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TOWN OF AYER
TOWN CLERK

1:00 PM
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Town of Ayer
Select Board
1 Main Street
Ayer, MA 01432



Wednesday March 6, 2024
Open Session Meeting Agenda

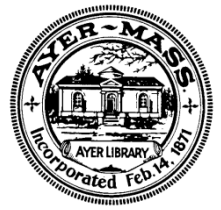
This meeting/hearing of the Ayer Select Board will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation via Zoom is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in a specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. This meeting will be live on Zoom and Channel 8. The public may access the proceedings by joining Zoom (Meeting ID# 897 9080 0793) or by calling (929-205-6099). For additional information about remote participation, please contact Carly Antonellis, Assistant Town Manager at atm@ayer.ma.us or 978-772-8220 ext. 100 prior to the meeting.

- 5:30 PM** **Call to Order**
Pledge of Allegiance; Review and Approve Agenda; Announcements
- Public Input**
- 5:35 PM*** **Joint Appointment of Associate Planning Board Member by the Select Board and Planning Board**
- 5:40 PM** **Danny Ruiz, Town Planner**
1. Presentation of Proposed Zoning Bylaw Warrant Articles
- 5:50 PM** **Alicia Hersey, Program Manager, Community Development Office**
1. Review of Ayer Community Development Strategy
2. Review of Ayer Housing Rehabilitation Program Guidelines
3. Letter of Support for the CDBG Grant Application
- 6:00 PM** **Town Manager's Report**
1. Administrative Update/Review of Warrants
2. FY 2025 Budget Process Update
- 6:05 PM** **New Business/Select Board Member Questions**
- 6:10 PM** **Approval of Meeting Minutes**
February 20, 2024
- 6:15 PM** **Adjournment**

**Agenda Times are approximate and do not constitute exact times*

*The next regularly scheduled meeting of the Ayer Select Board will be Tuesday March 19, 2024 at 6:00 PM, both in-person and via Zoom.
The 2nd Public Budget Forum will be held on Wednesday March 27, 2024 at 6:00 PM, both in-person and via Zoom.*

Town of Ayer Office of the Town Planner



Town of Ayer | Ayer Town Hall | 1 Main Street, 3rd Floor | Ayer, MA 01432 | 978-772-8218 | www.ayer.ma.us

Memorandum

To: Robert Pontbriand, Town Manager
Carly Antonellis, Asst. Town Manager

From: Daniel Ruiz, Town Planner

Re: Appointment of an Associate Member

Date: February 27, 2024

Since the start of the new year, the Planning Board and I have been discussing getting someone to fill the Planning Board's associate member position. Kathleen Cachel submitted her resume and letter of interest for the Planning Board's vacant associate member position. The Planning Board Chair, Jonathan Kranz, the Vice-Chair, Ken Diskin, and I held a meeting with Kathleen to discuss the position's duties and her interest in the position. Leaving the meeting we felt that Kathleen was a great fit for the associate member, and I recommended that the Planning Board hold a public meeting to discuss and possibly vote on the appointment of Kathleen to the associate member position.

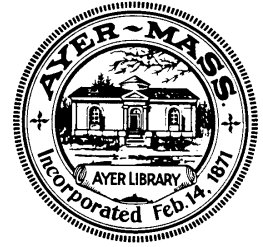
The Planning Board held a public meeting on February 13, 2024, to discuss and vote on the appointment of an associate member. At the public meeting, Kathleen gave the Planning Board a quick summary about herself, and the board members asked her questions. The chair and vice-chair both spoke about our meeting with Kathleen and how they were in support of appointing her to the associate member position. After discussion the Planning Board motioned to recommend the appointment to the Select Board of Kathleen Cachel to the Associate Member position. The Planning Board voted (5-0) to pass the motion. Based on the Town of Ayer Planning Board Rules and Regulations, Article 4: §4.2 "Associate members shall be appointed for a three-year term by a majority vote of the Planning Board and the Board of Selectmen." The last step of the appointment process is for Kathleen to go before the Select Board for their vote on the recommendation from the Planning Board.

If the Select Board were to appoint Kathleen to the associate member position, she would serve the designated three-year term which would begin on the date the Select Board voted which would be March 6th, 2024. The Select Board typically makes their appointments effective June 30th of that year. Kathleen's term would expire on June 30th, 2026, which is 2 years, 4 months, and 1 day from March 6th, 2024. This would make her appointment line up with the time frame in which the Select Board would be making other appointments and would make sure that her term would not be more than a three-year term.

Town of Ayer

Department of Planning & Development

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



MEMORANDUM

TO: Select Board, Robert Pontbriand

FROM: Alan S. Manoian, AOCED Director
Alicia Hersey, Community Development Program Manager

DATE: February 27, 2024

RE: Update and Review of Ayer Community Development Strategy
Update and Review of Ayer Housing Rehabilitation Program Guidelines
Request a Letter of Support for the CDBG grant application.

Community Development Strategy:

The Office of Community and Economic Development is submitting an updated Ayer Community Development Strategy 2024-2029 (CDS) for the Select Boards review and approval. We have used departmental input, public engagement, and community outreach over the past two years to update this Community Development Strategy.

Request the Select Board review and approve by vote the FY24 Community Development Strategy.

Ayer Housing Rehabilitation Program Guidelines:

In anticipation for the FY24 CDBG grant application to fund the Ayer Housing Rehabilitation Program the AOCED has updated the Ayer Housing Rehabilitation Program Guidelines. Changes in the updated guidelines consist of an expansion of the target area for grant applications, and the number of grants one property can receive.

Request the Select Board review and approve by vote the FY24 Ayer Housing Rehabilitation Program Guidelines.

Select Board Letter of Support for the FY24 CDBG Application

Request the Select Board review and approve and sign a Letter of Support for the FY24 CDBG Application

Town of Ayer, Massachusetts

Community Development Strategy 2024-2029

Respectfully prepared & submitted by the Ayer Office of Community & Economic Development (AOCED)

Introduction:

The incremental and highly-participatory implementation of the (2017) Town of Ayer Master Plan “The Great Junction” by the residents, local elected officials, municipal committee & board members, municipal professional staff members, local civic & non-profit organizations, local commercial property & business owners, state legislative delegation, and regional public & private sector partners over the course of the seven (7) years is noteworthy for its overall achievement and broad support. These noteworthy achievements include, but not limited to, creation of the Town of Ayer Affordable Housing Committee, creation of the Town of Ayer Affordable Housing Trust, funding & staffing of a full-time municipal Social Worker, formulation and adoption (*unanimously at Town Meeting*) of two innovative Form-Based Zoning Codes for Downtown Ayer/Commuter Rail Station District & the future “West Ayer Village” on West Main Street, adoption of an Accessory Dwelling Unit Bylaw, adoption of a Inclusionary Housing Bylaw, construction of the Ayer/MART Commuter Rail Station Parking Deck, opening of the new Depot Square Park at the MBTA Commuter Rail Station, historic preservation & rededication of the (1907) Depot Square Watering Basin, construction of state-of-the art PFAS Water Treatment Plant, creation/planting of the 1st Pocket Forest Park (*MVP Action Grant*) in Central Massachusetts, design & development of the new Ayer Center for Active Living (*Senior Center*), creation of the Town of Ayer Devens Resolution Committee, creation of the Hazard Mitigation Plan Working Group, creation of the Stormwater Utility Advisory Group, creation of the Town of Ayer Woodlawn Cemetery Commission, creation of the Ayer Disabilities Commission, production of the Ayer ADA Self-Evaluation & Transition Plan, production of the Ayer Housing Production Plan, production of the Ayer Open Space & Recreation Plan, design & development of the new Pirone Park Playground, completion of the East Main Street “Complete Streets” project, completion of the CDBG Prospect St. & Oak St. Public Infrastructure Improvement project, and the successful completion of the \$4 million “West Main St./West Ayer Village” Public Infrastructure/”Complete Streets” Improvement project (*\$3.1 million MassWorks Grant*).

