under a declaration of trust dated October 26, 2014, said trust being recorded with the Middlesex South Registry of Deeds at Book 64526, Page 571. This letter is to serve as Notice that Calvin E. Moore, Trustee of the Cowfield Realty Trust II, of 39 Main Street, Suite 204, Ayer, Massachusetts and who can be reached through the care of the Law Office of Thomas

A. Gibbons, P.C. at (978) 772-2284, intends to convert for solar energy facility use a parcel shown on Town of Ayer Assessor's Map 3 Parcel 2, which is a portion of the property described in a deed to Calvin E. Moore, Trustee of Cowfield Realty Trust II, under Declaration of Trust dated October 26, 2014, which deed is recorded with the Middlesex South District Registry of Deeds in Book 64527, Page 249. Attached hereto as Exhibit A is a copy of said plan, which shows the 22.25 parcel of which 18.75 acres is under Massachusetts General Laws Chapter 61.

Pursuant to Massachusetts General Laws, Chapter 61, Section 8, the Town of Ayer has the option of purchasing "the land at full and fair market value to be determined by an impartial appraisal performed by a certified appraiser hired at the expense of the municipality or its assignee, the original appraisal to be completed and delivered to the landowner within 30 days" from the date of the mailing of this Notice. Calvin E. Moore, Trustee, respectfully requests that if the Town of Ayer, acting by and through its Board of Selectmen, decides that it will not exercise its option, and that decision is made prior to the expiration of the thirty (30) day appraisal period, that it please notify Attorney Thomas A. Gibbons of said decision so that the Trust may complete the conversion in a more expeditious fashion.

If you have any questions or concerns regarding this matter, please do not hesitate to contact me at the above address and phone number.

Very truly yours,

A handwritten signature in black ink, appearing to read 'T. Gibbons', written over a horizontal line.

Thomas A. Gibbons, Esquire

TAG/tbh
Enclosures

Town of Ayer

CONSERVATION COMMISSION

Town Hall ♦ One Main Street ♦ Ayer, MA 01432
Phone 978-772-8249 ♦ Fax 978-772-8208

RECEIVED
AUG 30 2016
TOWN OF AYER
SELECTMEN'S OFFICE



August 25, 2016

Re: Funding to Complete Organization of Conservation Commission Files

Selectmen of Ayer:

Peter McLaughlin came to the Conservation Office through the Tax Work Off program, and brought with him a valuable skill set and professional history. The manual and intellectual labor he performed in databasing so many of the documents on the third floor has been extraordinarily valuable, and we look forward to the completion of this task.

The Conservation Commission has approved Mr. McLaughlin to continue his work organizing and databasing our files. The Commission has agreed to pay for 100 hours of work, at 12 dollars an hour. With your approval, Mr. McLaughlin will renew his efforts on or about September 6th, and the work will be completed by the end of the current calendar year. He will be paid as a contractor to complete this work.

The funds to pay Mr. McLaughlin will come from the Wetlands Protection Fund, which is reserved for projects directly related to the administration and enforcement of the Wetlands Protection Act, and which may be used for salaries.

The Conservation Commission is kindly requesting that the Board approve this use of funds, and to allow the highly capable Mr. McLaughlin to continue providing our office with this irreplaceable service.

Sincerely,

for William R. Daniels, Chairman
AYER CONSERVATION COMMISSION

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



Tuesday August 16, 2016
Meeting Minutes

Broadcast and Recorded by APAC

Present: Gary J. Luca, Chair; Christopher R. Hillman, Vice-Chair (*Arrived at 7:00 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.

Executive Session: A motion was made by J. Livingston and seconded by G. Luca to enter into Executive Session pursuant to MGL c.30A, sec.21A Exemption #1 (DPW Personnel Matter) and to reconvene in Open Session at 7:00 PM. J. Livingston further stated that to discuss this matter in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** G. Luca, aye; J. Livingston, aye. **Motion passed 2-0.**

Reconvene in Open Session: G. Luca reconvened the BOS in Open Session at 7:00 PM.

Review and Approve Agenda:

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

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

Announcements: G. Luca wished Mr. Ernie Blasetti a Happy 100th Birthday.

Public Input: None

Superintendent Mark Wetzel, Department of Public Works: M. Wetzel began by recognizing Town Engineer Dan Van Schalkwyk on recently being named a "Roads Scholar" by the Bay State Roads Program.

Appointment of Water/Wastewater Meter Reader/Laborer – M. Wetzel introduced Mr. Tim Lahtinen as his recommended candidate for the position of Water/Wastewater Meter Reader/Laborer. Mr. Lahtinen has worked in the DPW Office as Office Assistant since February of 2012. He is recommending that Mr. Lahtinen be appointed at Step 3.

