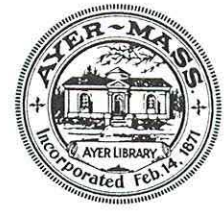


RECEIVED
JAN 13 2021

TOWN OF AYER
TOWN CLERK

3:30pm
Susan Copeland

Town of Ayer
Select Board
Ayer Town Hall – 1st Floor Meeting Room
1 Main Street
Ayer, MA 01432



Tuesday January 19, 2021 – 6:00 PM Open Session
Open Session Remote Participation Meeting Agenda

Due to the ongoing COVID-19 Pandemic, Governor Baker issued an Emergency Order Temporarily Suspending Certain Provisions of the Open Meeting Law. Public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be broadcast live on Channel 8, and on Zoom. The public may participate remotely by following the call-in information on the bottom of the live broadcast screen.) For the Zoom meeting information relating to remote participation, please contact Cindy Knox, IT Director at cknox@ayer.ma.us or 978-772-8252 or Carly Antonellis, Assistant Town Manager at atm@ayer.ma.us or 978-772-8220 prior to the meeting.

6:00 PM

Call to Order

Pledge of Allegiance; Review and Approve Agenda; Announcements

Public Input

Individuals with public input and/or questions for the Select Board should call-in at this portion of the meeting and state their name and address when asked by the Chair. Any public input and/or questions may be sent to the Assistant Town Manager, Carly Antonellis at 978-772-8220 or at atm@ayer.ma.us

6:05 PM*

Recognition of Assessors Office for Data Conversion

6:10 PM

Superintendent Mark Wetzel, DPW

1. Street Opening and Driveway/Accessway Permit Regulations

6:20 PM

Beth Suedmeyer, Committee Member, Wild and Scenic River Stewardship Committee

1. Update on Wild and Scenic River Stewardship Committee

6:25 PM

Town Clerk Susan Copeland

1. Approval of Annual Town Election Warrant
2. Annual Election Update

6:35 PM

Town Manager's Report

1. Administrative Update/Review of Town Warrant(s)
2. COVID-19 Update
3. FY '22 Budget Update
4. Proposal to Increase Reserve Fund for FY '22
5. Extension of Family First Corona Relief Act
6. Opening of the Annual Town Meeting Warrant

6:50 PM

New Business/Selectmen's Questions

6:55 PM

Approval of Meeting Minutes

December 21, 2020

7:00 PM

Adjournment

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

John Kilcommins
Chair, Ayer Board of Assessors

11/24/2020

Ayer Select Board

Dear Ayer Select Board:

On behalf of the entire Board of Assessors, I would like to express our sincere admiration for the amazing efforts put in by Assessing Administrator Tom Hogan and Assessing Department Assistant Jacquelyn Guthrie on their successful conversion of Ayer's entire real estate database. The Assessing Department's internal audit of the conversion to Tyler Technologies' iasWorld Appraisal Solution has received final approval from the Bureau of Local Assessment. Out of the 40 Massachusetts communities participating in this process Ayer is one of the few to have received this approval. This conversion, lasting over 18 months, involved a considerable amount of work. In FY20 both the legacy system, CSC, and iasWorld Appraisal Solution were run in parallel. For FY21 the town has moved to iasWorld Appraisals while all ongoing Assessing Department functions continued without interruption.

Thank you to Tom and Jacquelyn for all of their hard work and diligence.

Sincerely,

John Kilcommins
Chair, Ayer Board of Assessors



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
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MEMORANDUM

Date: January 12, 2021
To: Ayer Select Board
From: Mark Wetzel, Superintendent of Public Works
Subject: **Agenda Items for January 19, 2021 Select Board Meeting**

1. **Street Opening and Driveway / Accessway Permit Regulations**– The Town of Ayer recently approved a revised Street Opening and Driveway Accessway Permit Bylaw. The DPW has developed draft regulations detailing permit requirements, application process, conditions and fees. I will have a brief presentation for the Board summarizing the key aspects of the regulations and answer questions. I am proposing that after the meeting, the regulations be posted on the Town web page for two weeks to get public input and then finalize and approve the regulations at a future Board meeting.

Attachments:

- Draft Street Opening Regulations
- Draft Driveway / Accessway Regulations

**STREET OPENING PERMIT
REGULATIONS**

TOWN OF AYER, MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

January 1, 2021

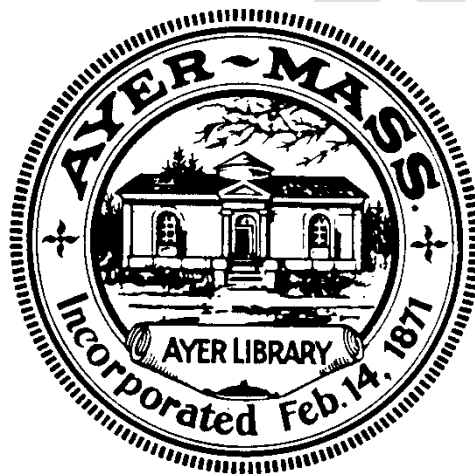


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DRAFT

1.0 Intent and Administration

- 1.1. The purpose of this regulation for access to the public Right of Ways in the interest of public safety and convenience, and the operation and protection of public works infrastructure. Design and construction standards are required to preserve the integrity, operational safety, and function of the public Right of Way.
- 1.2. An approved Street Opening Permit must be obtained prior to any excavation, occupancy or obstruction within the Town Right of Way. Examples of work that would require a permit of this type include, but are not limited to, utility installation and repair, curbing and sidewalk repair, pole, boring or guard rail fence installation.
- 1.3. The Superintendent of Public Works is the principle Town official responsible for the administration of the Right of Ways, Street Opening and Driveway / Access Permits, and these Regulations. The Superintendent may delegate any or all of the duties hereunder.
- 1.4. Excavation on State Highway, Route 2A requires a MassDOT permitting, the Permittee shall obtain said approvals and permits and submit with the application.

2.0 Definitions

- 2.1. For the purpose of understanding the Regulations, all words shall have their standard meanings. These words are more particularly defined as follows.
 - Alteration: any change of existing conditions.
 - Applicant: any individual, firm, corporation, partnership, or agency, public or private that has filed a Permit Application.
 - Application: Driveway / Accessway Permit Application.
 - AAB : Architectural Access Board, a regulatory agency within the Massachusetts Office of Public Safety. Its legislative mandate states that it shall develop and enforce regulations designed to make public buildings accessible to, as well as functional and safe for use by persons with disabilities.
 - ADA: Americans with Disabilities Act and all the requirements set forth therein.
 - Berm: a shoulder curb on rural and urban highways which do not have continuous curb and require control of drainage; directs water to closed drainage system, prevents sloughing of the pavement edge, and provides additional lateral support
 - Circular Driveway: a residential driveway with two (2) access openings across or through the same frontage.
 - Select Board: elected body of officials responsible that direct policy decisions of the Town through the office of the Town Manager.
 - Drainage System: the network of culverts, manholes, catch basins, ditches, pipes, swales, gutters, and other man-made and natural courses for draining stormwater runoff from Town Roads.
 - Commercial: relating to any property use other than residential use as defined in this section. Lots with seven or more dwelling units, lots with mixed use, and lots with commercial and/or industrial uses shall be “Commercial” lots for the purpose of this regulation.

- Construction Within the Right-of-Way: the alteration of any structure, creation of any new structure, excavation, installation or modification of utilities or subsurface structures, or physical modification within the Right-of-Way.
- Corner Clearance: distance from roadway intersections to the nearest driveway entrance
- Curb: a raised device used extensively on urban streets and highways controls drainage, restricts vehicles to the pavement area and defines points of access to abutting properties
- Curb Cut: the phrase used to refer to the width of the opening to the street.
- Dig Safe shall mean the current existing underground facility damage prevention system established by Massachusetts State statute to provide for safe underground excavation.
- DPW: Department of Public Works.
- Driveway shall mean the portion of a street from the private property to provide vehicular access, parking, and/or storage from the private property to the Town roadway. Driveway Types:
 - Residential: a driveway leading to a Residential use as defined in this section.
 - Commercial: any driveway leading to a Commercial use as defined in this section.
 - Emergency shall mean any event which may threaten public health or safety, including but not limited to: damaged or leaking water or gas conduit systems; damaged, plugged or leaking sewer or storm drain conduit systems; damaged underground electrical and communications facilities; or downed overhead pole structures.
- Emergency — an event that may threaten public health or safety, including but not limited to, third party damaged or mechanical failure resulting in water or gas facility systems leaking, damaged / plugged or leaking sewer or storm drain facility systems, damage resulting in customer service outage to underground electrical and communication facility systems or downed overhead pole structures.
- Encroach:
 - The placing, depositing, or parking of any ladder, staging, scaffolding, rigging, tower, fence, wall, material, equipment, machinery, dumpster, container, refuse, debris or any other such object, article or thing used in connection with, or arising out of, any building, construction, demolition or other similar work. Encroach shall also include the placing, depositing, or parking of any trailer, truck or like vehicle adjacent to or in close proximity to aforementioned work, and which is being so used for such purposes.
 - An intrusion or use caused by the draining or pumping of water in any manner that may in any way obstruct, impede, or endanger public use or travel, or could cause any icy condition which in any way may obstruct, impede or endanger public use or travel or the Town drainage system.
 - The placing of any booth, stall, stand, display, goods or merchandise for sale, vending machine, billboard, sign, advertising instrument or apparatus, or any

other such object, article or thing;

- The placing or erecting of any shed building, tower, pole, pole line, pipe, wall, fence or any other such structure or object.
- The placing of steel plates not properly fastened, not properly ramped, or not properly recessed and fastened.
- Excavation: Action of digging up, drilling, auguring, tunneling, milling, reclaiming, or cable and pipe driving. Excavation does not include the tilling of soil, gardening, or displacement of earth, rock or other material, including the establishment, construction, resurfacing, repaving or reconstruction of any sidewalk and/or driveway approach,
- Jackie's Law: The Commonwealth of Massachusetts General Law Title XIV: Chapter 82A Excavation and Trench Safety.
- MassDOT : The Massachusetts Department of Transportation.
- Permit: Street Opening or Driveway / Accessway Permit,
- Permittee: Recipient of a Street Opening Permit, including all contractors and subcontractors working on the project.
- Protected Street: A street that has been resurfaced or rehabilitated within the past (5) five years
- Right-of-Way: the land acquired for or devoted to roadway and municipal purposes
- Roadway: a means of vehicular access to a Town road or Town Road Right-of-Way that serves more than one single or individual family dwelling, duplex unit, multifamily unit or commercial establishment.
- Setback: the lateral perpendicular distance between the Right of Way line and a roadside building, gasoline pump, curb base, display stand, or other object, the use of which will result in space for vehicles to stop or park between such facilities and the Town Road Right-of- Way.
- Sidewalk: any public area within a Town right-of-way (including driveways) that is available to pedestrian traffic

3.0 Street Opening Permit Application

3.1. Street Opening Permit Application shall be obtained from the office of the DPW or on-line at www.ayer.ma.us except as otherwise provided in this Regulation.