Profile:

Ayer, Massachusetts (2024) population approximately 8,400 residents contained in 9.8 square miles. As five major rail lines intersected at this place from 1845-1855, the village of South Groton transformed into the “The Great Junction”. In 1871 the Town of Ayer was chartered as a compact and industrialized New England “Railroad Town”. In 1917 hundreds of acres of land in Ayer, Harvard & Shirley were acquired by the Federal Government establishing Camp Devens, becoming Fort Devens in 1936. Between 1917 and 1997, Ayer’s economic, social, cultural, physical, and environmental profile was substantially shaped by Fort Devens. Fort Devens was decommissioned in 1991. Ayer’s 19th and 20th century heritage as both a railroad and military town result in 21st century Ayer being well positioned as a community embracing socio-economic diversity, broad ethnic and cultural inclusion, varied lifestyle and livelihood choices, life-long educational accessibility, and noteworthy citizen-based civic participation and activism. Advantageous 21st century community development resources/assets include, the Downtown MBTA Commuter Passenger Rail Station, the historic Downtown Main Street District, compact

and walkable historic neighborhoods within a 5-10 minute walk of the Commuter Rail Station, a resilient traditional land development pattern with concentrated mixed-use development at historic core with remaining undeveloped open lands/meadows/forests at outer edges, and a strong tradition of closely-knit mixed-use neighborhoods populated by residents with a diverse range of age, income, educational, and household-size levels. Ayer's heritage of diversity and inclusion is Ayer's 21st century community development strength. The Town of Ayer is governed by a 3-member Select Board, and administered by the Office of the Town Manager, with municipal community & economic development programs and projects being administered by the Ayer Office of Community & Economic Development.

AYER COMMUNITY DEVELOPMENT GOALS & OBJECTIVES (2024-2027)

Goal:

1. Provision of Adequate, Affordable & Accessible Housing for the full range & scope of individual & family households.

Objectives:

- Advance the Ayer Housing Rehabilitation Program.
- Support Ayer Affordable Housing Committee & Ayer Affordable Housing Trust initiatives; Review current 25% Ayer Inclusionary Housing Bylaw for possible readjustment to 10% as per MBTA Communities Law.
- Propose new land use bylaws that encourage building affordable multi-family housing where public infrastructure (streets, sidewalks, water lines, wastewater lines, stormwater lines, power lines etc.) & ease and affordability of close proximity to daily life needs are located and well-provided – to lessen the loss of Ayer's remaining open lands, forests, meadows, wetlands, wildlife habitat – and to lessen the long-term taxpayer impact of maintaining new sprawling & costly cul-de-sac neighborhood roadways and underground infrastructure.
- Consider, assess and propose potential new Zoning & Land Use bylaws to increase supply of housing stock and variety of housing types.

Goal:

1. Support Ayer's valued industrial and manufacturing-based community.
2. Retain, expand & continually attract a diverse concentration of innovative manufacturing-based firms.
3. Advance public infrastructure and visual appeal quality improvements of Ayer's Stoney Brook Industrial Park on Westford Street.
4. Advance & expand public infrastructure and visual appeal quality improvements of Ayer's Fitchburg Road Light Industrial District.

Objectives:

- Protect & preserve existing Industrial zoned land from variance proposals.
- Attract new manufacturing sector companies to existing available industrial properties.
- Work with local manufacturing company human resource directors to attract & retain employees. Coordinate with local & regional partners to provide transportation choice & accessibility to local manufacturing job opportunities.

- Advance funding, design and construction concepts for the comprehensive upgrade of Ayer’s Stoney Brook Industrial Park on Westford Road.

Goal:

1. Advance Ayer’s multi-modal transportation infrastructure, land & building development patterns, and lifestyle.

Objectives:

- Continue the successful advancement of the Town of Ayer’s “Complete Street” policy & program.
- Advance the Downtown Ayer “Park Street Livable & Complete Streets” Public Infrastructure Improvement Project.
- Advance funding sources, concept plan, design and construction of new 21st century, ADA-compliant Downtown Ayer MBTA Commuter Rail Station Platform & Area.
- Support the provision and growth of the Devens Regional Shuttle Bus Route to support new multi-family residential development in West Ayer Village and public transit connectivity to thousands of new high-paying employment opportunities at Devens, and with the Downtown Ayer/MBTA Commuter Rail Station.

Goal:

1. Regulate land and building development patterns to assure long-term community & environmental safety, health, well-being, and to assure municipal financial stability, sustainability & resilience.

Objective:

- Encourage and deliver new mixed-use development in the Downtown Ayer/Park Street Form-Based Code District and the West Ayer Village Form-Based Code District.
- Align all new development with the Massachusetts (10) Principles of Sustainable Development.
- Identify, advance, and fund the mitigation of environmental contamination sites in Ayer.
- Advance the Town of Ayer “Complete Streets” Policy through all local development.
- Continue to identify significant & connective open/rural space parcels for prospective municipal acquisition through Community Preservation Funds and additional funding sources.
- Design all new land and building development for multi-modal transit accommodation & accessibility.
- Incrementally address significant ADA-Compliance issues/upgrades/barrier removal with all new development opportunities.

AYER CDBG PROJECT PRIORITIES: The Town of Ayer’s 2024 CDBG Application for program funding for three (3) Project Priorities:

1. Housing Rehabilitation Program:

To advance and build-upon the success of Ayer’s Housing Rehabilitation Program; to encourage increased participation by needy residents of the historic and poorly maintained Sustainable Target Area urban neighborhoods.

2. Target Area Neighborhood Infrastructure Improvement:

To program and fund the repair, replacement and reconstruction of obsolete, failing and often hazardous municipal infrastructure within Ayer’s Sustainable Target Area Neighborhoods. Lack of proper infrastructure improvement substantially compromises the health, safety, opportunities, choices, connectivity, justice, civic cohesion, and value of Ayer’s low to moderate income neighborhoods.

3. Advance the Development of Proposed Ayer Senior Center:

To support and work in coordination with the Ayer Senior Center Building Committee to finalize selection of prospective sites, to administer awarded \$300,000 FY24 MA Housing Choice Grant to advance preliminary design/engineering/cost-estimation, and to begin preliminary formulation of potential CDBG Grant funding application submission for proposed construction of new Ayer Senior Center in 2025-26.

Public Engagement to Develop this Strategy:

- Ayer+Devens 2033 2-Day Symposium (Mar. 11th & 12th 2023)
- The Future of Housing in Ayer Public Forum (Oct. 19, 2023)
- Ayer Lancaster Lunenburg Shirley Regional Trucking Study & Committee (2023-2024)
- Flannagan Pond Public Access Feasibility Study – Public Forum (Oct. 4, 2023)
- Shepherd of the Valley Church/Historic Hill District Mobile Workshop Tour (Oct 28, 2023)
- Newton Street Festival Municipal Committees & Boards – Project Booths/Public Engagement (October 2023)
- Hazard Mitigation Plan Working Group (2022-2024)
- Hazard Mitigation Plan Public Information Forum (June 29, 2023)
- Sandy Pond Road “Complete Streets” Public Forum (Sept. 13, 2023)
- PFAS Public Forum (July 13, 2023)
- East Main Street Neighborhood Pocket Forest Public Site Tour (June 28, 2023)
- Grove Pond Water-Chestnut Pull Public Workshop/Event (May 2, 2023)
- Ayer/Devens East Main Street Pocket Forest Public Planting Day (April 29, 2023)
- Montachusett Regional Transportation Public Forum (Oct. 2, 2023)

Target Area:

The Town of Ayer’s CDBG Sustainable Development Target Area is contained within US Census Tract 3251, and includes US Census Blocks 3, 4, 5 & 7. The Target Area is dominated by the Historic Hill District Neighborhood and the Historic Grove Pond Neighborhood, both being laid-out in a traditional street-grid pattern between 1845-1865. The Target Area is designated as an Environmental Justice (EJ) Neighborhood. There are a total of 1,462 housing units within the Target Area, population estimate is 2,986 (2022 ACS 5Yr. estimate), 60.2% of the total housing stock located in the Sustainable Target Area was built earlier than 1939, median age is 42.4 years (*Ayer town-wide median age is 34.4*), 53.3% of the housing units use electricity or fuel oil, owner/renter percentages are 51.1%/48.9% respectively, 51.2% of homeowners are paying in excess of 30% of their monthly income to maintain their households, with 36.4% of renters paying in excess of 30% of monthly income, Target Area annual median household income is \$76,094 (*Ayer town-wide median household income is \$100,605*). The Ayer Housing Authority subsidized residences, the Ayer Council on Aging Facility, and the Ayer Housing

Authority Pleasant Street School Apartments are all located in the Target Area. The Grove Pond Neighborhood directly abuts the active Ayer Junction Railroad Freight Yards & massive regional Freight Rail/Tractor-Trailer Intermodal Facility, and the site of the former (and contaminated) Ayer Tannery, which also is a location frequented by homeless/unhoused individuals in Ayer. These area profile characteristics and conditions evidence a Sustainable Target Area living and surviving with troubling issues of concern that compromise the resident lives and livelihoods in terms of personal & family health, social mobility, lifestyle choice, social equity & justice, financial sustainability, and public safety & security.

