


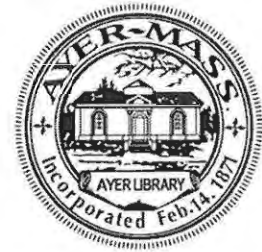
RECEIVED

APR 11 2024

TOWN OF AYER
TOWN CLERK

1:15pm


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



Tuesday April 16, 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.

- 6:00 PM** **Call to Order**
Pledge of Allegiance; Review and Approve Agenda; Announcements
- Public Input**
- Sandy Pond School Association Update – Mr. Irving Rockwood**
- 6:05 PM** **Public Hearing: Out of Town Sewer Service Extension**
254-260 Ayer Road, Littleton
- 6:15 PM** **Pocket Forest Project Update – Mr. Neil Angus, Devens Enterprise Commission**
- 6:20 PM** **Dan Van Schalkwyk, DPW Director**
1. Change Order 1 – Sandy Pond Road Sanitary Sewer Rehabilitation Project
 2. Recommendation for Installation of Traffic Signage
 3. Water Supply Update
 4. PFAS Update
- 6:30 PM** **Chief Timothy P. Johnston, Ayer Fire Department**
1. Call Department Recruitment and Retention Update
 2. Community Foundation of North Central Massachusetts Grant Award
- 6:40 PM** **Town Manager's Report**
1. Administrative Update/Review of Warrants
 2. Annual Town Meeting Update
 3. Town ARPA Funds Status Update
- 6:50 PM** **New Business/Select Board Member Questions**
- 6:55 PM** **Approval of Meeting Minutes**
March 19, 2024; April 2, 2024
- 7:00 PM** **Adjournment**

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

*The Annual Town Meeting will be held on Monday April 22, 2024 at 7:00 PM at the ASRHS Auditorium.
The next regularly scheduled meeting of the Ayer Select Board will be Tuesday May 7, 2024 at 6:00 PM, both in-person and via Zoom.*



HELP SANDY POND SCHOOL CELEBRATE ITS GRAND REOPENING

VISIT OUR OPEN HOUSE!

18 May 2024 • from 10 AM-3 PM

150 Sandy Pond Road, Ayer, MA 01432

RSVP: sandypondschoolhouse@gmail.com

A Free Community-Wide Event To Celebrate the Grand Reopening of Ayer's Restored Historic Schoolhouse

Live Music

Speakers

Coffee & Baked Goods

Tours of the Renovated Classroom

Activities for Children

Fun for All

RECEIVED
APR 02 2024

12:00pm
AD

TOWN OF AYER
TOWN CLERK

**Town of Ayer
Notice of Public Hearing
Ayer Select Board**



Out of Town Sewer Service Connection Public Hearing

The Ayer Select Board will be conducting a Public Hearing on Tuesday April 16, 2024 at 6:05 PM, Ayer Town Hall, 1 Main Street, Ayer, MA regarding an application by ENI 256 Ayer Road, LLC. to connect to the Town of Ayer's sewer system for property located at 254-260 Ayer Road, Littleton, MA. The Select Board, in their legal capacity as the Town's Water and Sewer Commissioners will hear testimony regarding this request and will make recommendations pursuant to Town of Ayer Regulations Chapter 435 sec.2.2. The application will be placed on the April 22, 2024 Annual Town Meeting Warrant. Zoom Meeting ID is 897 9080 0793 and Call-In number is 929-205-6099. For more information, please contact atm@ayer.ma.us or 978-772-8220 x100.

Date of Public Hearing: Tuesday April 16, 2024

Time of Public Hearing: 6:05 PM

Location of Public Hearing: Ayer Town Hall, 1 Main Street, Ayer, MA 01432

and

Remote Participation Meeting held on Zoom (See above for Zoom details)

Meeting materials/information may be obtained by contacting Carly Antonellis, Assistant Town Manager at atm@ayer.ma.us or 978-772-8220 x100.