3.2. When submitting the permit application, include:

- Completed application
- Application fees (See Appendix A)
- A Certificate of General Liability Insurance
- Dig-Safe number
- Trench Permit Application (if applicable)
- Starting and completion dates

- Detailed scaled drawing showing the limits of excavation, dimensions,
- Property owner and contractor signatures on the application.

- 3.3. The permit fee is required with each Permit and is due at the time of application submittal. The application fee shall be as stated in Appendix A of these Regulations. If the permit is denied, the fee will be refunded.
- 3.4. A performance bond in the sum of \$5,000 is required for each Street Opening Permit granted that requires a Street Opening Permit. All bonds shall be in full effect for a period of one (1) year from the date of application.
- 3.5. Traffic management plan is required for all arterial/collector streets. The Applicant will be required to submit a traffic control plan prior to the issuance of a permit. Police detail is required on all arterial/collector streets. Efforts shall be made to maintain normal traffic flow. All road closures shall be communicated to the Police Chief within 24-hours of their expected closure. Any changes to proposed road closure plans shall be communicated to the Police Chief as soon as possible as they occur.
- 3.6. If a road has been resurfaced within the last five (5) years (protected street), the permit may be denied for work impacting the new surface or may be approved with specific conditions.
- 3.7. Permits for routine street openings are issued only between April 1st and November 15th.
- 3.8. The Permit is valid for 60 days from date of issue. This Permit may be renewed at no cost by requesting an extension in writing, including a statement that conditions have not changed since the time of the original submission. The applicant shall file a request for an extension prior to the expiration of the permit. If the permit is allowed to expire without timely renewal the applicant shall reapply for a new Permit and pay the applicable fee
- 3.9. In order to obtain a permit, the applicant must be current on all of its financial obligations to the Town. In addition, a permit may be withheld or denied if the applicant, owner or contractor are currently in violation of any other town permits.
- 3.10. After the applicant has submitted the required materials, the application will be reviewed by the DPW within 10 business days. After 10 business days, if the no action is taken, contractors may proceed with work but still are subject to following all of the regulations in this document.
- 3.11. During the review process, the applicant shall, at his own expense, provide any additional information relevant to the proposed access required by the DPW. Any new material submitted after the initial submission date shall restart the review period.
- 3.12. As a result of the review, the application will be approved as submitted with standard condition, approved with additional conditions, or denied as submitted. The decision will be mailed no later than 10 business days after the submission date.
- 3.13. Once the permit is issued, the applicant may commence construction after giving 24 hours notice. The applicant is responsible for obtaining all other required permits or approvals before commencing construction.
- 3.14. An Applicant aggrieved by the decision of the Town may appeal to the Town Manager. The appeal shall be in writing and submitted to the Town Manager within ten (10) business days of date of the decision.
- 3.15. Emergency permits will be issued only when an emergency situation arises. When a utility emergency is declared, the Permittee shall notify the DPW citing the location and reason

for the emergency. Within 48 hours the DPW will expect a standard Permit application to be filled out and filed. Failure to comply with the rules for emergency excavation shall be in violation of these Regulations. Emergencies shall be worked on continuously until the repairs are complete and the disturbed pavement restored to grade level with hot mix asphalt.

4.0 Fees

- 4.1. No application for a Street Opening Permit shall be accepted from any person, firm, corporation, or other entity without a fee payment. Federal, State and Municipal entities are exempt from fee payments, but permit must still be applied for.
- 4.2. Fees shall be as stated in Appendix A.
- 4.3. Payment shall be in the form of a check or money order payable to the Town of Ayer or credit card.
- 4.4. Fees will be refunded if the permit is not approved

5.0 General Conditions

- 5.1. The permittee shall observe the bylaws, regulations and specifications adopted by the Town of Ayer to govern the work covered by this permit. Failure may result in revocation of this permit.
- 5.2. All materials and work shall be in accordance with the Town of Ayer Subdivision Regulations and DPW Construction Standards.
- 5.3. Drainlayers / Water Installers License - All persons and / or companies that plan to install or modify water, sewer, and drain infrastructure (exterior to a structure) must first obtain a Drainlayers or Water Installers License in Accordance with Town Regulations.
- 5.4. Notice shall be given by the permittee to the DPW, Police and Fire Departments 48 hours in advance of work.
- 5.5. A copy of the permit shall be kept at the work site and shall be available to Town officials upon request.
- 5.6. No work shall result in the concentration and discharge of surface or subsurface water including any mechanical dewatering activity into public or abutting property. All federal, state and local Stormwater Regulations apply.
- 5.7. It is the permittee's responsibility to obtain all applicable federal, state, and local permits prior to commencement of any work on Town owned land.
- 5.8. No newly constructed or reconstructed pavement less than five (5) years old (protected street) will be permitted to cut except in cases of emergency. If a protected street requires excavation due to an emergency, the trench shall be properly compacted and pavement restoration requires placing of binder course pavement to the thickness of the existing pavement, cold planing and overlay of the entire frontage, from curb to curb, of the lot where the excavation is performed. The joints shall be sealed with emulsion seal and sand cover. There shall be a smooth transition from existing pavement to new pavement.
- 5.9. No construction activity, unless approved by the DPW or authorized representative,

shall be performed at times not allowed under Town work hour regulations.

- 5.10. No materials shall be stored in the area of street and sidewalk outside of working hours. Any materials or equipment stored within other areas of the Town's right of way shall be protected with lights and barricades.
- 5.11. When, for reasons of safety, it is necessary for work to be done outside of working hours, the contractor shall be notified to take immediate corrective action. If the contractor cannot be contacted or if he/she fails to do the work, the DPW shall take corrective action and bill the contractor.
- 5.12. Notice of Violation - Any person found to be violating any provision of these Regulations shall be served by the Town with written notice stating the nature of the violation and provided with a ten (10) day time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease and correct all violations. The Select Board have designated the Superintendent to enforce these regulations. The Town will issue a "Notice of Violation" whenever it determines that:
 - a. A contractor is performing work without a valid permit.
 - b. A contractor is in non-compliance with the Rules and Regulations set forth by the Department of Public Safety.
 - c. Construction is proceeding in a manner that jeopardizes public safety.
 - d. Construction is occurring in violation of these Regulations and/or any other applicable approved specification or details.
 - e. Street Opening Work is proceeding without a valid permit.
 - f. There is damage to the surrounding roadway, public property, and/or utilities resulting from the work.
 - g. There are debris and/or soils in the roadway resulting from the work.
 - h. Work is not completed, including necessary testing and or documentation.
- 5.13. Fines- **The Superintendent may impose a \$250.00 fine per day against any Permittee** who violates the requirements contained herein until the violation is rectified and accepted by the Superintendent. The Permittee may appeal the fine to the Select Board. The appeal must be made in writing within 10 business days of issuance.
- 5.14. Any person violating any of the provisions of these Regulations shall become liable to the Town for any expense, loss or damage incurred by the Town by reason of such violations.
- 5.15. Excavations During Winter-No person or utility shall be granted a Street Opening Permit or open any street or sidewalk from the time of November 15th of each year to April 1st of the following year unless the Superintendent determines that weather conditions are likely to be favorable, or unless an emergency or special condition exists and permission is obtained in writing from the Town.
- 5.16. Emergency Action -Nothing in this Regulation shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe which may be a threat to life or property, or for making emergency repairs, provided that the person making such excavation shall apply to the Town for such a permit on the first working day after such work is commenced. Before any

excavation work is started, the person or utility excavating must contact all utilities for on the spot locations.

- 5.17. Warranty of Work -The Permittee shall for a period of one (1) year thereafter, be fully liable for all defects in materials and workmanship relating to the permitted work and shall promptly repair or replace the same upon notice of the Superintendent and to the satisfaction thereof.
- 5.18. Pavement repairs guaranteed by each Permittee shall meet all of the following conditions in order to remain in conformance with these Regulations.
 - a. The entire area shall be free from de-lamination of the approved surface material.
 - b. No distortion of one-half inch or greater shall exist over more than five percent (5%) of the total surface area of the repair.
 - c. No cracks of one-quarter inch or greater shall exist in the surface or edges of the repair totaling more than five percent (5%) of the repair perimeter.

Non-conformance with any of the above conditions shall constitute a breach of guarantee and subject the Permittee to remedial actions as required by the Superintendent.