**TOWN OF AYER
HOUSING REHABILITATION PROGRAM
FY 2024 GUIDELINES**

Introduction

The Ayer Housing Rehabilitation Program (the Program) provides 15-year, 0% interest, Deferred Payment Loans (DPLs) for general rehabilitation and grants for lead paint hazard inspection to owners of single and multi-family (up to seven units) residential properties in the Ayer Sustainable Development Target Area. The program is funded through a Massachusetts Community Development Block Grant (MCDBG) from the Commonwealth of Massachusetts Executive Office of Housing and Livable Communities (EOHLC). The primary eligibility criteria, which must be met by owners wishing to participate in the program, are:

Location: Eligible properties must be located in the Town of Ayer, with 75 percent of the properties rehabilitated located in the Ayer Sustainable Development Target Area. The boundaries of the Ayer Sustainable Development Target Area coincide with those of the Census Tract 3251.02, Blocks 3, 4, 5, & 7.

Principal Benefit: At least 51% of the units in the structure must be occupied by low- or moderate-income households, as defined by HUD (see Attachment A). All single-unit properties must be occupied by a low- or moderate-income household. In a two-unit structure, one or more of the two units must be occupied by an income-eligible household. In a three- to seven-unit property, at least 51% of the units must be occupied by low- or moderate-income households.

A. ELIGIBILITY OF PROPERTY

1. Eligible Properties: Single family, multi-family (up to five units), residential properties within the Ayer Sustainable Development Target Area are eligible for assistance. Up to 25% of program funds may be used for cases located throughout the Town of Ayer.
2. Property Condition: Properties must be “substandard” as defined by the presence of one or more major code violations to participate in the program.
3. Taxes, Water/Sewer Payments: To be eligible for participation in this program, the property’s taxes and water/sewer payments must not be delinquent, or the owner must have entered into an arrangement to repay the delinquency and must be in compliance with said arrangement.
4. Credit Status: All mortgages or promissory notes secured by the property must be in good standing. Applicants who are in bankruptcy proceedings must demonstrate that the participating property will not be affected in any way by the bankruptcy. The property must not have state or federal tax liens. Applicants should inform Program staff if existing mortgages or promissory notes secured by the property are not in good standing (e.g. in arrears, default or foreclosure). Additionally, the applicant should inform Program staff if he/she is involved in bankruptcy proceedings. The Program will not provide assistance to applicants who have not resolved issues pertaining to the above.
5. Flood Insurance: Properties located within the 100-year floodplain must have flood insurance to participate in the program. If this additional coverage must be purchased, the first year’s premium may be paid with program funds.

B. ELIGIBILITY OF THE APPLICANT

1. Owner-occupants: If the property is owner-occupied, the property owner's household income must be at or below the HUD-defined low- and moderate-income limits for the Boston-Cambridge-Quincy HMFA, which represents 50% and 80% of median income (Attachment A). Owner-occupants of multi-family properties may be eligible for program assistance regardless of income, if their tenants are low- and moderate-income. (See Section E.3.) Income verification, in accordance with MCDBG standards, is required. (Attachment B) An applicant's household size will be established at the time the application is activated for determination of eligibility. In the case of jointly owned property, only the income of the actual household residents will be counted.
2. Investor-owners: Rental units may also qualify for assistance through the program if the tenants meet the applicable income guidelines. The income limits for tenants are the same as mentioned above and in Attachment A. The same standards used for owner-occupants will be employed to verify tenant incomes.
3. Prior Program Participants: Prior program participants will be eligible for assistance if the following policies prevail:
 - a) Applicants who receive assistance from the program will not be assisted again within a five-year period from the date of the Assistance Agreement if they have already received the maximum amount of assistance allowable for their project. This policy is applied on a per property basis. Should an applicant own more than one property, multiple properties may be assisted within the five-year period. However, in accordance with Section C.1. below, only one property may be assisted per program year. This provision does not apply to properties in which there is a bona fide emergency condition as defined in Section D of these guidelines.
 - b) If an emergency exists, as defined in Section D below, the Program Coordinator can authorize assistance to allow for the repair of the emergency condition.
 - c) Once assisted, applicants seeking additional assistance are required to submit a new application.
 - d) Assistance provided in either case will be secured by a new lien on said property.

C. OTHER CONDITIONS OF PARTICIPATION

1. Frequency of Participation: An owner's participation in the program is limited to one property per program year (fiscal year of grant funding). For purposes of this program, "property" is defined as one or more buildings containing residential units on a single parcel (as described by the legal description on the deed) and/or single deed. If a "property" has been assisted under the provisions of an "emergency application," it will be eligible for further assistance under the normal waiting list provisions. An owner may not participate with the same property more than twice in a given 15 year period, excluding emergency participation.
2. Ownership: For applicants seeking status as owner-occupants, ownership of the property must be in the name(s) of a real, living person(s). The title to the property must clearly establish that the

occupants are the owners of the property. Applicants must be able to clearly demonstrate who owns or has beneficial interest in the subject property.

3. Household Size: Household size will be determined as of the date of the first request by program staff for income documentation. In the event that there is a change in household size before a determination of income-eligibility is made, the program may review the eligibility of the project in light of the change.
4. Prior Work: Owners may not be reimbursed for projects undertaken prior to approval and authorization under the program.
5. Town Employees, Officials and Staff: Program staff, and any other Town employees or officials, who may have authority with respect to the administration of the MCDBG, are not eligible to receive program assistance. The program will obtain a determination from Town Counsel concerning conflict of interest for any Town employee requesting assistance. Conflict of interest determinations are subject to the provisions of MGL Chapter 268A and DHCD conflict of interest policies.
6. Rental Agreement: All owners of rental units will be required to execute a Rental Agreement that ensures that for a period of fifteen (15) years after rehabilitation, a minimum number of assisted housing units will remain affordable and available to low- and moderate-income households. Rents for occupied low- and moderate-income units assisted will be maintained at the base rent. The base rent is the actual rent level for the unit at the time the application for housing rehabilitation is activated for processing by the Town. If any utilities are included in the unit's initial rent, they must also be included in the base rent.

For units vacant at the time of the owner's application, the base rent must be set at a level that is at or below the Section 8 Existing Housing Program Fair Market Rents including adjustments for utility costs or the High HOME rents.

When units occupied by over-income tenants at the time of rehabilitation become vacant, the rent for the unit will be set at a level that does not exceed the lesser of the Section 8 Existing Housing Program Fair Market Rents including adjustments for utility costs or the High HOME rents. For all units, rental increases can occur only at the end of an existing lease or annually, upon completion of the rehabilitation work. Increases are limited to the HUD Annual Adjustment Factors (AAFs).

7. Affordable Housing Restriction: Owner-occupied properties with more than four units and investor-owned properties are required to execute an Affordable Housing Restriction (AHR) agreement in order to receive assistance. The AHR includes language restricting rent levels in low- and moderate-income units for a minimum of 15 years and is recorded at the Middlesex County Registry of Deeds. The AHR runs with the land and the terms are transferred to a new property owner should the property be sold or transferred during the term of the AHR.
8. Condominia/Cooperatives: For the purpose of determining eligibility and the level of assistance from the program, condominia/cooperatives will be qualified on the basis of the tenure and occupancy of the individual unit, with each unit being considered as a single family property. However, for participating units where rehabilitation is required for commonly owned areas, program assistance will be based on a pro rate share. The condominium association/cooperative will be required to fund the cost of the prorated balance not attributable to the unit(s) assisted through the program.

Condominium/Cooperative owners must have the approval of their association to perform any exterior or common area work described in the work write-up. If required in the condominium documents of a given development, approval may be necessary for interior rehabilitation as well.

9. Floodplain Requirements: Properties located within the 100-year floodplain must have flood insurance to participate in the program. If this additional coverage must be purchased, the first year's premium is an eligible program expense.
10. Falsification of Information: If an applicant falsifies information or provides misleading information in an application, the applicant will be permanently disqualified from participating in the Program.