G. Luca stated that he is always happy to see a promotion from within.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to appoint Mr. Tim Lahtinen to the position of Water/Wastewater Meter Reader/Laborer at Step 3 effective August 18, 2016. **Motion passed 3-0.**

East Main Street Contract Change Order – M. Wetzel explained that the changed order is for additional paving on East Main Street and replacement of water mains on Fletcher Street, Prospect Street and Oak Street. These funds are being added to the contract due to additional available grant funding. The change order is in the amount of \$303,723.30.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve Change Order #2 for the East Main Street Contract Change Order in the amount of \$303,723.30 with signature by the Chair.

Motion passed 3-0.

West Main Street Wastewater Pumping Station Change Order – M. Wetzel presented a Change Order for the West Main Street Wastewater Pumping Station stemming from a change in location request by the affected property owner (Calco, LLC). The amount of the Change Order is \$19,642.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve the Change Order for the West Main Street Wastewater Pumping Station in the amount of \$19,642 with signature by the Chair.

Motion passed 3-0.

Wastewater Treatment Engineering Agreement – M. Wetzel presented the Wastewater Treatment Engineering Agreement. The agreement is with CDM –Smith in the amount of \$200,000 for additional engineering, modelling and NPDES permitting at the Ayer Wastewater Treatment Plan.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the Wastewater Treatment Engineering Agreement between the Town of Ayer and CDM-Smith in the amount of \$200,000 with signature by the Chair. **Motion passed 3-0.**

Status of Ayer Waste Supply and Recommendation for Additional Restrictions – M. Wetzel gave a Power Point presentation about the need to conserve additional water given the recent drought conditions. He stated further that if the Town does not implement stricter mandatory water restriction, there will be long term consequences and the potential of a water supply emergency. He is recommending that the BOS, as the Water Commissioner, implement a restriction of 5f Outdoor Water Use Ban. A 5f restriction bans all outdoor water use with the following exceptions: watering with hand hose or watering can.

G. Luca asked M. Wetzel if he had an approximate idea about the number of irrigation systems in Town. M. Wetzel stated that there about 3,100 water users in Town and about 300 irrigation systems that he is aware of.

C. Hillman asked if the Water Ban would affect residents with private wells. M. Wetzel stated that it is not part of his recommendation.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to adopt the DPW Superintendent's recommendation of implementing a 5f Outdoor Water Use Ban effective immediately.

Motion passed 3-0.

Public Hearing, MGL c. 61 sec. 8, Nashua Street Extension: At 7:35 PM, J. Livingston opened the Public Hearing by reading the public hearing notice. R. Pontbriand gave a brief overview of the letter received by the Town on May 24, 2016 by Cowfield Realty Trust II notifying the Town of their intent to convert Chapter 61 land to residential use, specifically Assessor's Map 13 Parcel 10. R. Pontbriand stated that the Town conducted an appraisal that came in at \$535,000.

G. Luca asked if the any members of the public had input.

Ms. Barbara Mack, 105 Pleasant Street, stated that in the future she would be happy to help the Town in grant writing for open space land acquisition.

Ms. Beth Sudemeyer, 16 Nashua Street gave a Power Point Presentation about the benefits of the Town purchasing the parcel and maintaining it as open space. She stated the land has prime agricultural soil and has several Environmental Justice designations. She also shared a concept about using the land, as well as other additional properties, to connect the Rail Trail to the schools on Washington Street for a safe walk route to school. She stated that there is another Chapter 61 property on Pleasant Street that is in the pipeline for conversion and that land would also be beneficial for the Town to purchase to maintain as open space.

Mr. Frank Maxant, 14 Williams Street inquired whether or not the property owner would be interested in selling the development rights.

Ms. Bonnie Tillotson, 15 Oakridge Drive asked whether or not you could transfer the right of first refusal to a non-profit. C. Hillman stated that he did not feel comfortable giving up the Town's rights to some other entity.

B. Sudemeyer stated that the Town of Ayer is rapidly approaching build-out and it is prudent to take this seriously.

Calvin Moore, property owner, thanked Ms. Sudemeyer for all the hard work that went into the presentation and then asked the BOS to make a decision as soon as possible.

R. Pontbriand stated that unfortunately, the Town has been in a reactive position and the appraised price to acquire the land is considerable. He has since convened a Chapter 61 working group to prioritize the purchasing of Chapter 61 land.