6.0 Street Opening Permit Conditions

- 6.1. Inspections - The Permittee shall notify the DPW when an inspection is required and coordinate the timing of such inspection. The Permittee shall notify the DPW for an inspection at each of the following events:
 - a. Prior to the start of trench excavation operations,
 - b. Prior to trench backfilling operations,
 - c. Following completion of temporary patch placement
 - d. Prior to removal of temporary patch for installation of permanent patch
 - e. Following final paving preparation (i.e. after saw cutting and grading, but prior to placing asphalt) and
 - f. Following completion of permanent patch placement.
 - g. The Superintendent may also make additional inspections from the events listed above if deemed necessary to enforce these Regulations. In the event that any dispute exists as to the amount, nature, or scope of the work under this Regulation, the decision and judgment of the Superintendent shall be final and binding unless appealed to or stayed by a court of competent jurisdiction.
- 6.2. Working Hours - Except in emergency situations, Street Opening Work shall occur between the hours of 7 AM and 5 PM. The Permittee must give notice of the intended Street Opening Work forty eight (48) hours in advance to the Superintendent, and the Police Chief, and if required, arrange for and pay for the police detail to be present throughout the period of time that the Street Opening Work is to be conducted.
- 6.3. Dig-Safe- Prior to beginning any Street Opening Work, the Permittee shall contact DIGSAFE at telephone number 1-888-DIG-SAFE to have all underground utilities located. The assigned DIGSAFE number shall be listed on the street opening permit application.
- 6.4. Existing Utilities - Before starting any excavation, the Permittee must confer with all Public Utilities to obtain information from each as to the horizontal and vertical locations of the

existing utilities and other conditions that may affect the excavation. The Permittee shall not interfere with any existing utility without the written consent of the Superintendent and the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by the Permittee. The Permittee shall inform itself as to the existence and location of all underground utilities to protect the same against damage.

- 6.5. Protection of Existing Lines and Structures - The Permittee shall adequately support and protect by timbers, sheeting, etc. all pipes, conduits, poles, wires, cables or other appurtenances which may be in any way affected by the excavation work and shall do everything necessary to support, sustain and protect them under, over, along or across such work areas. The excavation shall be performed and conducted in such a manner that it shall not interfere with access to fire stations, fire hydrants, water gates, underground vaults, catch basins or any other public structure.
- 6.6. The roadway surface shall be kept clean of debris at all times, and shall be thoroughly cleaned upon the completion of any work at the end of every shift.
- 6.7. Adjoining Property -The Permittee shall at all times and at its own expense, preserve and protect from injury any adjoining property by providing proper foundations and shall take such other precautions as may be necessary for this purpose. The Permittee shall not remove, even temporarily, any trees or shrubs which exist in planting strip areas without first obtaining permission from the Superintendent.
- 6.8. Damaged Trees -In the event a tree is either accidentally destroyed by the Permittee or is authorized for removal by the Superintendent, the Permittee shall remove the tree, stump and debris from the work site, and replace the tree with an identical species with a minimum caliper of two (2) inches in the identical location.
- 6.9. Pedestrian Crossings, Open Trenches -The Permittee shall, where possible, maintain safe crossings for two lanes of vehicle traffic at all public intersections as well as safe crossings for pedestrians. If any excavation is made across a Public Way, it shall be made in sections to assure maximum safe crossing for vehicles and pedestrians. If the Public Way is not wide enough to hold the excavated material for temporary storage, the material shall be immediately removed from the location at the Permittee's expense.
- 6.10. Traffic -The Permittee shall take appropriate measures to assure that safe traffic conditions shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the adjoining property and to the general public. Unless the requirement for a police detail is waived by the Police Chief, the Permittee shall engage a police detail to maintain traffic control and public safety at the project site. Warning signs shall be placed a sufficient distance from the project site in order to alert all traffic coming in both directions. Cones or other approved devices shall be placed to channel traffic. Warning signs, lights, and such other precautions shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways". Construction materials and equipment on the site shall be limited in quantity and in the space they occupy so that they do not improperly hinder and block traffic. A traffic management plan must be submitted along with the street opening permit applications on arterial / collector roads or where construction may have significant impacts.

- 6.11. Gutters and Basins - The Permittee shall keep all gutters free and unobstructed for the full depth of the adjacent curb and for at least one (1) foot in width from the face of such curb at the gutter line. Catch basins shall be kept clear and serviceable.
- 6.12. Excavated Material - The Permittee, at their own expense, shall remove all excess excavated material, surplus water, muck, silt or other run-off pumped or removed from excavations from the site.
- 6.13. Temporary Repairs - At the end of each workday, all trenches must be plated if repair work is not completed and/or backfilled, compacted and temporarily patched. No open un-plated trenches are permitted overnight and work in plated trenches must be continually prosecuted to completion to minimize the time trenches are plated.
- 6.14. Noise -The Permittee shall perform the work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. During the hours of 7 p.m. to 7 a.m. the Permittee shall not use, unless otherwise specifically permitted, in writing, by the Superintendent any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property.
- 6.15. Debris and Litter -All debris and litter remaining from the Street Opening Work site shall be removed by the Permittee in a timely manner.
- 6.16. Restoration of Pavement Markings - All permanent pavement markings (crosswalks, center lines, etc.) which are damaged during Street Opening Work shall be restored in kind by and at the expense of the Permittee
- 6.17. Lawn Surfaces and Plantings - All lawn surfaces which are disturbed during Street Opening Work shall be replaced with sod or six (6) inches of screened loam, lime fertilized and re-seeded with good quality lawn seed. Any areas containing plantings shall be restored to their original condition with the same or similar plantings.
- 6.18. Erosion Control -The Permittee shall be responsible for all erosion control and for obtaining any necessary permits from the Conservation Commission. The Permittee shall protect drainage structures from siltation by whatever means required including but not limited to the installation of hay bales and/or filter fabric. In the event that a drainage structure becomes damaged from siltation as a result of the Street Opening Work, the Permittee shall clean the structure at their own expense before completing the temporary patch.

7.0 Required Construction Procedures

- 7.1. Materials and Construction Standards - All Street Opening Work and materials used therein must conform to the most recently published edition of the Town of Ayer, DPW Construction Standards. Construction methods and material requirements that are not found in the DPW's Construction Standards, shall be in accordance with Massachusetts Highway Department (MHD) Standard Specifications and all current supplemental specifications, federal OSHA requirements, the American Disability Act and the Architectural Access

Board Regulations. Exceptions to these requirements may be made at the discretion of the Superintendent at the time the Street Opening Work is in progress.

- 7.2. Excavation - Existing pavement shall be saw cut in neat, true lines along the area requiring excavation for repair, replacement or new installations. When opening occurs within two (2) feet of the curb and/or edge of the hardened surface, the paved area between the excavation and the curb and/or edge must also be removed. The hardened pavement shall be saw cut back a minimum of twelve (12) inches from all sides of the initial excavation to the depth of the original pavement structure, exposing the undisturbed gravel sub-base. Unstable pavement shall be removed over cave-outs and breaks and the subgrade treated as the main trench. Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench. Excavations shall be made in open cut. Trenches and excavations shall be braced and sheathed in accordance with the requirements of the Occupational Safety and Health Act (OSHA). Sections of bituminous or cement concrete sidewalks shall be removed to the nearest scoreline or approved cut edge. The contractor is solely responsible for the health and safety of all employees, subcontractors, motorists, pedestrians and the general public with regard to excavation and trench work.
- 7.3. Backfilling and Compaction - Excavations shall be backfilled with approved granular backfill material or CDF. Regardless of the material to be used for excavation and/or trench backfilling operations, the Permittee shall be solely responsible for following the specifications, guidelines and regulations for backfilling and compaction as described in the following subsections.
- a. Approved Granular Backfill Material - Approved backfill material shall consist of either Gravel Borrow meeting Massachusetts Highway Department (MHD) specification M1.03.0, Type "B" or Processed Gravel for Subbase meeting MHD specification M1.03.1.
 - b. Placement and Compaction of Approved Granular Backfill Material -Excavations that are to be backfilled with either Gravel Borrow or Processed Gravel for Subbase shall be placed and compacted in maximum 6-inch thick lifts. Each lift shall be properly compacted using approved vibratory equipment to achieve a minimum compaction percentage of 95% of the maximum dry density of the soil as determined by ASTM 1557 D. Pavement subbase, base and surface shall be installed to the minimum depths and prepared as indicated in the DPW Construction Standards when excavations are backfilled with these granular materials.
 - c. The Town may require the Permittee to provide third party compaction testing and observation of backfilling procedures by a professionally qualified geotechnical consultant at the Permittee's expense. The compaction testing shall consist of at least one density test per six (6") inch lift placed per 100 square feet of trench
 - d. Potential Re-Use of Excavated On-site Soils -_The excavated on-site soils generated during the Street Opening Work may be reused as approved granular backfill material provided the soils meet the MHD specifications for Gravel Borrow or Processed Gravel for Subbase as described above. Excavated material that is proposed for reuse shall have a grain-size analysis test performed by a third party geotechnical laboratory, at the expense of the Permittee, for conformance to MHD

specifications. Material that does not meet MHD specifications shall not be reused as approved backfill material and shall be removed from the work site at the expense of the Permittee. Excavated material that is approved for backfill shall be placed, compacted and tested as described above.

- e. Controlled Density Fill (CDF) - Controlled Density Fill (CDF) is to be used for Street Opening Work where required as a permit condition. CDF shall contain a minimum of 250 pounds of class F fly ash or high air (25% plus), be self-leveling and quick setting. CDF shall meet MHD specification M4.08.0 and shall fall into the category of either Type 1E or 2E. CDF is to be batched at a ready mix plant and is to be used at a high or very high slump (9" to 12"). If CDF is used as approved backfill material, it shall fill the excavation to immediately below the asphalt grade or to the minimum required by the DPW Construction Standards, whichever is greater. If an excavation is backfilled with CDF in accordance with this Regulation, then a temporary patch need not be installed, but a permanent patch may be installed immediately. If the CDF used for backfill is not quick setting, then the Permittee shall cover the excavation with heavy duty steel plates adequate to carry heavy traffic and wait twenty-four hours for the CDF to cure prior to applying the permanent patch.
- 7.4. Regardless of the type of Street Opening Work being or to be performed, the Superintendent has the right to alter the Regulations stated within this section to meet the needs of the Town.
- 7.5. Temporary Patches -The Permittee shall install a temporary patch when excavations have been backfilled with Gravel Borrow or Processed Gravel for Subbase. The temporary patch shall remain in place for a minimum of 30 days and shall not exceed a maximum of 90 days starting at the time the temporary patch was installed. Temporary patch shall consist of bituminous concrete plant-mixed hot asphalt aggregate shall be installed to the thickness of the existing asphalt at a minimum. Temporary patches shall be maintained by the Permittee so that the surrounding area remains a single smooth unbroken plane.
- 7.6. Steel Plates - Steel plates may be used when temporary patching or permanent paving cannot be the same day excavation occurs. No excavation shall remain open unattended. All excavations and trenches shall be backfilled or steel plated prior to the cessation of work on every day unless otherwise directed by the OU&F. Two-way traffic must be maintained at all times.