D. ASSISTANCE TO EMERGENCY CASES

Applications for emergency assistance will be accepted. An emergency is defined as a situation with an immediate threat to the building's integrity or the health and/or safety of the property's occupants as determined by the Rehabilitation Specialist and confirmed by the Building Inspector, other Town inspector, and/or the Program Coordinator. This includes emergencies related to lead paint, i.e. where a child has dangerously elevated blood lead levels >10 micrograms per deciliter as verified by a physician, and handicapped accommodations to improve the resident's ability to continue to live in the dwelling. Emergency cases will be handled as follows:

1. An application for emergency assistance will be made by the owner as part of the application for assistance, or for those already on the waiting list, when an emergency situation occurs.
2. The Rehabilitation Specialist will inspect any emergency conditions as well as check for other emergency conditions that might exist on the property.
3. The appropriate Town Inspector or the Program Manager will confirm the existence of any emergency conditions.
4. The Rehabilitation Specialist may consider a recommendation that the entire rehabilitation project be pursued as an emergency based on the profile of the client, the condition of the property and/or the position of the applicant on the waiting list.
5. If an emergency condition has been determined to exist, the application will receive priority status by being moved to the front of the waiting list. The owner will be notified in writing of the change in case priority and be provided with an Emergency Assistance Agreement.
6. The Emergency Assistance Agreement will specify the emergency conditions as identified above. The Agreement will request that the owner certify that the conditions identified are the only emergency conditions. The Agreement will state that only the emergency conditions will be repaired and will request certification by the owner that if the property is eligible for non-emergency assistance, non-emergency repairs will be completed when the application comes up in its normal order on the waiting list. By signing the Agreement, the owner will also acknowledge that further assistance will be contingent upon the household meeting the income guidelines in effect when the application is considered in its normal order.

E. TYPE OF ASSISTANCE

Financial assistance for lead testing, if required, shall be provided as a grant for low- and moderate-income owner-occupied single family and multi-family properties. Financial assistance for general rehabilitation will be available in the form of a 15-year, 0% interest, Deferred Payment Loan (DPL). If the property is transferred to a new owner within 15 years of project completion, repayment of the DPL will be required. This provision applies to arms-length transactions to non-interested parties for which real consideration is given. Should the property be transferred to an heir, successor or assign, repayment of the lien is not required. Financial assistance will be provided at the following levels:

1. 100% Deferred Payment Loans: Full DPLs will be available to eligible low-income owner-occupants up to the per unit cap.
2. 75% Deferred Payment Loans: For moderate-income owner-occupants of single or multi-family properties, the program will provide 75% of the project cost, up to the per unit cap.
3. 50% Deferred Payment Loans: Non-occupant investor-owners are eligible for a DPL of 50% of the project cost, up to the per unit cap. In addition, over-income owner-occupants of multi-family properties are eligible for a DPL of 50% of the project costs as long as a minimum of 51% of the units (50% for a two-family) are occupied by low- and moderate-income households. The required contributions of non-occupant investor-owners or over-income owner-occupants may not be waived.
4. Assistance for Lead-based Paint Hazard Reduction/Abatement: Grants for the full cost of lead testing and lead paint hazard reduction will be provided to low- and moderate-income owner-occupied single-family and multi-family properties if the lead work is required for participation in the program. However, should such lead work result in the installation of new materials such as windows, replacement doors, vinyl siding, coil stock, etc., costs associated with the installation of these items are subject to owner match requirements and will be included in the lien amount. Homes constructed after 1978 do not require testing. Multi-unit properties with rental units with one or more bedrooms and homes where children under six (6) years of age reside are required to be de-leaded under Massachusetts law. In addition, the federal lead paint laws are triggered by the amount of federal funds estimated for expenditure due to the rehabilitation of the property, exclusive of lead paint hazard reduction. The Housing Rehabilitation Specialist is responsible for determining when lead testing is required based on the scope of work to be accomplished.

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

5. Owner's share of project costs: Match Contributions: Owners who are not eligible for 100% assistance must fund their contribution through private resources (i.e. bank loan, savings, etc.). However, if a moderate-income owner-occupant adequately documents an inability to secure the necessary private funds, in some circumstances, the program may provide up to 100% of the project cost. Owners' requests for waivers of their contribution must be accompanied by proof that a bank has denied a loan request for the funds. The owner must also authorize program staff to review the bank application for the rejected loan to determine the basis for the rejection, and if there are any conditions under which the loan, or a loan for a lesser amount, will be approved. In addition, a

supplemental form must be completed that lists asset information. Investor-owners and over-income owner occupants are not eligible to receive waivers.

Costs over the Program Limit: If the CDBG cost exceeds the Program maximum, owners are required to cover the amount over the limit. Low-income owners may request a waiver of this contribution after demonstrating insufficient liquid assets. Waiver requests from moderate-income owners will be processed in the same manner as those sought to cover the cost of “match contributions” above. Such waivers may also require approval by EOHLC.

Reservation of Assets: Owners are allowed to reserve assets representing the total of four months of the applicant’s mortgage principal, interest, taxes and insurance (PITI) for the subject property and not use these resources for their program contribution. If it is determined that the owner’s total liquid assets are less than the required matching funds, the property owner could request a waiver for that portion of the contribution not covered by personal assets.

In the event that a household’s income is largely ($\geq 80\%$) from fixed income (e.g. social security), in addition to retaining PITI for four months, the owner will be permitted to have other liquid assets (e.g. savings accounts, CDs, mutual funds, stocks, retirement accounts, etc.) before contributing to project costs, as follows: \$25,000 for the first household member and \$10,000 for each additional member.

F. REPAYMENT OF DEFERRED PAYMENT LOANS

All financial assistance provided through the program is secured by a 15-year lien filed with the Middlesex County Registry of Deeds. This prevents speculation and allows owners to remain in their homes after rehabilitation without additional monthly debt. No interest is accrued, and repayment of the loan is not necessary as long as the original applicant or immediate heir(s), successor(s) or assign(s) retains ownership of the property. The loan remains in effect for 15 years. If the property is sold, mortgaged or transferred to a non-interested party for which real consideration is given during these 15 years, the DPL becomes due, and repayment is required at the time of the transaction. The repayment schedule is as follows:

- Years 1-5: 100% repayment
- Years 6-15: Depreciating at a rate of $1/10^{\text{th}}$ of the original DPL per year
- Year 15 + 1 day: 100% forgiven.

On a case-by-case basis, if hardship can be demonstrated, a homeowner may apply through the Community Development Office to the Community Development Advisory Committee (CDAC) for a waiver of a portion of the lien repayment or total forgiveness of the loan.

G. MAXIMUM PROJECT COSTS

The base project cap is \$35,000 per unit. Base cap increases are available for deleading, asbestos removal, septic replacement, accessibility retrofits, and structural repairs needed due to deteriorating structural conditions or deficiencies (\$5,000 per activity). In addition, costs related to retaining the exterior integrity of an architecturally or historically significant property may be eligible for up to \$5,000 in additional funds. Total project costs including base cap increases are limited to \$40,000. In some circumstances waivers of the maximum project costs may be allowed up to maximums of \$40,000 per unit total for low- and moderate-income owners and \$35,000 per unit total for investor-owners and

over-income owner occupants of multi-family properties. However, all cases receiving more than \$35,000 in assistance must receive a waiver from EOHLC.

In cases where the Housing Rehabilitation Specialist's estimate is significantly higher than the project cap for a rehabilitation case, the Rehabilitation Specialist will review the scope of work to be performed and reduce it where possible. The homeowner and the Rehabilitation Specialist may agree to list alternates to the bid specifications in an effort to keep the project within the cap allowed. If the low bid exceeds the project cap, the program will ask the property owner to finance the difference. If the owner can demonstrate an inability to provide gap financing, a waiver of the project cap may be sought.

EOHLC waivers will be sought for all cases receiving greater than \$40,000 in assistance. However, if the assistance exceeds \$40,000 per unit for low-and moderate-income owner occupants, the waiver request will be first presented to the Ayer CDAC. Cases referred to the CDAC will be presented anonymously. If the CDAC approves the waiver request, it will be forwarded to DHCD's Community Development Block Grant Program office for approval. If approved, the project will then go forward. If the waiver is denied by either the CDAC or EOHLC, the project will be terminated. Assistance beyond \$40,000 per unit will not be provided to investor-owners and over-income owner occupants of multi-family properties without exception.