Dan Van Schalkwyk, P.E., Director
Kimberly Abraham, Water and Sewer Superintendent
Matt Herson, P.E., Town Engineer
Pam Martin, Business Manager



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

Memorandum

Date: March 14, 2024

To: Ayer Select Board

From: Dan Van Schalkwyk, P.E., DPW Director

**Re: Out-of-Town Wastewater Service Connection
254-260 Ayer Road, Littleton, MA (Gas Station)**

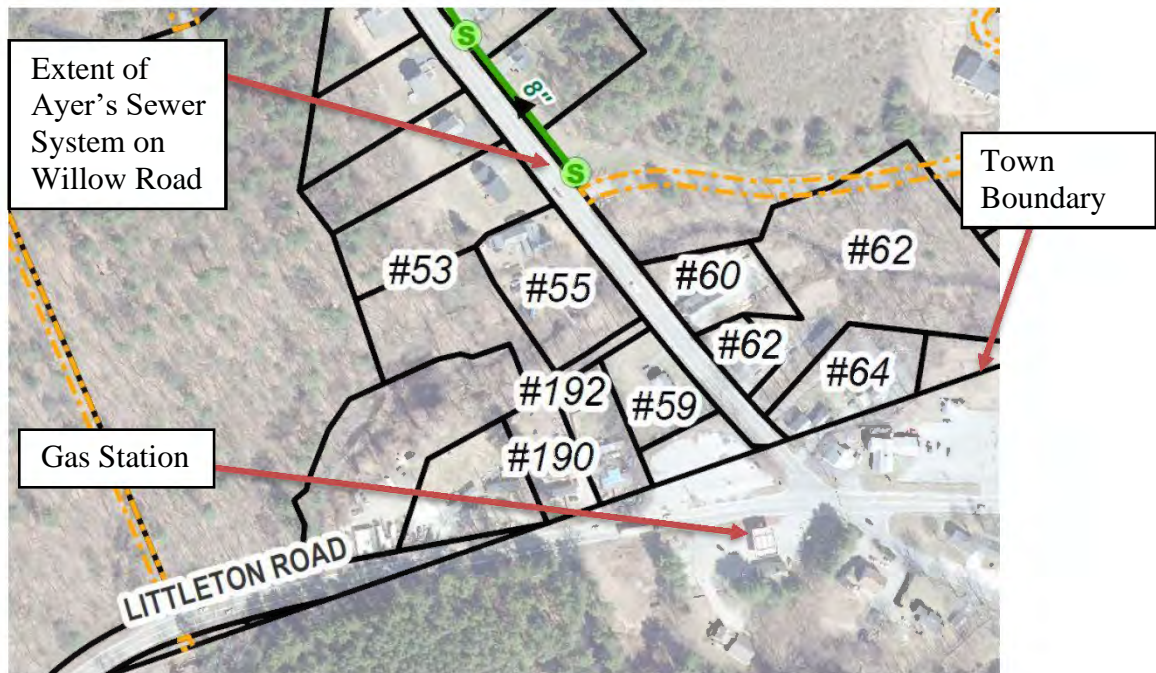
Dear Select Board,

Please find attached a completed Application for Out-of-Town Water and/or Sewer Connection, including the owner’s authorized representation and draft utility plan.

In summary, the proponent is requesting a sewer service connection to the Ayer sewer collection system for the gas station located at 254-260 Ayer Road in Littleton. The proponent has plans to reconstruct the gas station to include 24-hour operation, separate diesel and gasoline pumps, and a convenient store with pizza and coffee/donut shop.