It is the responsibility of the Permittee to perform a daily monitor of all active plate(s) or unattended plate(s) location(s), and where necessary take appropriate measures should plate(s) shift or move, exposing part of or all the excavation creating a public safety hazard.

If steel plates are used to protect an excavation they shall be of sufficient thickness to resist bending, vibration, loud banging etc. under traffic loads. All steel plates must be securely anchored to prevent movement.

All steel plates must meet ASTM A 36 steel (minimum), having a thickness sufficient for supporting the intended traffic load with a maximum allowable deflection of (3/4") three-quarter inch. Steel plates must completely cover the open trench and have a minimum

overlap on adjacent shoulder areas of (18") eighteen inches. Sandy gravelly soils with large angles of repose may require larger plated shoulder areas.

All plates will be recessed to the adjacent pavement surface or secured by other OU&F approved method. If plates are NOT recessed the plate must be ramped with a (2') two-foot width of hot mix asphalt or modified cold patch in the travel direction and a (1') one-foot ramp in the non-traveled direction. All modified cold patch shall be blotted with a stone dust to prevent tracking.

- 7.7. Permanent Patches - Except when installed over Controlled Density Fill (CDF), permanent patches shall be installed not less than thirty (30) days from the date of installation of the temporary patch. The Permittee shall contact the Superintendent 30 days following the installation of the temporary patch for an inspection to determine if final settlement of the trench has occurred. The Superintendent will notify the Permittee within seven (7) days of the inspection whether permanent patch can be installed.

The temporary patch installed shall be completely removed and replaced with hot mix asphalt base, binder and top courses as described and shown in the DPW Construction Standards. If additional saw cutting is required, it shall be done in neat straight lines. Any broken or irregular edges of existing pavement shall be saw cut away in straight lines leaving a sound vertical face at least twelve (12) inches back from all edges of the existing pavement. All abutting edges of the existing pavement shall be painted with an asphalt emulsion immediately prior to the placement of the permanent patch. The Permittee shall remove and dispose, at their own expense, all excavated material and thoroughly compact the surface of the subbase.

- 7.8. Newly Paved Roads -No newly constructed or reconstructed pavement less than five (5) years old will be cut into except in cases of emergency. If a newly constructed or reconstructed roadway requires excavation due to an emergency, the trench shall be filled with quick setting Controlled Density Fill. After excavation work has been completed as specified in this regulation and the DPW's "Design and Construction Standards", the Permittee shall restore the paved area as specified by the Superintendent. The pavement restoration requires cold planing and overlay of the entire frontage, from curb to curb, of the lot where the excavation is performed. For example, if the lot has a frontage of 50-feet, the area to be cold planed and overlay is 50-feet by the entire width of roadway. The joints shall be sealed with emulsion seal and sand cover. There shall be a smooth transition from existing pavement to new pavement.

- 7.9. Shoulders -Suitable excavated material shall be placed in maximum six (6) inch thick lifts. Each lift shall be properly compacted. Shoulders shall be re-constructed to their existing condition and either loamed with six (6) inches of loam, limed, fertilized and seeded with roadside grass mix or covered with four (4) inches of wood chips as directed by the Superintendent.

- 7.10. Sidewalks - Any excavation in a concrete or bituminous concrete sidewalk shall require that the entire sidewalk area containing the trench be replaced. Any concrete sidewalk section that is excavated or damaged by the excavation must be replaced in its entirety. Gravel Borrow or Processed Gravel for Subbase meeting MHD specifications or suitable excavated material shall be placed in maximum six (6) inch thick lifts and be properly compacted using

approved vibratory equipment. All sidewalk areas will be installed by the Permittee in conformance with the ADA and the AAB Regulations currently in effect. Bituminous concrete and concrete sidewalks shall also be constructed as described and indicated in the DPW Construction Standards.

- 7.11. Curb and Berm -Any curbing or berm which is damaged or removed as part of the Street Opening Work shall be properly replaced in kind. The use of cast-in-place concrete curbing is prohibited. All salvageable granite curb that is removed from the Public Way and is excess is the property of the Town and shall be delivered to the DPW by the Permittee.
- 7.12. Wheelchair Ramps -Existing wheelchair ramps which are damaged or removed under Street Opening Work shall be reconstructed in kind and in conformance with the ADA and the AAB Regulations that are currently in effect.

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APPENDIX A – PERMIT FEES

Trench Permit (Jackie's Law): by contractor \$100

Permit Fees:

Street Openings and Excavations within Public Right-of-Way (ROW)

100 sq. ft. or less \$100
 Greater than 100 sq. ft. \$200

Non-Excavation or Public ROW Obstruction (i.e., debris containers, equipment and other obstructions)

Per Day \$10
 Per Month \$200

Driveways/Aprons

New; Reconstruction, Alteration, Enlargement or work of any kind within Public Way
 Residential \$50
 Commercial \$150
 Resurfacing Existing Driveway (no excavations, alterations, or changes within public way) \$25

Corings (drilling, boring or coring in street)

Up to 5 Corings \$35
 6 Corings or More \$50

New Pavement - Open Road

0 – 12 Months Old \$2,500
 13 – 24 Months Old \$2,000
 25 – 36 Months Old \$1,500
 37 – 48 Months Old \$1,000
 49 – 60 Months Old \$500
 61 Months or Older Standard Permit Fee

Refundable Security Deposit (per project)

Excavation \$5,000

APPENDIX B – INSURANCE REQUIREMENTS

Before any person, utility, corporation, or company is granted a Street Opening or Driveway / Accessway permit to work in a public way in the Town of Ayer, the Permittee must first submit insurance under which the Town of Ayer shall be named as an additional insured, carried with an insurance company licensed to write such insurance in the Commonwealth of Massachusetts. Town of Ayer's insurance requirements are as follows:

A. Worker's Compensation

- a. Statutory State – Massachusetts
- b. Coverage Limit \$100,000 each employee
- c. Additional Endorsements
 - i. Voluntary Compensation

B. General Liability of (Comprehensive Form of Policy)

- a. Limits of Liability
 - i. Bodily Injury and Property Damage – Combined Single Limit of \$1,000,000 with a \$2,000,000 Annual Aggregate Limit. The Town of Spencer should be named as "Additional Insured."
 - ii. Property Damage
- b. Arrangement of Coverage
 - i. Premises Operations
 - ii. Products – Completed Operations
 - iii. Owners & Contractors Protective
 - iv. Explosion, Collapse and Underground

C. Umbrella

- i. Broad Form Comprehensive General Liability endorsement or equivalent (to include Broad Form Contractual, Personal Injury, Broad Form Property Damage, Incidental Malpractice, etc.)
- ii. Cross Liability

Limit of Liability: \$2,000,000 (minimum) occurrence, \$2,000,000/aggregate.
The Town of Ayer shall be named as "Additional Insured."

D. Automobile Liability (Comprehensive Form of Policy)

- a. Limits of Liability
 - i. Bodily Injury and Property Damage and Combined Single Limit of \$1,000,000. The Town of Ayer should be named as "Additional Insured."

**DRIVEWAY / ACCESSWAY PERMIT
REGULATIONS**

TOWN OF AYER, MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

January 1, 2021

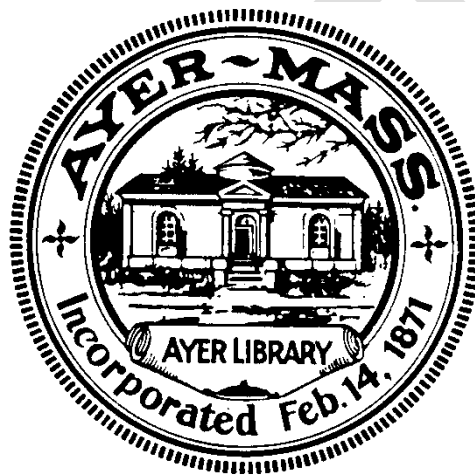


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- Appendix A - Fees
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1.0 Intent and Administration

- 1.1. The purpose of this regulation for access to the public Right of Ways in the interest of public safety and convenience, and the operation and protection of public works infrastructure. Design and construction standards are required to preserve the integrity, operational safety, and function of the public Right of Way.
- 1.2. No person shall construct, alter, relocate or resurface a driveway or accessway (exclusive of sealing, sealcoating, and patching) which provides vehicular access to or egress from a Town road, public way, way approved pursuant to subdivision control procedures, or any existing way which the Town is obligated to maintain without first obtaining a driveway/accessway permit as herein provided.
- 1.3. Any person constructing, altering, or relocating a driveway or accessway servicing a single or two family dwelling shall obtain a driveway/accessway permit, but shall not be subject to the remaining provisions of this bylaw with respect to insurance and bonds.
- 1.4. Work requiring excavation within the Town Right of Ways, streets and roads will require a Street Opening Permit in accordance with the Town of Ayer Street Opening Permit Regulations.
- 1.5. The Superintendent of Public Works is the principle Town official responsible for the administration of the Right of Ways, Street Opening and Driveway / Access Permits, and these Regulations. The Superintendent may delegate any or all of the duties hereunder.
- 1.6. Where approval of the driveway / accessway requires Planning Board Approval under the Town Subdivision regulations, or MassDOT permitting, the Applicant shall obtain said approvals and permits and submit with the application.