H. SCOPE OF WORK

1. The primary purpose of the program is to correct code violations and substandard living conditions, including the removal of the health hazards associated with lead paint and asbestos. The program will address serious code violations and incipient code violations. Additional optional home improvement may be allowed subject to budget constraints and the nature of the improvement. Priority projects are:
 - a) Code violations of the Massachusetts Sanitary, Building, Electrical and Plumbing codes, including the removal of hazardous materials (See Section I).
 - b) Lead based paint hazard reduction and deleading, the extent of which is determined by the amount of funds being expended, presence of children six years old and under, and rehabilitation of rental units with one or more bedrooms.
 - c) Serious building maintenance deficiencies, deteriorated roofs, structural deficiencies.
 - d) Replacement of obsolete or inefficient heating systems.
 - e) Septic repair or replacement.
 - f) Building weatherization and energy efficiency improvements, such as window/door replacements, insulation, storm windows, and
 - g) Incipient conditions, which if left unaddressed would qualify for the above priorities.
2. All improvements must be attached to the property and must be permanent in nature.
3. Ineligible items include obvious luxury construction (pools) and other items, non-residential structures, etc.

4. Any questionable items considered for rehabilitation assistance shall be reviewed by the Program Director, the CDAC and/or the Town's MCDBG representative prior to final approval.
5. Correction of code requirements determined necessary by the Rehabilitation Specialist/Building Inspector will be considered non-negotiable items that are to be corrected.
6. Properties which have been determined to be or are potentially historically and/or architecturally significant shall be reviewed with the State Historic Preservation Officer (SHPO) to avoid any adverse effects on properties of this nature. The Secretary of the Interior's Standards for Rehabilitation shall be used as program guidelines for such structures that are greater than 50 years of age.

I. PROCEDURES FOR REMOVING LEAD PAINT AND ASBESTOS

Persons temporarily displaced as a result of the removal of lead paint or the abatement of asbestos may appeal to the Program Director for temporary displacement benefits. Section R below outlines temporary relocation procedures for the Ayer Housing Rehabilitation Program. Those considered eligible to receive temporary displacement benefits will be notified of their eligibility at least 30 days prior to the estimated relocation date.

1. Lead Paint Removal: A lead paint inspection and risk assessment will be conducted by a qualified and insured inspector. Specifications will be developed based on the applicable state and/or federal laws. For projects receiving over \$5,000 and less than \$25,000 of general housing rehabilitation assistance, under the effective revised lead paint regulations, a risk assessment will identify those lead paint hazards requiring interim control measures. Projects receiving \$25,000 or more of housing rehabilitation assistance and found to have lead paint will be fully abated. The inspection report will identify levels of hazard, prioritize the risk, and recommend interim measures of abatement or full abatement depending on the amount of housing rehabilitation assistance which the property is estimated to receive. All dwellings where children under the age of six years reside will receive abatement regardless of the general rehabilitation cost of the project. All occupants will be relocated during the de-leading process. All deleading projects will be performed by qualified, certified, and insured deleading contractors.
2. Asbestos Abatement: An inspection of the affected property will be made by a qualified industrial hygienist certified in asbestos inspection and abatement. The inspection report will determine all areas of asbestos removal or encapsulation. Contractors selected to perform the abatement work must be qualified, certified and insured to perform such work. A qualified and certified industrial hygienist hired independently by the Rehabilitation Program will monitor the project and conduct all required air sampling tests. If relocation is necessary as a result of asbestos abatement, it will be provided as described in Section R.

J. APPLICATION PROCESS

1. The Town will continue to utilize the current property owner waiting list. Any new applications received will be placed at the end of the waiting list in the order in which they are received by the Community Development Office.

2. The Town will solicit applications from interested owners through such means as press releases, direct mailings, public notices, etc.
3. Applications from interested property owners will be accepted by mail or in person at the Ayer Community Development Office, 1 Main Street, Ayer, MA 01432.
4. Applications that cannot be determined to be eligible for program assistance due to the applicant's failure to respond to information requests in a timely manner will be closed. If an applicant wishes to reapply to the program, the application will be placed at the end of the waiting list.

K. SELECTION PROCESS

1. Applications will be assigned a case number on a first-come, first-served basis.
2. Program staff reserves the right to assign priority status to any emergency application as necessary. An emergency is defined in Section D above.
3. Applications not processed by the current program will be kept on a waiting list for any future programs. They will be processed in the established order if/when funds are available.
4. Owners who have applied and been found ineligible, may reapply. However, new applicants will be placed on the waiting list and assigned the next waiting list number.
5. Applicants who do not submit requested information in a timely fashion will receive a written warning that if the information is not supplied within a specific time, their applications will be closed and removed from the waiting list. However, the applicant may re-apply at any time. The new application will be assigned the next number on the waiting list.

L. INCOME VERIFICATION PROCESS

1. Owners appearing to meet eligibility criteria based upon preliminary review of their application will be required to submit:
 - a) their most recent federal income tax return(s) (if filed) and income documentation materials that meet MCDBG requirements for all occupants of the unit(s).
 - b) a copy of the deed to the property.
2. Program staff will determine the eligibility of the applicant and property. Applicants will be notified in writing of the decision.
3. Applicants denied participation in the program can appeal the decision according to the established grievance procedures described in Attachment C.
4. The applicant will be provided with information regarding the requirements and procedures for receiving program assistance.

M. REHABILITATION PROCESS

1. After the property owner is deemed eligible for program assistance, the Rehabilitation Specialist will schedule a meeting to conduct a preliminary inspection and discuss work items the owner may want to include in the project. Depending on the age and nature of the building and/or the age of the property's occupants, an inspection by a certified lead inspector may be required.
2. The Rehabilitation Specialist will prepare work specifications and a cost estimate of eligible rehabilitation items for the owner's review.
3. The Rehabilitation Specialist will meet with the owner to make necessary changes to the specifications and will obtain the applicant's approval of the work write-up.
4. Bids will be obtained from contractors through the process described in Section O below.
5. Bids received will be reviewed with the property owner. The Town will base its funding on the low bid amount, provided that it is a responsible bid. Owner may select any bidder provided that they pay the difference between the low bid and the selected bid.
6. The property owner must select a contractor within 14 days of the bid opening.
7. Program staff will prepare an Assistance Agreement between the owner and the Town, and contracts between the owner and the selected contractor.
8. Periodic inspections will be conducted by the Rehabilitation Specialist during construction. As part of the above process, all contractors' invoices will be checked against the actual work done before any payments are made. Payments will be made in the form of two-party checks issued to the contractor and owner. The Rehabilitation Specialist will sign a form approving payment to the contractor prior to the payment being processed. The owner's signature on payments will serve as approval of the work completed. Program funds are disbursed only after all private funds are released for payment to contractors. Private funds are released in accordance with the above procedures.
9. At the completion of work related to lead removal, a certified lead inspector will re-inspect the property.
10. At the completion of the job, a final inspection will be performed by the Rehabilitation Specialist and property owner. If there are no deficiencies in the work and all Town-required permits have been signed by the appropriate Town Inspector, a Certificate of Final Completion will be signed by the Rehabilitation Specialist and the property owner.
11. If any deficiencies are found during the final inspection, they will be communicated to the contractor through a punch list signed by the owner. The punch list will be prepared by the Rehabilitation specialist. Once all punch list items are satisfactorily completed, the Rehabilitation Specialist and the property owner will sign the Certification of Final Completion.
12. A 10% retainage is held by the program until all work has been completed. The retainage will be released no later than one month after all contract obligations are fulfilled.
13. When all of the above has been completed, the contractor will be issued the final payment on the job.

N. CONTRACTOR PARTICIPATION

1. The program will solicit participation by as many local building contractors and subcontractors as possible. Contractors will be notified of the opportunity to participate in the program through direct mailings, advertisements in local papers, and announcements posted in key locations. The program will also solicit contractor recommendations from homeowners and town officials.
2. Minimum requirements for contractors include:
 - a) A Massachusetts Construction Supervisors license or trade license.
 - b) Registration as a Massachusetts Home Improvement Contractor.
 - c) Workman's compensation insurance at statutorily required limits.
 - d) Property and liability insurance. Contractors shall furnish the Town with a Certificate of Insurance including liability insurance with limits not less than \$300,000, and property damage insurance with not less than limits of \$500,000 to protect the Town, property owner, and any sub-contractor against claims for injury and damage which may occur or result from work performed pursuant to this Agreement. The Contractor's Certificate of Insurance shall list the Town of Ayer as an additional loss payee.
 - e) Certificate of completed training in Safe Work Practices for the leader of the crew or all persons working on the project, if unsupervised.
 - f) Demonstrated experience in the appropriate trade(s).
 - g) A good business credit history.
3. Each contractor must fill out a registration form listing references and licenses and submit a certificate of insurance prior to receiving a contract award. References will be checked by the Rehabilitation Specialist.
4. Once registered with the program, contractors will receive notice of projects when they go out to bid. Homeowners wishing to use contractors not included on the list may do so, provided the contractor registers with the program and submits the proper insurance certificates and references.
5. Contractors must take out all required permits prior to initiation of construction. The cost of the permits is to be included in the bid price.
6. If a participating contractor's performance or quality of work is unsatisfactory in the opinion of the Rehabilitation Specialist, the contractor shall be issued a written notice describing specific problems with the contractor's work. This notice shall serve as a warning. If the problems, as outlined in this notice, are not addressed, then, based upon the opinions of the Rehabilitation Specialist and the Program Director, the contractor may be barred from working in the program.