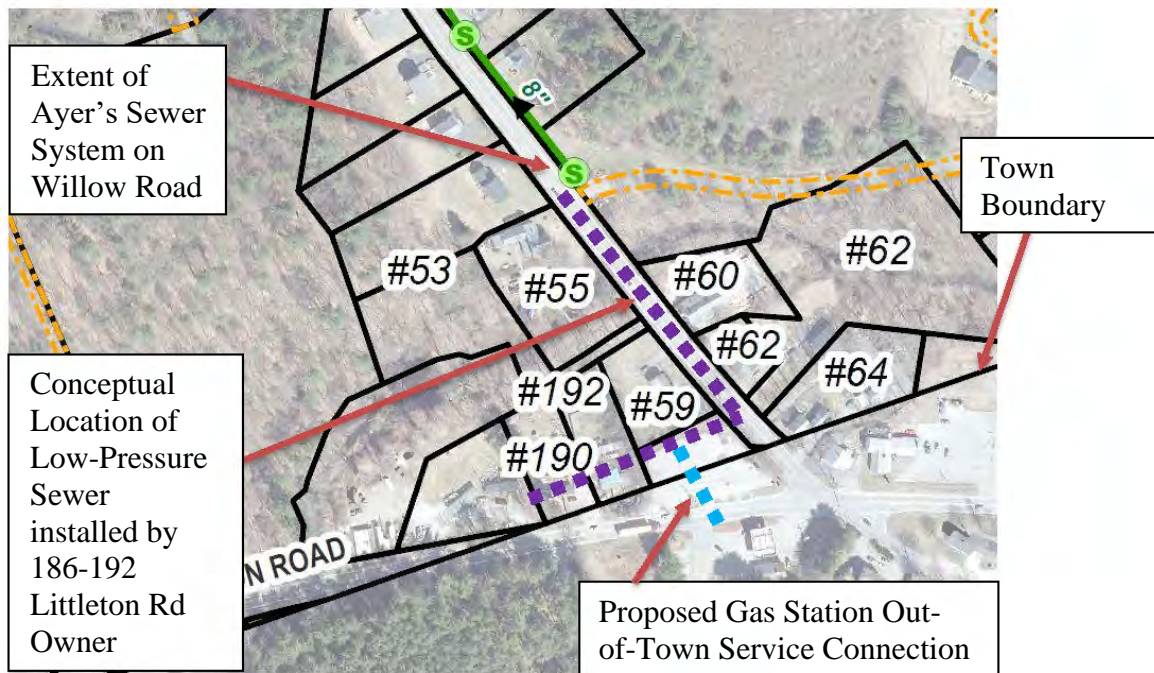
Existing Conditions

The existing gas station is currently on septic. The nearest sewer system is Ayer’s sewer collection system, currently located near the intersection of Willow Road and Longview Circle. The Town of Littleton does not have wastewater collection near the site.



186-192 Littleton Road (Ayer) Proposed Sewer Connection

In October 2023, the Town was approached by the Owner of 186-192 Littleton Road in Ayer with a request to connect to Town sewer. The Town Manager's Office and DPW have been working with the Owner of 186-192 Littleton Road to review his proposed connection plan. The Owner is proposing to install low pressure sewer, within the Town of Ayer, and connecting to the Town's sewer at Longview Circle. Please see below image of the current concept:



In addition to the private owner of 186-192 Littleton Road connecting his properties to sewer, there would be benefits for the Town. The contractor would install the sewer to the Town's standards at the Owner's expense. The new sewer main installed in Willow Road would be owned by the Town allowing for future connections of properties along Willow Road (59, 60, 62, 64). Note, 62 Willow Road recently had a deficient percolation test and has inquired about connection to Town sewer.

Application Review and Comments

The DPW and Town Manager's office have been working with the applicant for the Gas Station since December 2023 and the private owner of 186-192 Littleton Road since October 2023. We've had several meetings with all three parties (Town, 186-192 Littleton Road, Gas Station) to review and coordinate the proposed sewer. I would like to emphasize two requirements of the Out-of-Town sewer application: one is a requirement for the application to be submitted 90-days prior to the Town Meeting warrant approval, and the second is for a public hearing scheduled by the Select Board. These two requirements were unfortunately an oversight through the coordination process with the Gas Station applicant. However, the DPW recommends waiving the 90-day requirement in this instance. The Out-of-Town sewer connection application is not complex or a significant capacity request, and a 90-day review period is not warranted in DPW's opinion. Also, at the purview of the Board, a public hearing could be held but for similar reasons does not appear warranted. The

meeting on March 19th, to which this memo is subject, would appear to suffice. However, a formal public hearing could be scheduled at a Select Board meeting in April if the Board feels it is necessary.