2.0 Definitions

- 2.1. For the purpose of understanding the Regulations, all words shall have their standard meanings. These words are more particularly defined as follows.
 - Alteration: any change of existing conditions.
 - Applicant: any individual, firm, corporation, partnership, or agency, public or private that has filed a Permit Application.
 - Application: Driveway / Accessway Permit Application.
 - AAB : Architectural Access Board, a regulatory agency within the Massachusetts Office of Public Safety. Its legislative mandate states that it shall develop and enforce regulations designed to make public buildings accessible to, as well as functional and safe for use by persons with disabilities.
 - ADA: Americans with Disabilities Act and all the requirements set forth therein.
 - Berm: a shoulder curb on rural and urban highways which do not have continuous curb and require control of drainage; directs water to closed drainage system, prevents sloughing of the pavement edge, and provides additional lateral support
 - Circular Driveway: a residential driveway with two (2) access openings across or through the same frontage.

- Select Board: elected body of officials responsible that direct policy decisions of the Town through the office of the Town Manager.
- Drainage System: the network of culverts, manholes, catch basins, ditches, pipes, swales, gutters, and other man-made and natural courses for draining stormwater runoff from Town Roads.
- Roadway: a means of vehicular access to a Town road or Town Road Right-of-Way that serves more than one single or individual family dwelling, duplex unit, multifamily unit or commercial establishment.
- Commercial: relating to any property use other than residential use as defined in this section. Lots with seven or more dwelling units, lots with mixed use, and lots with commercial and/or industrial uses shall be “Commercial” lots for the purpose of this regulation.
- Construction Within the Right-of-Way: the alteration of any structure, creation of any new structure, excavation, installation or modification of utilities or subsurface structures, or physical modification within the Right-of-Way.
- Corner Clearance: distance from roadway intersections to the nearest driveway entrance
- Curb: a raised device used extensively on urban streets and highways controls drainage, restricts vehicles to the pavement area and defines points of access to abutting properties
- Curb Cut: the phrase used to refer to the width of the opening to the street.
- Dig Safe shall mean the current existing underground facility damage prevention system established by Massachusetts State statute to provide for safe underground excavation.
- DPW: Department of Public Works.
- Driveway shall mean the portion of a street from the private property to provide vehicular access, parking, and/or storage from the private property to the Town roadway. Driveway Types:
 - Residential: a driveway leading to a Residential use as defined in this section.
 - Commercial: any driveway leading to a Commercial use as defined in this section.
 - Emergency shall mean any event which may threaten public health or safety, including but not limited to: damaged or leaking water or gas conduit systems; damaged, plugged or leaking sewer or storm drain conduit systems; damaged underground electrical and communications facilities; or downed overhead pole structures.
- Encroach:
 - The placing, depositing, or parking of any ladder, staging, scaffolding, rigging, tower, fence, wall, material, equipment, machinery, dumpster, container, refuse, debris or any other such object, article or thing used in connection with, or arising out of, any building, construction, demolition or other similar work. Encroach shall also include the placing, depositing, or parking of any trailer,

truck or like vehicle adjacent to or in close proximity to aforementioned work, and which is being so used for such purposes.

- An intrusion or use caused by the draining or pumping of water in any manner that may in any way obstruct, impede, or endanger public use or travel, or could cause any icy condition which in any way may obstruct, impede or endanger public use or travel or the Town drainage system.
- The placing of any booth, stall, stand, display, goods or merchandise for sale, vending machine, billboard, sign, advertising instrument or apparatus, or any other such object, article or thing;
- The placing or erecting of any shed building, tower, pole, pole line, pipe, wall, fence or any other such structure or object.
- The placing of steel plates not properly fastened, not properly ramped, or not properly recessed and fastened.
- Excavation: Action of digging up, drilling, auguring, tunneling, milling, reclaiming, or cable and pipe driving. Excavation does not include the tilling of soil, gardening, or displacement of earth, rock or other material, including the establishment, construction, resurfacing, repaving or reconstruction of any sidewalk and/or driveway approach,
- Jackie's Law: The Commonwealth of Massachusetts General Law Title XIV: Chapter 82A Excavation and Trench Safety.
- MassDOT : The Massachusetts Department of Transportation.
- Permit: Street Opening or Driveway / Accessway Permit,
- Permittee: Recipient of a Street Opening or Driveway / Accessway Permit.
- Protected Street: A street that has been resurfaced or rehabilitated within the past (5) five years
- Right-of-Way: the land acquired for or devoted to roadway and municipal purposes
- Setback: the lateral perpendicular distance between the Right of Way line and a roadside building, gasoline pump, curb base, display stand, or other object, the use of which will result in space for vehicles to stop or park between such facilities and the Town Road Right-of- Way.
- Sidewalk: any public area within a Town right-of-way (including driveways) that is available to pedestrian traffic

3.0 Driveway / Accessway Permit Application

3.1. Driveway / Accessway Permit Application can be obtained from the office of the DPW or on-line at www.ayer.ma.us except as otherwise provided in this Regulation. Permits may be applied for on-line using the electronic forms.

3.2. When submitting the permit application, include:

- Completed application
- Application fees (See Appendix A)
- Refundable security deposit, (if required) payable to the Town of Ayer;

- A Certificate of General Liability Insurance (if required)
 - Starting and completion dates
 - Detailed sketch that includes scale, dimensions, lines of adjoining property and any existing pole, post, hydrant, catch basin tree or other structure near area of proposed driveway
 - Property owner and contractor signatures on the application.
- 3.3. Projects with more than 5 parking spaces or more than 10,000 square feet of clearing are subject to Site Plan Review by the Ayer Planning Board.
 - 3.4. These regulations do not apply to pavement sealing and crack sealing operations.
 - 3.5. If a road has been resurfaced within the last five (5) years (protected street), the permit may be denied for work impacting the new surface or may be approved with specific conditions.
 - 3.6. Permits for routine installations are issued only between April 1st and November 15th.
 - 3.7. The Permit is valid for 60 days from date of issue. This Permit may be renewed at no cost by requesting an extension in writing, including a statement that conditions have not changed since the time of the original submission. The applicant shall file a request for an extension prior to the expiration of the permit. If the permit is allowed to expire without timely renewal the applicant shall reapply for a new Permit and pay the applicable fee
 - 3.8. In order to obtain a permit, the applicant must be current on all of its financial obligations to the Town. In addition, a permit may be withheld or denied if the applicant, owner or contractor are currently in violation of any other town permits.
 - 3.9. A non-refundable application fee is required with each Permit and is due at the time of application submittal. The application fee shall be as stated in Appendix A of these Regulations.
 - 3.10. A Massachusetts Registered Professional Engineers stamp may be required for stormwater improvements and alterations, at the discretion of the Town Engineer.
 - 3.11. After the applicant has submitted the required materials, the application will be reviewed by the DPW within 10 business days. After 10 business days, if the no action is taken, contractors may proceed with work but still are subject to following all of the regulations in this document.
 - 3.12. During the review process, the applicant shall, at his own expense, provide any additional information relevant to the proposed access required by the DPW. Any new material submitted after the initial submission date shall restart the review period.
 - 3.13. As a result of the review, the application will be approved as submitted with standard condition, approved with additional conditions, or denied as submitted. The decision will be mailed no later than 10 business days after the submission date.
 - 3.14. Once the permit is issued, the applicant may commence construction after giving 24 hours notice. The applicant is responsible for obtaining all other required permits or approvals before commencing construction.
 - 3.15. The Superintendent may suspend a Permit for violation of Permit condition(s) after a written notification to the applicant by certified mail or hand delivery. The applicant has

ten (10) days to rectify any work in violation of the Permit requirements. Failure to comply or to respond within the specified time period may result in the revocation of the Permit.

- 3.16. An applicant aggrieved by the decision of the Town may appeal to the Town Manager. The appeal shall be in writing and submitted to the Town Manager within ten (10) business days of date of the decision.

4.0 Fees

- 4.1. No application for a Driveway Permit shall be accepted from any person, firm, corporation, or other entity without a fee payment. Federal, State and Municipal entities are exempt from fee payments, but permit must still be applied for.
- 4.2. Fees shall be as stated in Appendix A.
- 4.3. Payment shall be in the form of a check or money order payable to The Town of Ayer or credit card.
- 4.4. Application fees are not refundable. Activity fees will be refunded if the permit is not approved

5.0 General Conditions

- 5.1. The permittee shall observe the bylaws, regulations and specifications adopted by the Town of Ayer to govern the work covered by this permit. Failure may result in revocation of this permit.
- 5.2. All materials and work shall be in accordance with the Town of Ayer Subdivision Regulations and DPW Construction Standards.
- 5.3. Notice shall be given by the permittee to the DPW, Police and Fire Departments 24 hours in advance of work.
- 5.4. A copy of the permit shall be kept at the work site and shall be available to Town officials upon request.
- 5.5. Traffic- The Applicant or Contractor shall take appropriate measures to assure that during the performance of the Work, so far as practical, normal traffic conditions shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the adjoining property and to the general public. Unless the requirement for a police detail is waived by the Police Chief, the Applicant or Contractor shall engage a police detail to maintain traffic control and public safety at the project site while is in progress. Warning signs shall be placed a sufficient distance from the project site in order to alert all traffic coming in both directions. Cones or other approved devices shall be placed to channel traffic. Warning signs, lights, and such other precautions shall conform to the "Manual on Uniform Traffic Control Devices for Streets and Highways", 2003 Edition. Construction materials and equipment on the site shall be limited in quantity and in the space they occupy so that they do not improperly hinder and block traffic. The Superintendent may require a traffic management plan be submitted in cases of high traffic volume, details or where construction may have significant impacts.
- 5.6. No work shall result in the concentration and discharge of surface or subsurface water