O. CONTRACTOR BIDDING PROCESS

1. The work write-up and specifications must be approved by the property owner prior to initiating the bidding process.

2. Once approved, an Invitation to Bid will be sent to all contractors who have registered with the program and are appropriate for the job. The Invitation to Bid will identify the type of work to be completed and the date, time and location where bids will be due. All bids will be due at a prescribed time and place.
3. The Rehabilitation Specialist will conduct a pre-bid meeting at the project site for prospective bidders. If the pre-bid meeting is announced as mandatory, bids will not be accepted from contractors who did not attend the meeting.
4. Bids received after the designated time will not be accepted under any circumstance.
5. Should fewer than two bids be received, and the effort to secure more than one bid is documented, the bid can be accepted if it is within 10% of the Rehabilitation Specialist's cost estimate.
6. The bids will be evaluated by the Rehabilitation Specialist and the property owner. The Town will base its funding on the lowest responsible bid from a qualified contractor. The owner may select any bidder provided that the owner pays the price differential between the low bid price and the selected bid price, if applicable.
7. The Town reserves the right to reject any and all bids or estimates of contractors and to waive any irregularities or items if it is in its best interest to do so.

P. SWEAT EQUITY

1. Through sweat equity, a property owner can contribute his/her labor to undertake the rehabilitation. Financial assistance is provided for contracted trade specialists and for 100% of the cost of materials. Owners are not compensated for their labor. Financial assistance will be provided in the form of a Deferred Payment Loan, as described earlier.
2. Requests to undertake a sweat equity project will be reviewed by the Program Manager and Rehabilitation Specialist on a case-by-case basis. Due to the added complexity of utilizing sweat equity, this approach will be allowed when the following conditions are met:
 - a) The property owner possesses the necessary qualifications to undertake this work as documented through examples of completed construction/ rehabilitation work.
 - b) The property owner has the time to complete the work within a reasonable timeframe.
 - c) The nature of the project is such that the owner can perform his/her work without interfering with any other contractors who may be involved.
3. A contractual agreement will be executed between the owner and the Town which addresses performance, compliance, documentation of expenditures, the work write up and materials cost estimate.
4. The program will only pay for the cost of the materials upon inspection that they have been properly installed.

5. Sweat equity can be used towards the 25% matching funds required for moderate income and investor-owners. The value of the sweat equity shall be calculated as the Rehabilitation Specialist's cost estimate for the work, minus the actual cost of materials.
6. To ensure timely completion, payment from program funds will be made only upon completion of work. The exception to this will be that a single progress payment will be made to a contracted sub-trade, once that work has reached at least 50% completion. Owner funds will be disbursed first for any progress payments.

Q. TENANT ELIGIBILITY

Tenants, themselves, are not eligible to participate in the program. Owners may qualify, however, based upon income-eligible tenants. To provide a reasonable degree of protection to tenants, no owner participating in the program may receive benefits unless the owner agrees to rent the rehabilitated unit as follows:

1. Occupied units that are assisted will have rent levels maintained at the base rent (the actual rent level of the unit at the time of application for housing rehabilitation assistance, including those utilities identified as included).
2. Increases in rent can occur only at the end of an existing lease or annually upon completion of rehabilitation work. Rental increases are limited to the HUD Section 8 Annual Adjustment Factors (AAFs). However, if the current rent level exceeds the lesser of the Section 8 Fair Market Rents established for the Worcester area or the High HOME Rents established for the Worcester area, rents may not be increased.
3. Rent for vacant units cannot exceed Section 8 Existing Fair Market Rents for a unit with the same number of bedrooms as the subject unit.
4. When a unit occupied by over-income tenants at the time of rehabilitation becomes vacant, the newly vacant unit must be rented as established in Q.3 above.
5. For a minimum of fifteen (15) years after rehabilitation the owner must rent units, as specified in the Rental Agreement, to low- and moderate-income households as defined by the HUD income limits for the Boston-Cambridge-Quincy HMFA.

R. RELOCATION

Permanent, non-voluntary displacement of households benefiting from the program will not occur under any circumstances. The Town of Ayer's Residential Anti-Displacement and Relocation Assistance Plan is on file in the Community Development Office and is available to the public for review. The Plan describes the procedures to be followed to assist participants who may be temporarily relocated on a short-term basis due to the rehabilitation of their unit. Every effort will be made to minimize the need for relocation in carrying out the rehabilitation project. However, it is often necessary to temporarily relocate residents when completing lead paint and asbestos removal. It is the Town's policy to provide relocation benefits to tenants, who may need temporary relocation. Under its Optional Relocation Assistance Policy, the Town will provide low- and moderate-income homeowners who are not URA-protected the same levels and types of temporary relocation assistance made available to tenants when these owners cannot make other arrangements on their own. Tenants and owners will receive reasonable,

advanced, written notification whether or not temporary relocation will be necessary and, if so, the kinds of assistance available.

S. MASSACHUSETTS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM REGULATIONS

The program will comply with all regulations set forth by the MCDBG Program. This includes, but is not limited to, the following regulations: environmental protection; historic preservation; lead paint; asbestos; displacement and relocation; financial compliance matters; civil rights and equal opportunity; Section 3; procurement; and labor and safety laws and regulations.

T. ADMINISTRATION

The program will be administered through the Ayer Community Development Office under the direction of the Ayer Select Board. Program staff will be responsible for the operation of the program on a day-to-day basis under the supervision of the Town Manager.

U. COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

The Town of Ayer recognizes the importance of citizen participation in the implementation and evaluation of the Housing Rehabilitation Program. The Town encourages involvement of residents in the program through establishment of a voluntary Community Development Advisory Committee (CDAC). The CDAC shall serve in an advisory capacity to the Program Manager and the Ayer Select Board concerning matters of Program waivers and grievances.

1. The Chairman of the Ayer Select Board will appoint citizens in the community to serve on the CDAC for the duration of the FY 2024 grant.
2. The CDAC will be responsible for adjudicating grievances that cannot be resolved by program staff and reviewing requests for waivers from program guidelines and making recommendations to the Select Board concerning those requests.
3. The CDAC will also be responsible for reviewing amendments to the Program Guidelines and making recommendations to the Select Board concerning those amendments.
4. The CDAC shall be composed of a minimum of three and a maximum of five members appointed by the Select Board. Every effort will be made to ensure that the CDAC members are representative of different interests, economic and social roots, and community affiliations.
5. To preserve objectivity, waiver requests reviewed by the CDAC will be presented anonymously.

V. AMENDMENTS AND REVISIONS

Program Guidelines and forms may be revised from time to time as deemed necessary.

W. GRIEVANCE RESOLUTION

The Town of Ayer's *MCDBG Program Grievance Procedures* (located in Attachment C) is on file in the Community Development Office and is available for public review. They describe the procedures in

place for settling any misunderstandings or disputes that may arise during any aspect of the administration of the program. They detail a two-tiered grievance process of mediation as well as steps to be followed if cases are appealed. Grievance procedures regarding relocation benefits are outlined in the *Procedures* as well.

X. LIEN SUBORDINATION

Households wishing to refinance or further indebted their properties may request subordination of the Town's lien for repayment of the DPL. Participation in the housing rehabilitation program makes it possible for Town residents, who might not otherwise be able to either obtain or repay a loan, to make repairs to their homes and still keep those homes as affordable places to live. Requests to subordinate will be considered in light of this objective.