Mr. Dan Gleason, 24 Howard Street suggested that the Town put it on a Town Meeting warrant to let the voters decide.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to waive the Town's right of first refusal and not pursue the acquisition of the property. **Motion passed 3-0.**

Motion: A motion was made by C. Hillman and seconded by J. Livingston to close the public hearing at 8:30 PM. **Motion passed 3-0.**

West Main Street/Shirley Street Culvert Engineering Update: M. Wetzel and representatives from Hoyle Tanner and Associates, Inc. and Word Tech Engineering gave an update on the status of the engineering for the West Main Street Culvert and Shirley Street Bridge. The presentation highlighted project goals/objectives; existing conditions; design consideration; alternative analysis; funding and next steps. M. Wetzel stated that recently signed bridge funding legislation and the complete streets program may mitigate local cost to the project. The anticipated schedule is for a public input meeting in September 2016; Draft Preliminary Design Report by October 2016; BOS Meeting in November 2016 and a final design report back to the Town by late November 2016.

Town Administrator's Report:

R. Pontbriand is recommending the following appointments:

- Mr. Ross Gatta from Nasoya Foods to the Water and Sewer Rate Review Committee

Motion: A motion was made by C. Hillman and seconded by J. Livingston to appoint Mr. Ross Gatta to the Water and Sewer Rate Review Committee for a one year term to expire June 30, 2017. **Motion passed 3-0.**

- Ms. Julie Murray to the Community Preservation Committee

Motion: A motion was made by C. Hillman and seconded by J. Livingston to appoint Ms. Julie Murray to the Community Preservation Committee for an unexpired three year term to expire June 30, 2018. **Motion passed 3-0.**

- Chief Murray, Ayer Police Department asked for the following list of Department of Defense Police Officers be appointed as Special Police Officers: Lt. Kelly White; Sgt. Rusty Simoneau; Off. Tobey Langley; Off. Nathan Buckley; Off. Nicholas Trinqué; Off. Adam Kalil; Off. Luciano Biancaniello; Off. Aaron Blinn; Off. Richard Russ.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to appoint the abovementioned list as Special Police Officers. **Motion passed 3-0.**

Approval of Ladder 1 Rehab Contract – On behalf of Chief Pedrazzi, Ayer Fire Department, R. Pontbriand is requesting the BOS to approve the contract for rehabilitation of Ladder 1 in the amount of \$247,980 to Greenwood Emergency Vehicles.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve the contract between the Town of Ayer and Greenwood Emergency Vehicles in the amount of \$247,980 for the purpose of rehabilitation for Ladder 1. **Motion passed 3-0.**

Page-Hilltop Day of Kindness Temporary Partial Main Street Closing – R. Pontbriand explained that he had received a request from Page-Hilltop Elementary School requesting that the BOS approve a temporary, partial closing of Main Street between Washington and Columbia Streets on Sunday November 13, 2016 from approximately 12:45 PM to 1:30 PM for the purposes of student and teachers to participate in World Kindness Day. Board members had no objections.

Amendment #2 Veteran Services at MassDevelopment – R. Pontbriand is requesting that the BOS authorize Amendment #2 of the Veteran's Services Contract between the Town of Ayer and MassDevelopment, which enables the Town of Ayer's Veteran Service Officer to provide services for veterans living in Devens.

Motion: A motion was made by J. Livingston and seconded by C. Hillman to extend the contract for an additional year until August 31, 2017. **Motion passed 3-0.**

New Business/Selectmen's Questions:

MPO Rule Making Changes and Letter of Support (Selectman Luca) – G. Luca reported that he recently attended an MPO meeting and that the Federal Highway Administration and the Federal Transit Administration are looking to consolidate the number of MPO regions across the country. The Montachusett Planning Organization is opposing the proposed change and is asking each local BOS to send a letter of opposition.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to authorize the Town Administrator to write and send a letter of opposition from the Town of Ayer. **Motion passed 3-0.**

Approval Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of July 12, 2016. **Motion passed 3-0.**

Executive Session: A motion was made by J. Livingston and seconded by C. Hillman to enter into Executive Session pursuant to MGL c.30A, sec.21A Exemption #3 (Litigation Strategy) *Gintner v. Town of Ayer*; Exemption #3 (Litigation Strategy) *Worthendale v. Town of Ayer*; Exemption #3 (Collective Bargaining) Police Superiors Contract Negotiations update and to adjourn from Executive Session. J. Livingston further

stated that to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy.
By Roll Call Vote: G. Luca, aye; C. Hillman, aye; J. Livingston, aye. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: _____

Signature Indicating Approval: _____