Sewer Availability

The DPW has reviewed its current sewer availability and there is capacity to support the Out-of-Town request. Furthermore, connections of all existing properties on the new low-pressure sewer installed in the area would also be supported by the Town's existing sewer capacity.

The Town's sewer capacity was analyzed closely during the 2022 agreement with Mass Development. The Agreement with MassDevelopment was developed to include 350,000 gallons per day of reserve capacity for the Town of Ayer's future projections (including known development of both domestic and industrial, and population growth).

The Gas Station will require 1,220 gallons per day of wastewater flow capacity. The remaining residential lots which could join the new low-pressure sewer line are estimated to total 3,960 gallons per day. There is approximately 100,000 gallons per day of flow capacity available for population growth projects, of which the 1,220 and 3,960 gallons per day would use up.

Billing

The site will be metered for water by the Littleton Water Department. Billing would be based on water usage and would be billed at the top tier.

Next Steps

The Select Board must vote for or against a Town Meeting Warrant Article. Prior to that decision, the Board must decide whether to waive the 90-day application submission requirement (DPW recommends) and whether to schedule a public hearing.

As described above, the DPW has confirmed there is sewer availability to accommodate the project. The DPW also recommends waiving the 90-day application submission requirement in this instance. The DPW recommends allowing this application to be presented as a Town Meeting Warrant Article.

APPLICATION FOR OUT-OF-TOWN WATER AND/OR SEWER CONNECTION



Town of Ayer, MA
Office of Town Manager

Application Date: March 12, 2024

Fee Paid _____

Owner(s) / Applicant(s) Full Name: See attached owners authorization letter

Mailing Address: _____

City/State/Zip: _____

Daytime Phone: _____ Email: _____

Property Address / Location: 254-260 Ayer Road, Littleton, MA

Town Development Permitting /Approval Status Pending

Provide Site Plan

IF RESIDENTIAL:

Type of Unit: Single Family Townhouse Duplex / Multifamily

Number of Residential Units _____

Total number of Bedrooms _____

IF COMMERCIAL or INDUSTRIAL:

Type of Business: Retail Motor Fuel outlet

Hours of Operation: 24-hrs

Number of Employees: 4

Estimated Water Usage: 1,220 gallons per day

Estimated Wastewater Flow 1,220 gallons per day

Industrial Waste Characteristics _____

ALL APPLICANTS

Number of Toilets: 3 (2) restroom

Urinals: 1 Sinks: lavatories Tubs/Showers: N/A

Irrigation System N/A

(4) Kitchen hand sinks, (2) Kitchen 3-comp sinks,

Other(specify) (3) Kitchen prep sinks, (1) Mop sink

Fire Suppression Required: Yes No

THIS SECTION TO BE COMPLETED BY DEPT OF PUBLIC WORKS / TOWN MANAGER

Water & Sewer Availability: _____

Review by Town Engineer: _____

Public Hearing Schedule: _____

Select Board Approval: _____ Date: _____

GENERAL INFORMATION

1. Application for water and / or sewer extension must be submitted a minimum of 90 days prior to Town Meeting Warrant Approval by the Select Board.
2. Application fee shall be \$1,000.
3. Application is submitted to Town Manager's Office.
4. Select Board will schedule a Public Hearing. Applicant must attend public hearing.
5. Select Board will vote to recommend for or against Town Meeting Warrant Article.
6. A site plan depicting the project location, existing utilities and proposed utility connection locations must be included with this application.

COMMONWEALTH LEGAL ASSOCIATES PC
PETER E. KNOX, ATTORNEY AT LAW
280 Great Road
Shirley, MA 01464

(978) 425-0340

Fax (978) 425-4072

Email: attyknox@comcast.net

February 8, 2023

RE: Authorization

Dear Sir/Madam,

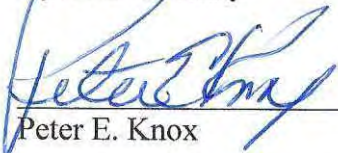
This letter authorizes ENI 256 Ayer Road LLC and its duly authorized agents to represent the below named Real Estate Trust in all its entitlement and permitting efforts associated with 254-260 Ayer Road, Littleton, Massachusetts.