When considering subordinating its lien position, the Town will try to reasonably accommodate program participants while protecting the Town's interest in the property. The Town will make every effort to subordinate its lien position provided sufficient equity remains in the property to assure lien payoff according to the terms outlined in these program guidelines. Sufficient equity is defined as 80% or less combined loan to value ratio (CLTV), inclusive of all mortgages, liens and encumbrances against the property. When requesting lien subordination, owners must provide evidence of current encumbrances against the property. Documentation may include a combination of the following: loan application or loan approval from the lender for the proposed loan detailing existing debt, property appraisal, title search, statement of assessed value from town assessor or property tax bill, or equivalent third party documentation detailing property value and all encumbrances. The Town will subordinate its lien position if the CLTV exceeds 80% in cases when a property owner wishes to refinance an existing mortgage principal balance and will not further encumber the property, e.g. a refinance for a lower interest rate.

Implementation: During the existing grant or subsequent grants when there is staff in the Community Development Office, implementation of these guidelines can be accommodated by authorized Community Development Office staff. The most senior staff person (in terms of authority/responsibility) will be authorized to approve the subordination. The actual subordination agreement must be signed by the Chair of the Select Board. Should the Community Development Office be closed (unstaffed) for periods of time, subordination requests should be submitted to the Town Manager's Office. Property owners requesting lien subordination should allow 30 days from the submittal of documentation for the Town to process the request.

Appeals/Grievances: In the event that a property owner is not satisfied with the decision by the Town relating to subordination, the Owner may appeal such a decision through the process that is established under the Town's *MCDBG Program Grievance Procedures*.

ATTACHMENT A

FY 2023 Boston-Cambridge-Quincy, MA metropolitan area median income (AMI) for a family of 4 is \$149,300.

**AYER HOUSING REHABILITATION PROGRAM
INCOME LIMITS**

Income Limits

Household size	0-50% AMI	51-80% AMI
	Low-Income	Moderate-Income
1 person	\$51,950	\$82,950
2 person	\$59,400	\$94,800
3 person	\$66,800	\$106,650
4 person	\$74,200	\$118,450
5 person	\$80,150	\$127,950
6 person	\$86,100	\$137,450
7 person	\$92,050	\$146,900
8 person	\$97,950	\$156,400

AMI = Area median income

These income limits are revised periodically. The Program will use the most current income limits in effect at the time that an application is processed for an eligibility determination.

ATTACHMENT B

HOUSING REHABILITATION PROGRAM START-UP GUIDELINES

The Ayer Housing Rehabilitation Program (the Program) will be marketed to the public through public information meetings, press releases, notices to area service agencies that serve low- and moderate-income persons, and poster displays around town.

All eligible applicants will be put on a waiting list and assigned a case number on a first-come, first-served basis. Exceptions to this waiting list will be made for bona fide emergency cases that will take priority.

1. Applications will be available to be picked up in the Community Development Office, or for those persons who cannot pick up applications, applications can be requested by telephone to be mailed. Applications will also be available in the Town Offices. This will accommodate people coming to the Town Offices in the evening when the Community Development office will not be open.
2. All applications will contain a space for the applicant to indicate any perceived emergency situations or requests for handicapped accommodations.
3. Applications can be returned by mail or hand delivered to the Community Development Office.
4. All applications received will be reviewed for emergency and handicapped accommodation requests. These will be taken out of order and the status will be verified by the Housing Rehabilitation specialist. If necessary, the priority of these cases will be determined by the Program Coordinator and the Housing Rehabilitation Specialist. Any emergency request or request for handicapped accommodation received at any time during the program can be placed ahead of those on the waiting list once the status of the request is verified by the Housing Rehabilitation Specialist.
5. Applications will be processed for program eligibility in the following order:
 - a) Emergency applications for properties located within the Ayer Sustainable Development Target Area in addition to emergency applications from within the Town of Ayer*.
 - b) Non-emergency applications for properties located within the Ayer Sustainable Development Target Area, 75% of grant funds.
 - c) Non-emergency applications for properties located throughout Ayer.

***A maximum of 20% of Housing Rehabilitation Program funds may be used on emergency cases within Ayer but not located in the Ayer Sustainable Development target area.**

6. Each application will be considered in the order in which it appears on the current waiting list. Applicants deemed ineligible will be notified in writing, and their file will be closed. Formal appeal can be made in writing by the individual involved to the Program Manager. If the applicant's financial circumstance change and the applicant feels that he/she might now be eligible, a new application may be submitted. The application will be given the next number on the waiting list.

10. Applicants who do not submit requested information in a timely fashion will receive a warning, in writing, that if the information is not supplied within a specific time, their applications will be closed. These applications will not be placed on a waiting list. However, the applicant may re-apply at any time. The new application will be assigned the next number on the waiting list.

ATTACHMENT C

MCDBG PROGRAM GRIEVANCE PROCEDURES

Persons dissatisfied with or aggrieved by an administrative or program-operating decisions made during the grant cycle will have access to the following complaint resolution hierarchy:

1. Individuals should write the program, stating the nature of the complaint and requesting a specific remedy(ies). If the complaint involves a decision to deny, modify, or set conditions on assistance or benefits from grant programs, the individual making the complaint will establish his or her standing to appeal the decision. "Standing" is limited to an individual who applied for and was denied assistance or was otherwise required to meet certain requirements that had the effect of denying assistance.
 - The Program Manager will respond to all written complaints within 15 days of receiving them. At the Director's discretion, the complaint will be resolved by any of the following means: a meeting with the individual who filed the complaint and his/her advocate and/or assembling other information needed to consider and act on the complaint.
2. If the complainant is not satisfied with the Program Director's decision, he/she may submit a written appeal to the Community Development Advisory Committee (CDAC). The CDAC may meet with the complainant and Program Manager or other Community Development staff separately, or together, depending on the nature of the grievance and its potential for being resolved by mediation.
 - Preference will be given to mediation wherever possible and appropriate.
 - A dispute that cannot be mediated will be handled by an administrative determination, and the CDAC will answer the complaint in writing within 30 days.
3. The final level of appeal shall be to the Select Board. Depending on the nature of the complaint, available evidence and whether irreparable damage may occur from further resolution delays, the Select Board may overturn or modify a previous decision, hold a hearing with the parties, or remand the matter to the Program Manager with instructions.
 - The Select Board's decision is final and will be issued within 30 days of receiving the appeal.
4. Administrative actions that are not eligible for appeal include a denial of assistance based on an applicant's household income exceeding the permissible limits, fraudulent or misleading income representations, and requests for types of assistance not funded by the grant.

Accommodations for person with disabilities and non-English speaking residents: In accordance with Title II of the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1974, the town will reasonably accommodate qualified persons with

disabilities in all programs and services funded by the MCDBG Grant. All programs will be offered in accessible locations (e.g., those meeting the requirements of the Americans with Disabilities Act Accessibility Guidelines), or redesigned and modified to be accessible when barrier-free facilities are unavailable for program delivery. Reasonable accommodation for other types of disabilities will be made at the request of the affected person.

If the Town needs to accommodate non-English speaking persons, it will take all administratively feasible steps to provide translation assistance upon request. For example, local authorities would seek qualified translators (e.g., faculty, graduate and ESL students) from the foreign language departments of nearby colleges and universities.

**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

March 6, 2024

Kathryn McNelis - Manager, Community Development Unit
Executive Office of Housing and Livable Communities
100 Cambridge Street, Suite 300
Boston, MA, 02114

Dear Ms. McNelis:

The Ayer Select Board expresses our collective support for the efforts of our Community Development Office with their upcoming application submittal for the 2024 Community Development Block Grant (CDBG) cycle. As you are aware, the record of success of the Town of Ayer's CDBG program is noteworthy and greatly valued in our local community.

This program record includes the much-needed CDBG-2020-CV award for social service and economic business stabilization during the COVID Pandemic. In addition, the awarding of the 2018 CDBG grant, Ayer's Community Development Department was able to accomplish two very large projects:

- 1) A complete rehabilitation of the infrastructure and streetscape of both Prospect and Oak Street in the historic Grove Pond Neighborhood which includes Ayer's Housing Authority elderly residential housing.
- 2) Rehabilitation of seven (7) units of housing including the following upgrades: energy saving windows, high efficiency heating systems, new roofs, and lead remediation. These homes are now compliant with current building code specifications.

Thank you for your consideration of Ayer's 2024 CDBG application for continuation funding of the Ayer Housing Rehabilitation Program. The Ayer Select Board, Administration and Ayer Office of Community & Economic Development Office look forward to working with you and your staff.