- including any mechanical dewatering activity into public or abutting property. All federal, state and local Stormwater Regulations apply.
- 5.7. It is the permittee's responsibility to obtain all applicable federal, state, and local permits prior to commencement of any work on Town owned land.
 - 5.8. No newly constructed or reconstructed pavement less than five (5) years old (protected street) will be permitted to cut except in cases of emergency. If a protected street requires excavation due to an emergency, the trench shall be properly compacted and pavement restoration requires placing of binder course pavement to the thickness of the existing pavement, cold planing and overlay of the entire frontage, from curb to curb, of the lot where the excavation is performed. The joints shall be sealed with emulsion seal and sand cover. There shall be a smooth transition from existing pavement to new pavement.
 - 5.9. If a temporary pavement is used, the DPW shall be notified and the recipient of the permit shall inform the Superintendent of Public Works or his designee as to when permanent pavement is to be placed. The recipient of the permit shall be responsible until the permanent pavement is in place.
 - 5.10. Pavement shall be rolled and compacted to match the existing surface in a good workmanlike manner. A tack coat shall be applied to all adjoining asphalt surfaces prior to paving. Seams shall be sealed with a hot asphalt based sealant after paving.
 - 5.11. The repainting of traffic pavement markings shall be the responsibility of the permittee. The Superintendent of Public Works or his designee shall be notified prior to the painting of the new traffic pavement markings.
 - 5.12. No construction activity, unless approved by the DPW or authorized representative, shall be performed at times not allowed under Town work hour regulations.
 - 5.13. No materials shall be stored in the area of street and sidewalk outside of working hours. Any materials or equipment stored within other areas of the Town's right of way shall be protected with lights and barricades.
 - 5.14. When, for reasons of safety, it is necessary for work to be done outside of working hours, the contractor shall be notified to take immediate corrective action. If the contractor cannot be contacted or if he/she fails to do the work, the DPW shall take corrective action and bill the contractor.
 - 5.15. Contractors shall protect all elements of the Town infrastructure.

6.0 Specific Conditions for Driveways

- 6.1. Contractor prior to construction activities to establish sawcut line for blending limits on existing road and to determine drainage requirements.
- 6.2. No lip or sudden change in grade near edge of road that could interfere with routine snow plow operations allowed.
- 6.3. Driveway and apron shall be graded to not direct stormwater runoff toward roadway.
- 6.4. As specified in the Town requirements the new hot mix asphalt bituminous concrete apron shall meet or exceed the requirements of Ayer DPW Construction Standards including but not limited to:

- a. 8” minimum gravel compacted sub-base MassDOT M1.03.1 material or better
 - b. 4” Hot Mix Asphalt (HMA) in two courses, 2.5 binder and 1.5” top
- 6.5. Contractor shall notify DPW at least 24 hours in advance of scheduled paving operations.
 - 6.6. Where required by DPW, Contractor shall install an anti-mud tracking stabilized construction entrance in accordance with the DPW Construction Standards. Tracking of mud, dirt, and debris onto the public way is prohibited. Failure to comply at any time is subject to fines.
 - 6.7. Landscaping: There will be no landscaping including lawn sprinklers and fences on or over the Town Roadway or Town Right of Way without prior written approval by the Department of Public Works. This permission will be obtained through the Driveway Permit process, including a site grading plan locating, naming, and describing the desired arrangement, including the ultimate size of the plants involved.
 - 6.8. Control Dimensions: All driveway access to a Town Roadway or Town Right of Way shall conform to the following:

	Minimum Driveway Pavement Width - Feet	Minimum Width at Street - Feet	Maximum Width at Street - Feet
Single Family	12	16	24
Common Driveway	18	22	24
Commercial	22	24	24*

* Commercial Driveway Maximum Width may be increased based on Planning Board Site Plan Approval

- 6.9. Tree Removal: All proposed tree removals or relocation of trees within the Town Roadway or Town Right of Way shall conform to Chapter 87, Section 3 of Massachusetts General laws and Town Bylaws and regulations. Any applicant contemplating tree work should contact the Town Tree Warden for further information.
- 6.10. The Town may require that the applicant place granite curbing at areas where traffic channeling and control and public safety would be affected. The applicant will do such placement at his own expense.
- 6.11. Where a curb is to be altered at an existing corner or a corner created by a new design, ADA approved wheelchair ramps shall be installed.
- 6.12. In any access that cuts a sidewalk, curb returns and transition curbs will be placed as necessary to maintain the integrity of the sidewalk and shall ADA wheelchair ramps shall be constructed.
- 6.13. For commercial Driveway Permit applications, the applicant shall submit detailed calculations and site grading plans in accordance with Ayer Subdivision and Stormwater Regulations.
- 6.14. Drainage system design shall be in accordance with DPW Construction Standards.

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Update to Town Boards of Selectmen

(December 2020)

Background

In 2018 the Annual Town Meetings of 11 towns in Massachusetts and New Hampshire (Ayer, Bolton, Brookline, Dunstable, Groton, Harvard, Hollis, Lancaster, Pepperell, Shirley, and Townsend) approved the *Nashua, Squannacook, and Nissitissit Rivers Stewardship Plan (Stewardship Plan)* and its recommendation to seek federal designation of these rivers as Partnership Wild & Scenic Rivers. With the passage of the John D. Dingell, Jr. Conservation, Management, and Recreation Act into law on March 12, 2019, sections of the Nashua, Squannacook, and Nissitissit Rivers were so designated. And, as required by the *Stewardship Plan*, shortly following designation the Nashua, Squannacook, and Nissitissit Rivers Wild and Scenic Stewardship Council (Stewardship Council) was formed, comprised of a representative and alternate from each of the 11 towns, and representatives of the Nashua River Watershed Association (NRWA) and National Park Service (NPS).

The Stewardship Council

The mission of the Stewardship Council is to preserve, protect, and enhance the outstandingly remarkable resource values of the Nashua, Squannacook, and Nissitissit Rivers and their tributaries, particularly the biological diversity, recreational and scenic resources, and historical and cultural resources as set forth in the *Stewardship Plan*. Since its formation, the Stewardship Council has organized itself through adoption of Bylaws and supplemental Policies and Procedures; designated the NRWA as its fiscal agent; and adopted a budget and work plan for the \$150,000 provided under the first year of a five-year Cooperative Agreement with the NPS (detail on reverse side). It has also undertaken or is considering the following projects:

Conservation Networking Breakfasts: Periodic meetings for town conservation agents focused on resource protection. Speakers have been invited to discuss topics such as culvert replacement and upgrades, siting solar arrays, dealing with invasives, conservation leadership, and creative land protection.

Canoe Access Assessments: The Stewardship Council identified, evaluated and mapped 27 formal and informal canoe access sites on the Squannacook, Nissitissit, and Nashua Rivers. These sites are being prioritized for possible improvement.

Shoreline Surveys: Nearly 20 discrete segments of the three rivers, totaling over 50 miles of river frontage, have been surveyed from water to assess the condition of the waterways and identify issues for remediation, such as bank erosion and sedimentation.

Invasive Species Control: The Stewardship Council is developing a program to work with and educate W&SR communities on the identification and control of invasive plant and insect species.

Riparian Land Management Educational Brochure: The Stewardship Council is preparing riparian habitat stewardship and “best practices” for landowners abutting the Wild & Scenic rivers, tributaries and streams. The brochure will be shared with towns for distribution to their community as they see fit.

Off Highway Vehicles Usage Educational Brochure: The Stewardship Council is preparing a brochure regarding use of OHVs on public and private lands: harms to habitat and wildlife, risk to public safety, and relevant regulations. The brochure will be shared with towns for distribution to their community.

Forest Legacy Program: The Stewardship Council will work with landowners, and local and regional land trusts within the river towns (and their immediate abutting towns) to identify tracts of important, threatened and strategic forested lands which when aggregated together could qualify for an application to the federal Forest Legacy Program.

Self-Guided Driving Tour: The Stewardship Council will develop a map of historic and cultural sites associated with the rivers, which will include explanations of each site's importance, for use in exploring this area.

2020 Budget

Outreach and Education - \$15,000

Educational materials, brochures, maps, reports, kiosks, and articles on Stewardship Council work are being developed and will be shared at community events, with municipal boards, and with local newspaper and social media outlets. Increased public understanding about the rivers will help to foster greater appreciation and voluntary stewardship of these special resources.

Projects and Stewardship Plan Implementation - \$57,000

The Stewardship Council will identify high priority projects that will advance the Wild and Scenic designation by implementing *Stewardship Plan* recommendations for protecting and enhancing important river values. These high priority projects can cover a variety of topic areas such as recreation, habitat restoration, public education, land protection, and science and research.

Program Support - \$43,000

The NRWA will provide a part-time Outreach and Project Coordinator to serve as staff for the Stewardship Council. The Coordinator will be overseen by and assist the Stewardship Council in administering outreach and project activities related to Wild and Scenic designation and *Stewardship Plan* implementation. NRWA staff members will provide project management as needed to implement priority projects and other activities that advance the Wild and Scenic goals.

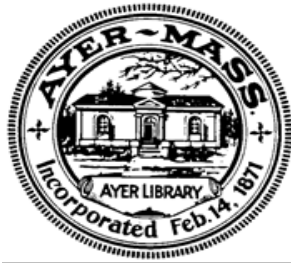
Community Grants - \$20,000

The Stewardship Council is initiating an annual Community Grants Program. Community Grants will be used to support a wide range of projects such as recreation, habitat restoration, public education, land protection, and science and research. The Request for Proposals, Application, and announcement can be found at the website (link at bottom of this page). Awards will be determined using selection criteria established by the Stewardship Council.

Fiduciary & Indirect - \$15,000

The NRWA incurs fiduciary and other indirect costs that are not directly accountable to particular projects or products. The rate for these indirect costs is 10% of the total budget.