The Real Estate Trust are as follows:

- 256 Ayer Road Trust, Paul Routhier Trustee
- Ayer House Trust, Paul Routhier Trustee
- JPR Trust, Paul Routhier Trustee

Sincerely,

256 Ayer Road Trust, Ayer House Trust, JPR Trust
By their Attorney


Peter E. Knox

FROM STRUCTURE NUMBER	PIPE SIZE (Inches)	TYPE OF PIPE	APPROX. PIPE LENGTH (feet)	SLOPE (ft./ft.)	TO STRUCTURE NUMBER
BLDG (K)	4	PVC	15	0.020	GR. TRAP
GR. TRAP	4	PVC	3	0.033	SMH-1
BLDG (S)	4	PVC	18	0.036	SMH-1
SMH-1	6	PVC	134	0.041	SMH-2
SMH-2	6	PVC	73	0.030	SMH-3
SMH-3	6	PVC	68	0.031	PUMP STA.

SEWER STRUCTURES

1,500 GAL. GREASE TRAP (GT) SMH-3
 RIM=258.25 RIM=253.85
 INV.IN=254.70 INV.IN=246.45(SMH-2)
 INV.OUT=254.45 INV.OUT=246.35

SMH-1 PUMP STATION
 RIM=258.25 RIM=253.75
 INV.IN=254.35(GT) INV.IN=244.25(SMH-3)
 INV.IN=254.35(BLDG,S) INV.OUT=TBD, CONNECT TO
 INV.OUT=254.25 AYER ROAD SEWER

SMH-2
 RIM=255.25
 INV.IN=248.75(SMH-1)
 INV.OUT=248.65



GPI Engineering
 Design
 Planning
 Construction Management
 603.893.0720
 Greenman-Pedersen, Inc.
 44 Stiles Road, Suite One
 Salem, NH 03079
 GPINET.COM

PREPARED FOR
ENERGY NORTH GROUP
 2 INTERNATIONAL WAY
 LAWRENCE, MA 01843

PROPOSED RETAIL MOTOR FUEL OUTLET
 SITE RE-DEVELOPMENT
PARCEL ID: U45-7-0, U45-7-B, U45-8-A, & U45-11-0
254, 256 & 260 AYER ROAD
LITTLETON, MASSACHUSETTS
PARCEL ID: 30-16
0 LITTLETON ROAD
AYER, MASSACHUSETTS

NOTES:

- 1) ALL SANITARY SEWER PIPE SHALL BE PVC (SDR-35), UNLESS OTHERWISE NOTED.
- 2) ALL WATER PIPE SHALL BE COPPER (TYPE K), UNLESS OTHERWISE NOTED.
- 3) ANY UTILITY FIELD ADJUSTMENTS SHALL BE APPROVED BY THE ENGINEER OF RECORD AND COORDINATED WITH THE APPROPRIATE LOCAL UTILITY COMPANY.
- 4) THE LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE ONLY. THE CONTRACTOR IS TO VERIFY EXACT LOCATION PRIOR TO CONSTRUCTION. THE CONTRACTOR IS TO NOTIFY THE DESIGN ENGINEER OF ANY DISCREPANCIES.
- 5) ALL CONSTRUCTION SHALL CONFORM TO MUNICIPAL DPW AND ALL APPLICABLE STATE AND FEDERAL STANDARDS.
- 6) THE CONTRACTOR SHALL CALL AND COORDINATE WITH DIGSAFE 811 PRIOR TO ANY EXCAVATION.
- 7) ALL WATER AND SEWER CONSTRUCTION SHALL CONFORM TO DEPARTMENT OF PUBLIC WORKS SPECIFICATIONS.
- 8) THIS SITE IS SERVED BY MUNICIPAL WATER AND ON-SITE SEPTIC SYSTEM..
- 9) ALL ELECTRIC, TELEPHONE AND CABLE TV LINES ARE TO BE UNDERGROUND UNLESS OTHERWISE NOTED AND INSTALLED IN CONFORMANCE WITH APPLICABLE UTILITY CO. SPECIFICATIONS AND LITTLETON ELECTRIC LIGHT DEPARTMENT (LELD).
- 10) ANY UTILITIES TO BE TAKEN OUT OF SERVICE SHALL BE DISCONNECTED AS DIRECTED BY UTILITY COMPANY AND LOCAL DPW.
- 11) ALL TRAFFIC CONTROL AND TEMPORARY CONSTRUCTION SIGNAGE ARRANGEMENTS, ACCEPTABLE TO MASSDOT AND TOWN DEPARTMENT OF PUBLIC WORKS, SHALL BE EMPLOYED DURING OPERATIONS WITHIN THE PUBLIC RIGHT-OF-WAY.
- 12) SEE GRADING & DRAINAGE PLAN FOR DETAILED DRAINAGE INFORMATION.
- 13) ELECTRICAL CONDUIT WITHIN 20' OF TANKS OR DISPENSERS MAY NEED TO BE RIGID METAL CONDUIT WITH CONCRETE ENCASEMENT. CONTRACTOR TO COORDINATE WITH UTILITY COMPANY AND/OR TOWN ELECTRICAL INSPECTOR AS REQUIRED.
- 14) REFER TO DETAIL SHEETS FOR ALL UTILITY AND DRAINAGE STRUCTURE DETAILS AND ADDITIONAL INFORMATION.
- 15) SEE SEWER PLANS BY DAVID E. ROSS ASSOCIATES, INC. FOR FINAL LOCATION AND INFORMATION ON SEWER COMPONENTS WITHIN AYER ROAD.
- 16) REFER TO FINAL FUEL STORAGE DESIGN PLANS FOR ALL UTILITY CROSSINGS/ CONFLICT POINTS & NOTIFY DESIGN ENGINEER OF ANY DISCREPANCIES.

DRAFT
 3-12-24

REVISIONS

NO.	REVISION	DATE
3	ADD SEWER CONNECTION TO AYER RD.	TBD
2	MISC. REV'S PER TOWN/PEER REVIEW COMMENTS	5/25/23
1	MISC. REV'S PER TOWN/PEER REVIEW COMMENTS	4/20/23
NO.	REVISION	DATE

FEBRUARY 8, 2023
 DRAWN/DESIGN BY: SJB/CNM
 CHECKED BY: CMT

UTILITY PLAN

SCALE: 1"=30'
 PROJECT NO.: NEX-2021267
6 OF 14

PLAN REFERENCE:

- 1) LITTLETON-AYER-INTERSECTION IMPROVEMENTS ON ROUTE 2A AT WILLOW ROAD AND BRUCE STREET (PROJECT #608443); PREPARED FOR MASSDOT; PREPARED BY GREEN INTERNATIONAL AFFILIATES, INC.; DATE: 2/28/22; SHEET 12-13 OF 78.



LEGEND

○ IRON PIN FOUND	⊕ UTILITY POLE
□ CONCRETE BOUND FOUND	⊙ DRAIN MANHOLE
△ RAILROAD SPIKE FOUND	⊙ SEWER MANHOLE
○ DRILL HOLE FOUND	⊙ TELEPHONE MANHOLE
— VERTICAL GRANITE CURB	□ CATCH BASIN
— BITUMINOUS CONCRETE LIP CURBING	— WATER LINE
— BITUMINOUS CONCRETE BERM	— WATER VALVE
— OVERHEAD SERVICE WIRES	— ENTRY
— DOUBLE SOLID YELLOW LINE	— FIRE HYDRANT
— SINGLE SOLID WHITE LINE	— GAS VALVE
— BROKEN WHITE LINE	— GAS LINE
— SIGN	— UNDERGROUND TELEPHONE LINE
⊕ OBSERVATION WELL	— UNDERGROUND ELECTRIC AND TELEPHONE
⊕ TEST PIT	— WETLAND LINE
⊕ TEST BORING	— SPOT ELEVATION
⊕ PERCOLATION TEST	— 190 CONTOUR ELEVATION
— TREELINE	— C.O. PROP. CLEANOUT
	— CB-1 PROP. CATCH BASIN
	— DMH-1 PROP. DRAIN MANHOLE
	— SMH-1 PROP. SEWER MANHOLE
	— PROP. GATE VALVE
	— PROP. MONITORING WELL