Sincerely,

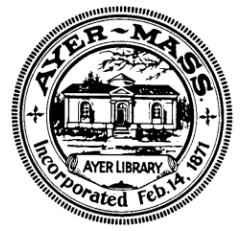
Scott A. Houde, Chair

Jannice L. Livingston, Vice-Chair

Shaun C. Copeland, Clerk

TOWN OF AYER
SELECT BOARD

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: March 1, 2024

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Town Manager's Report for the March 6, 2024 Ayer Select Board Meeting

Dear Honorable Select Board Members,

I am pleased to transmit to you the following Town Manager's Report for the Ayer Select Board Meeting on Wednesday, March 6, 2024 at 5:30pm. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

Administrative Update and Review of Town Warrants:

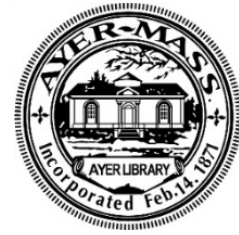
- At the meeting I will provide a brief Administrative Update on the various activities, initiatives, and projects of the Town since the Select Board last met on February 20, 2024.
- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on February 20, 2024:

Payroll Warrant #24-17 in the amount of \$389,784.72 was reviewed, approved, and signed on February 20, 2024.

Accounts Payable Warrant #24-17 in the amount of \$474,938.25 was reviewed, approved, and signed on February 23, 2024.

FY 2025 Budget Process Update:

- At the meeting I will provide a brief status update on the FY 2025 Budget Process. The Budget Process remains on schedule per the Town's Budget Calendar. All FY 2025 Budget documents are available on the Town's FY 2025 Budget webpage at www.ayer.ma.us/budget or available in hard copy form upon request from the Town Manager's Office during normal Town Hall business hours.
- **The Second Public Budget Forum at which DRAFT #3 of the FY 2025 Budget will be presented and discussed will take place in-person on Wednesday, March 27, 2024 at 6pm in the First Floor Meeting Room of the Ayer Town Hall with a Zoom link for remote participation by the public.** This will be a special joint meeting of the Ayer Select Board and Finance Committee at which DRAFT #3 will be presented and discussed; Town Departments will be in attendance to answer any questions; and this will be an opportunity for the public to ask questions and offer input on the FY 2025 Budget.



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

Broadcast and Recorded by APAC

February 20, 2024
Open Session Meeting Minutes

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

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

Call to Order: S. Houde called the meeting to order at 6:00 PM. S. Houde further stated that this meeting/hearing of the Ayer Select Board (SB) will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation via Zoom is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in a specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. This meeting will be live on Zoom and Channel 8. The public may access the proceedings by joining Zoom (Meeting ID# 897 9080 0793) or by calling (929-205-6099).

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

Approval of Meeting Agenda:

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

Announcements: None

Public Input: None

Town Manager's Report - Administrative Update/Review of Warrants: R. Pontbriand presented an administrative update on the various activities, initiatives, and projects of the Town since the Select Board last met. R. Pontbriand stated that the second public budget forum will be held on Wednesday March 27, 2024.

One Day Beer/Wine License Request – St. Mary's Parish – R. Pontbriand presented a request from St. Mary's Parish for a One Day Beer and Wine License for their Corned Beef and Cabbage Dinner on Saturday March 16, 2024 from 4:00 PM – 9:00 PM.

Motion: A motion was made by J. Livingston and seconded by S. Copeland to approve the One Day Beer/ Wine License for St. Mary's Parish for March 16, 2024. **Motion passed 3-0.**

FY 2025 Budget Update DRAFT #2 – R. Pontbriand presented DRAFT #2 of the FY '25 omnibus budget. He noted that the budget included both school assessments, but the Ayer Shirley Regional School District's number is not yet final and will be decreasing. DRAFT #2 is sitting at a 5.26% increase over FY '24. The Reserve Fund has been reduced from \$175,000 to \$150,000. Additionally, Group Health and

Life Insurance decreased from a 15% increase to 8%. R. Pontbriand [referenced his memo in the packet](#) and highlighted other budget items.

2024 Annual Town Meeting Warrant Development Update – R. Pontbriand referenced his [memo in the packet](#). He noted that there are about 32 warrant articles for the upcoming Annual Town Meeting on Monday April 22, 2024. The Annual Town Meeting Warrant closes on Friday March 29, 2024. R. Pontbriand stated that there would be 4 articles relating to Zoning Bylaw amendments. One amendment is to set the size of the Zoning Board of Appeals to 5 members and 2 alternates, which is the current make-up of the Board. R. Pontbriand states that it is a housekeeping article. Town Planner Danny Ruiz joined the table and stated that Mass General Laws states that a ZBA can be either a 5-member or a 3-member Board and that the Town should stipulate which one we are. J. Livingston asked where Town Counsel was when we updated the Zoning Bylaw in 2018. She asked why we would have to do clean-up on something that Town Counsel said was ok not too long ago. D. Ruiz stated that it is common for Town's to have to make changes to bylaws and that this was possibly missed. Town Clerk Susan Copeland stated that the Bylaws are a living document that will need changes. S. Houde stated the error doesn't change anything and that he would like to move on with the meeting. R. Pontbriand stated that D. Ruiz will be back on March 6, 2024 for a more comprehensive overview of the proposed bylaw changes. R. Pontbriand said that there will also be a proposed bylaw change on the minimum square footage for studio/1-bedroom apartments that follows the guidance from the State. He said that at this time there are no Citizen's Petitions.

Dennis Curran, Pleasant Street asked about Articles 5 & 6 (school funding articles) if a presentation will be given by both school systems. R. Pontbriand stated that the Town Moderator is planning on having both Superintendents make a presentation at the Annual Town Meeting. Town Clerk Susan Copeland said that there is a misunderstanding at Town Meeting and that residents sometimes assume a presentation will be given relating to the schools and it is not. She thinks it would be helpful for a Board member to request this specifically on the floor of Town Meeting. D. Curran also asked the opioid funding article and asked whether there was an update on the amount of funding Ayer was awarded versus surrounding Towns. R. Pontbriand stated that he will be prepared to answer the question at Town Meeting and will connect with D. Curran offline to discuss this matter.

FY '25 Non-Union Personnel Cost of Living Adjustment (COLA) Recommendation – R. Pontbriand was joined by Benefits and Payroll Manager Amanda Lewis. He stated that per the [Town's Financial Policies](#), a review of the following factors was completed to make a recommendation: the Consumer Price Index, the US Bureau of Labor Statistics, the Federal Reserve Bank of Boston's Monthly Economic Update, a survey of the other Massachusetts municipalities and review of the Town of Ayer's Collective Bargaining Agreements. A. Lewis and R. Pontbriand are recommending a 2% COLA adjustment for non-union personnel and elected officials. The estimated impact for FY '25 is approximately \$63,000.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve a 2% COLA as recommended. **Motion passed 3-0.**

Approval of SB Letter of Support for CPA Application for 71 Sandy Pond Road – R. Pontbriand presented a DRAFT letter of support from the SB to the CPC for the proposed 71 Sandy Pond Road acquisition. The CPC voted unanimously to advance the project to a Public Hearing on Wednesday, March 6, 2024 at 7pm. He is requesting that the SB vote to authorize a letter of support for the application. J. Livingston said she wanted the Administration to keep in mind that the West Main Street Bridge is not complete and to use ARPA funding for emergencies.

Dennis Curran, Pleasant Street asked if this project was a CPC-initiated project or a Parks Department-initiated project. R. Pontbriand stated that it was a Town-initiated project. R. Pontbriand and the SB discussed several potential funding combinations for the project.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve the DRAFT letter of support to the CPC Committee. **Motion passed 3-0.**

FY 2025 Capital Plan Update – R. Pontbriand presented the matrix of all approved Capital Planning items for FY '25 as recommended by the Capital Planning Committee. There will be two warrant articles at the upcoming Town Meeting relating to all Capital Planning items.

New Business/Select Board Member Questions: None

S. Houde apologized to J. Livingston for being short with her earlier in the meeting.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by S. Copeland to approve the meeting minutes of February 6, 2024. **Motion passed 3-0.**

Executive Session: At 6:49 PM a motion was made by J. Livingston and seconded by S. Copeland to enter into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, section 21A Exemption #3 (Collective Bargaining Strategy) Ratification of Patrol Contract MOA and the Review/Approval/Release of Executive Session Meeting Minutes For 71 Sandy Pond Road Acquisition: November 7, 2023; December 5, 2023; January 16, 2024 and to adjourn at the conclusion of the Executive Session. J. Livingston stated that to discuss these items in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** J. Livingston, aye; S. Copeland, aye; S. Houde, aye. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by SB: _____

Signature Indicating Approval: _____