For more information, visit the Wild and Scenic Rivers website: www.WildandScenicNashuaRivers.org



Nomination Papers for Tuesday, May 11, 2021

Ayer Annual Town Election

The last day to request nomination papers is Friday, March 19th, 2021, at 12:00 PM.

The last day to submit nomination papers is Monday, March 22nd, 2021, at 4:00 PM.

The following offices will be on the ballot:

Assessor	(1)	3 year term
	(1)	2 year term
Board of Health	(1)	3 year term
Commissioner of Trust Funds	(1)	3 year term
Constable	(1)	3 year term
Housing Authority	(1)	5 year term
Library Trustee	(3)	3 year term
Park Commissioner	(2)	3 year term
Planning Board	(2)	3 year term
Regional School District Committee	(1)	3 year term
Selectman	(1)	3 year term
Moderator	(1)	1 year term

Nomination papers can be requested from and submitted to:

Ayer Town Hall
Town Clerk Office
1 Main Street
Ayer, MA 01432
978-772-8215
clerk@ayer.ma.us



Ayer Town Clerk
1 Main Street
Ayer MA 01432
(978) 772 8215

Obtaining Nomination Papers

Nomination papers can be obtained by contacting the Ayer Town Clerk's office and making an appointment. With the new restrictions and difficulties arising as a result of the Covid-19 pandemic, we have outlined some guidelines and suggestions below to help candidates navigate the collection of signatures.

Please contact our office at any time if you have any questions.

Obtaining signatures: What is allowed?

- Multiple signature pages – candidates are not required to fill nomination pages with signatures. Each signer may have their own nomination paper form.
- Scheduling drop-off - Please give our office a call to schedule drop off of nomination papers so we can issue you a receipt.

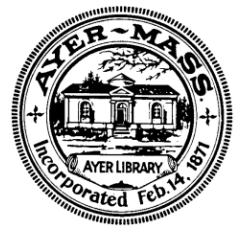
Obtaining signatures: What is not allowed?

- Electronic signatures. All signatures must be in ink
- Time Extensions. There are no extended deadlines approved by Massachusetts State for the obtaining of nomination signatures
- Reduction of Signatures. The number of signatures required remains the same.

Suggestions for Obtaining Signatures:

- You can mail/email individual nomination papers to people and ask them to print and sign them and mail them back to candidates
- Candidates can set up a table at a public place but include fresh pens, masks, gloves, and sanitizer
- Some candidates are announcing the locations of supporters who have covered porches and letting people drop by to sign. Candidates can set specific hours to sign so nomination papers don't stay unsupervised for long hours while adhering to all COVID- 19 practices
- Advertise designated signing areas/times through social media or mail

**Office of the Select Board
Office of the Town Manager**



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

MEMORANDUM

DATE: January 15, 2021

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Town Manager's Report for the January 19, 2021 Select Board Meeting

Dear Honorable Select Board,

I am pleased to transmit to you the following Town Manager's Report for the January 19, 2021 Select Board Meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

Administrative Update/Review of Town Warrant(s):

- I will provide a brief Administrative Update at the meeting of the various activities, initiatives, and projects of the Administration since the Select Board last met on December 21, 2020.
- I have reviewed, approved, and signed the following Town Warrant(s) since the Select Board last met on December 21, 2020:

Accounts Payable Warrant #21-12 in the amount of \$1,415,597.11 was reviewed, approved, and signed on December 21, 2020.

Payroll Warrant #21-13 in the amount of \$334,568.97 was reviewed, approved, and signed on December 29, 2020.

Payroll Warrant #21-SWO in the amount of \$5,916.24 was reviewed, approved, and signed on December 30, 2020.

Accounts Payable Warrant #21-13 in the amount of \$1,199,484.44 was reviewed, approved, and signed on January 5, 2021.

Payroll Warrant #21-14 in the amount of \$349,477.69 was reviewed, approved, and signed on January 12, 2021.

COVID-19 Update:

- I will provide a brief update at the meeting on the Town's ongoing COVID-19 preparedness efforts.

FY 2022 Budget Update:

- I will be joined by the Town's Finance Manager to provide a brief update on the FY 2022 Budget process which will include a brief overview of the initial DRAFT #1 FY 2022 Omnibus as submitted to the Select Board and Finance Committee on January 8, 2021 and available on the Town's website (www.ayer.ma.us) under the Town Manager's webpage.
- Additionally, the first Public Forum on the FY 2022 Budget is scheduled to take place on Wednesday, January 27, 2021 at 6pm via Zoom. This public forum will be a Joint Meeting of the Select Board and Finance Committee at which the Town Manager and Finance Manager will make an initial presentation on the FY 2022 Budget; take questions and input from the Select Board and Finance Committee; and answer any questions from the public. All Town Department Heads will be in attendance via Zoom.
- The FY 2022 Budget for the Ayer Shirley Regional School District will be presented by Dr. Malone, Superintendent to a Joint Meeting of the Select Board and Finance Committee on Tuesday, February 9, 2021 at 6:00pm via Zoom.

Request to Increase the Reserve Fund for FY 2022:

- The Town's Finance Manager and I would like to make a brief presentation on a recommended proposal that the Town increase the Reserve Fund for FY 2022 from \$150,000 to \$300,000. This recommendation is largely due to the ongoing COVID-19 Pandemic and the uncertainties in the year ahead. I met with the Finance Committee at their meeting on January 13, 2021 to present and discuss this proposal. The Finance Committee was in support of increasing the Reserve Fund to \$300,000 for FY 2022 due to COVID-19. To facilitate the presentation and discussion at the meeting, attached is the five (5) year spending history of the Reserve Fund as prepared by the Finance Manager (See attached).

Extension of Family First Corona Relief Act:

- I will be joined by the Benefits & Payroll Manager to present a recommendation to the Select Board to vote to approve an extension of the Emergency Paid Sick Leave and Expanded Family and Medical Leave benefits through March 31, 2021. To facilitate the discussion, please see the attached memo prepared by the Benefits & Payroll Manager (See attached).

Opening of the Annual Town Meeting Warrant:

- The Annual Town Meeting is scheduled for Monday, April 26, 2021 at 7pm in the Auditorium of the Ayer Shirley Regional High School. I am respectfully requesting that the Select Board vote to officially open the Annual Town Meeting Warrant. All Warrant Articles including Citizens Petitions will be due by no later than Friday, April 2, 2021 at 12pm (Noon). The Select Board will review, finalize, and approve the Annual Town Meeting Warrant at their meeting on April 6, 2021.

Thank you.

Attachment(s): Five (5) Year Spending History of the Reserve Fund as Prepared by the Finance Manager

Memo: Families First Corona Virus Response Act from Benefits & Payroll Manager

ORG	OBJECT	YEAR	EFF DATE	REF1	REFERENCE	AMOUNT	COMMENTS	Budget	Unused
01132	57800	2016	06/15/2016	RFT#9	FIRE WAGES	(16,161.00)	RFT#9 FIRE WAGES	\$150,000.00	
01132	57800	2016	06/15/2016	RFT#8	TREE SERVI	(1,016.00)	RFT#8 TREE WARDEN		
01132	57800	2016	06/15/2016	RFT#7	LEGAL	(42,675.00)	RFT#7 K&P BILLS & EMINENT DOMA		
01132	57800	2016	05/04/2016	RFT#6	FICA MED	(12,000.00)	RFT#6 FICA MED		
01132	57800	2016	05/04/2016	RFT#5	POLICE	(12,872.00)	RFT#5 POLICE RADIO CONSULTANT		
01132	57800	2016	05/04/2016	RFT#4	MUNIS TRAI	(1,428.00)	RFT#4 FINAN COMPUTER SUPPORT		
01132	57800	2016	03/23/2016	RFT#3	UNEMPLOY	(8,999.00)	RFT#3 UNEMPLOYMENT CLAIM		
01132	57800	2016	11/19/2015	RFT#2	FIRE	(22,983.00)	FIRE REPAIR HYDRAUL LADDER#1		
01132	57800	2016	11/19/2015	RFT#1	TREE WARDE	(16,800.00)	RFT#1-TREE WARDEN TREE REMOVAL		
						(134,934.00)		(\$134,934.00)	\$15,066.00

ORG	OBJECT	YEAR	EFF DATE	REF1	REFERENCE	AMOUNT	COMMENTS	Budget	Unused
01132	57800	2017	06/30/2017	RFT#4	POSTAGE	(1,500.00)	RFT#4 POSTAGE	\$150,000.00	
01132	57800	2017	04/19/2017	RFT#3	BLDG INSP	(42,404.40)	RFT#3 BLDG INSP-CONDEMNED HOME		
01132	57800	2017	04/19/2017	RFT#2	VET BENIES	(26,000.00)	RFT#2 VETERANS BENEFITS		
01132	57800	2017	09/14/2016	ACCT	CASH AUDIT	(7,474.40)	RFT#1 CASH AUDIT (TREAS T/O)		
						(77,378.80)		(\$77,378.80)	\$72,621.20

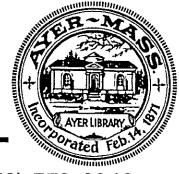
ORG	OBJECT	YEAR	EFF DATE	REF1	REFERENCE	AMOUNT	COMMENTS	Budget	Unused
01132	57800	2018	06/13/2018	RFT#6	COA	(12,160.00)	RFT#6 COA	\$150,000.00	
01132	57800	2018	06/13/2018	RFT#5	VETERANS	(6,000.00)	RFT#5 VETERANS BENEFITS		
01132	57800	2018	04/25/2018	RFT#4	COA WAGES	(6,049.00)	RFT#4 COA WAGES		
01132	57800	2018	04/11/2018	RFT#3	ACCOUNTANT	(21,320.00)	RFT#3 ACCOUNTANT		
01132	57800	2018	03/28/2018	RFT#2	UNEMP COMP	(7,500.00)	RFT#2 UNEMPLOY COMP		
01132	57800	2018	02/28/2018	RFT#1	TOWN COUNS	(70,000.00)	RFT#1 TOWN COUNSEL		
						(123,029.00)		(\$123,029.00)	\$26,971.00