F:\Projects\NEX-2021267 - Littleton, MA - Energy North Group CAD Files\21267_SP.dwg UT 3/12/24 2:54pm emason

Ayer + Devens Pocket Forest Project 2023-2025



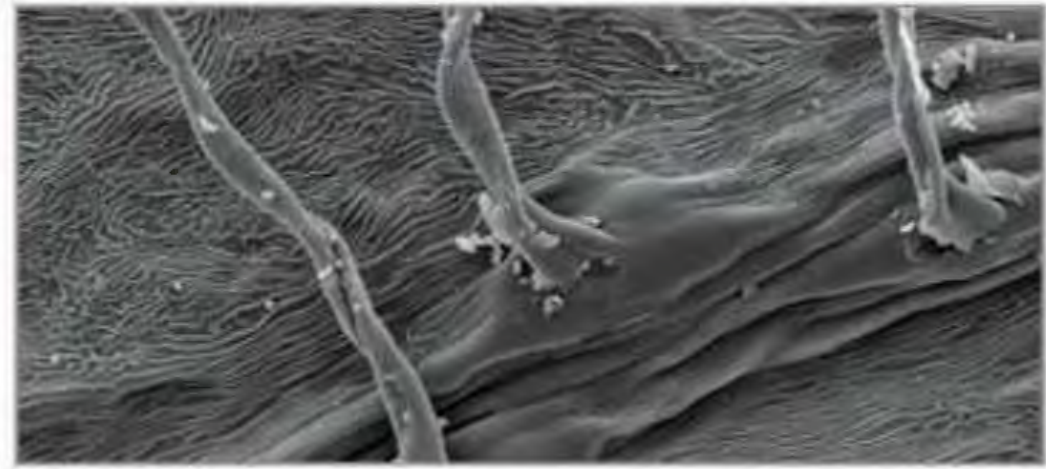
Project Goals

- Innovative solutions for improving climate resilience
- Connect people with nature
- Increase QOL



WHY POCKET FORESTS?

- Mental & Physical Health Benefits
- Healthy Soils for SWM & GHG Reduction
- Air Quality/Urban Heat Reduction
- Reducing lawns; Habitat Connections
- Additional GI/NBS tool
- Right tool for the right location



Diesel particles adhere to a birch leaf.
Photo: Chemical & Engineering News



Why this site?



Criteria:

- Community Input
- Air Quality
- Traffic/noise
- Stormwater Runoff
- Lack of nature/productive green space
- Heat Islands
- Aesthetic & Cultural
- Educational







3-year effort funded by MVP

Deliverables:

- Public education/outreach
- 5 pocket forests
- How-To Guide
- Maintenance Guide
- Educational Curriculum Development

LEADING BY EXAMPLE!

DIY Pocket Forest Tools!

- How To Pocket Forest Guide
- Care and Maintenance Manual



POCKET FORESTS A HOW-TO GUIDE



INTRODUCTION

This document is a guide for how to site, design, plant, and maintain a pocket forest on a small plot of land in an urban and suburban setting. The goal is to provide people who have only a little gardening or landscaping experience with the information they need to get started.