ORG	OBJECT	YEAR	EFF DATE	REF1	REFERENCE	AMOUNT	COMMENTS	Budget	Unused
01132	57800	2019	06/26/2019	RFTS	VARIOUS	(5,800.00)	RFTS #3 MANAGEMENT SUPPORT	\$150,000.00	
01132	57800	2019	06/26/2019	RFTS	VARIOUS	(2,600.00)	RFT#4 TOWN CLERK		
01132	57800	2019	06/26/2019	RFTS	VARIOUS	(2,100.00)	RFT#5 PLANNIN BOARD		
01132	57800	2019	06/26/2019	RFTS	VARIOUS	(1,000.00)	RFT#6 FICA MED		
01132	57800	2019	05/13/2019	RFT#2	TREE WARDN	(3,000.00)	RFT#2 TREE WARDEN		
01132	57800	2019	02/07/2019	RFT1	TAX TITLE	(12,000.00)	RFT1 TAX TITLES		
						(26,500.00)		(\$26,500.00)	\$123,500.00

ORG	OBJECT	YEAR	EFF DATE	REF1	REFERENCE	AMOUNT	COMMENTS	Budget	Unused
01132	57800	2020	06/15/2020	RFT2	TOWN PLANR	(1,700.00)	RFT32 TOWN PLANNER LEGAL ADS	\$150,000.00	
01132	57800	2020	01/13/2020	RFT1	INSURANCE	(7,600.00)	RFT#1 INSURANCE		
						(9,300.00)		(\$9,300.00)	\$140,700.00

Town of Ayer

Benefits and Payroll Department



1 Main Street – Ayer, Massachusetts - 01432
Kevin A. Johnston, Benefits and Payroll Manager

Tel: (978) 772-8248
Fax: (978) 772-3017

Memorandum

Date: January 14, 2021

To: Members of the Select Board

From: Kevin A. Johnston, Benefits & Payroll Manager *KAS*

Subject: Families First Corona Virus Response Act

The Families First Coronavirus Response Act (FFCRA) mandate to provide Emergency Paid Sick Leave (EPSL) for employees with a COVID-19 diagnosis or exposure and Expanded Family and Medical Leave (EFML) to employees with dependent children whose school or place of day care is closed due to COVID-19 expired on December 31, 2020.

The federal Consolidated Appropriations Act (CCA) approved in December 2020 includes a provision for the employer to voluntarily extend both the EPSL and EFML benefits through March 31, 2021. There is no increase in the EPSL or the EMFL benefits; the voluntary extension provides an additional three months of the time to use these benefits.

I request the Select Board approve an extension of the Emergency Paid Sick Leave and Expanded Family and Medical Leave benefits through March 31, 2021 in accordance with the provisions of the Consolidated Appropriations Act.

Thank you for your consideration of this request.

cc: Town Manager

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



Broadcast and Recorded by APAC

Monday December 21, 2020
Open Session Meeting Minutes

SB Present: Shaun C. Copeland, Chair; Scott A. Houde, Vice-Chair; Jannice L. Livingston, Clerk
All Via Remote Participation

Also Present: Robert A. Pontbriand, Town Manager
Carly M. Antonellis, Assistant Town Manager
Both Via Remote Participation

Call to Order: S. Copeland called the meeting to order at 5:15pm.

Remote Access: S. Copeland stated that pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, MGL Chapter 30A, Section 18 and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Ayer Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort has been made to ensure that the public can adequately access the proceedings as provided in the Order. All votes will be taken by Roll Call.

Executive Session pursuant to MGL c. 30A, Sec. 21A: **Motion:** A motion was made by S. Houde and seconded J. Livingston to enter into Executive Session pursuant to MGL c. 30A, Sec. 21A Exemption #3 (Litigation Strategy) *Aqueous Film-Forming Foams (AFFF) Products Liability Litigation* and #3 (Litigation Strategy) *Diesel Direct v. Ayer Shirley Regional School District, et al.; Riley Jayne Farm, LLC, et al. v. Diesel Direct Inc., et al* and to reconvene in Open Session at 6:00 PM. S. Houde stated that to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Reconvene in Open Session: The Select Board reconvened in Open Session at 6:00 PM.

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

Approval of Meeting Agenda: R. Pontbriand stated that Ms. Hersey, Community Development Office would be amending her request for use of \$20,000 to \$30,000 in Program Income for an Emergency Housing Rehabilitation Proposal.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the meeting agenda, as amended. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Announcements: None

Public Input: None

Ms. Alicia Hersey, Program Manager, Comm. Development Office: *Emergency Housing Rehabilitation Proposal* – A. Hersey is asking the SB to consider funding an Emergency Housing Rehabilitation Program with \$30,000 in program income to be used in situations such as a broken furnace, leaky roof, etc.

S. Copeland asked if the resident paid back the funding. A. Hersey stated that if the owner stays in their home for 15 years the lien is satisfied.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the request for use of \$30,000 in program income for an emergency housing rehabilitation program. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Superintendent Mark Wetzel, DPW: *School Street Sidewalk Construction Project Change Order 1* – M. Wetzel presented Change Order 1 for the School Street Sidewalk Construction Project which is nearing completion. The project is funded by a Complete Streets grant in the amount of \$203,118. Because the awarded bid amount of \$106,220 was much lower than the available grant budget, the DPW worked with the Contractor to include additional upgrades.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve Change Order 1 as presented. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Update on Revisions to Town Stormwater Bylaws – Town Engineer Dan Van Schalkwyk gave a presentation on the proposed revisions to the Town's Stormwater Bylaw. He also updated the SB on the Town's MS4 Permit stating that the permit requires the Town to address 6 minimum control measures to improve stormwater discharge. In 2008, the Town of Ayer adopted a bylaw on stormwater management and in 2020, the Planning Board adopted regulations to accompany the 2008 bylaw. The plan is to place the revised bylaw on the April Annual Town Meeting Warrant. He stated that the DPW will be holding public information sessions on the proposed bylaw change in the near future.

Grove Pond PFAS Treatment Facility Change Order 1 - M. Wetzel presented Change Order 1 for the Grove Pond PFAS Treatment facility. The change order amount is \$109,530 for various additional punch list items.

Sara Withee, 11 Groton Shirley Road asked where the money comes from to cover the Change Order. M. Wetzel replied that it comes from a grant from the Army.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve Change Order 1 in the amount of \$109,530 with Winston Builders Corp with signature by the Chair. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Out of Town Water and Sewer Connection Policy – M. Wetzel stated that per the last SB meeting, he and the Town Manager made a few edits to the proposed policy. The time frame has been increased to 90 days prior to a Town Meeting. The application for connection would be reviewed by the Town Engineer with a written report to be delivered to the SB, the Planning Board and the Town's Rate Review Committee. J. Livingston stated that she thinks the 90-day deadline prior to Town Meeting should be tweaked to say 90 days prior to Town Meeting Warrant approval. Board members agreed. S. Houde asked whether or not the Town needs an Inter-Municipal Agreement if the application comes from a private developer. M. Wetzel stated he would prefer the IMA as it gives the Town of Ayer more leverage to ensure compliance and he thinks both Town entities should be involved.

Sara Withee, 11 Groton Shirley Road asked what the Planning Board's role was. M. Wetzel stated that if there is a new subdivision coming to the Town, the DPW does an analysis on behalf of the Town. Ms. Withee then asked what the public notification is going to be. R. Pontbriand stated that the review will go to the Select Board, Rate Review and the Planning Board, which would have to be discussed at a publicly posted meeting, per the MA Open Meeting Law requirements. Additionally, all information can be placed on the Town's website.

M. Wetzel summarized the changes by noting that 75 days prior to Town Meeting has been changed to 90 days prior to Town Meeting Warrant Approval.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Water and Sewer Connection policy with edits, as discussed. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Town Manager's Report: *Administrative Update/Review of Town Warrant(s)* - R. Pontbriand provided the Select Board with an update on the various activities, initiatives, and projects of the Administration since the Select Board last met. He also provided a list of signed Town Warrants in the meeting packet. He stated that the focus of the Administration continues to be the formulation of the FY '22 budget. He and the Finance Manager are also working on finalizing the CARES funding, which expires on December 30, 2020. R. Pontbriand also thanked various Town Departments for their efforts with different holiday activities going on in Town.

COVID-19 Update – R. Pontbriand reported that things are mainly status quo and the Town of Ayer is listed as red on the State's COVID-19 map. He stated that the Town continues to follow best practices and is looking forward to more information relating to the vaccine.

Reserve Fund Transfer Request – Unemployment Expense (01913-51710) – Benefits and Payroll Manager Kevin Johnston was in attendance seeking approval of a \$7,500 RFT for the Unemployment Expense line. The actual amount of the FY '21 unemployment expenses were not known at the time of the budget preparation.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the RFT in the amount of \$7,500 to Unemployment Expenses 01913-51710. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

R. Pontbriand also added that the Administration and Finance Team continue to monitor revenue, and everything remains stable. The first FY '22 budget forum will take place at 6:00 PM on Wednesday January 27, 2021.

Intermunicipal Agreement with Town of Westford - Use & Storage of Fire Engine – R. Pontbriand presented an IMA drafted by Town Counsel between the Town of Ayer and the Town of Westford for the use and storage of Ayer's old fire engine to be garaged at the Westford Fire Station. The Westford Select Board reviewed and approved the Intermunicipal Agreement at their December 8, 2020 Meeting.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the Intermunicipal Agreement. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

New Business/Selectmen's Questions: J. Livingston stated that she would like to commend the Town of Ayer for ending the year on a positive note.

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from December 1, 2020. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by S. Houde to adjourn at 7:06 PM. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by BOS: _____

Signature Indicating Approval: _____