A Pocket Forest is a small, dense forest planting designed and managed to boost the health and livability of urban and suburban neighborhoods. These forest patches are planted to be hyper-diverse, very dense, and often include design features to mimic some of the structural and functional characteristics

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INSTALLATION GUIDE

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PRE-DEVELOPMENT SITE ANALYSIS

EXAMPLE SITE PLANS FOR THEMATIC POCKET FOREST LAYOUTS

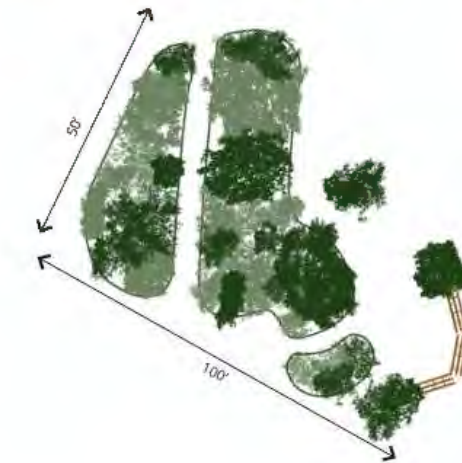
These four 5,000 sq. ft. examples show how pocket forests can be laid out differently to fit the places where they are located to invite different types of interaction and to create different habitat types. The two examples on the left create more opportunities for people to contemplate and explore the smaller, thinner patches that create more forest edge dynamics. The two examples on the right invite people to nestle into the edge of the patches and observe the world beyond while protected by the pocket forest. With less fragmentation, these two patches create refuge for species that prefer more interior conditions like denser shade.



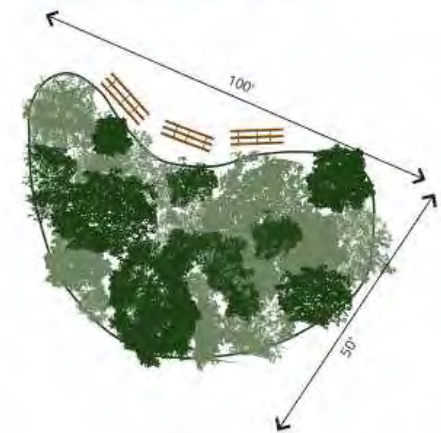
CONTEMPLATION
& EXPLORATION



REFUGE & INTERIOR HABITAT



E



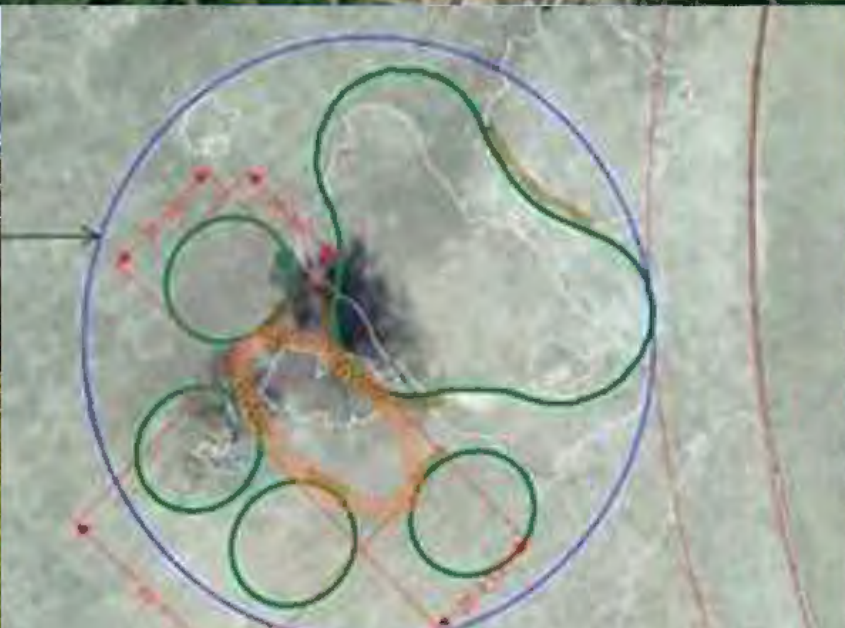
Community engagement:

- Public info sessions
- Local schools in Ayer and Devens
- Local Scout Troop
- St. Andrews Church
- Ayer and Devens resident volunteers
- Local gov.& non-profits (NRWA, Grow Native, DPW's)
- Local neighborhood and regional collaboration
- Presentations and tours (recognition)



Pocket Forest Site Prep Underway @ 2 sites in Devens:

- UNACC partnership
- Increase environmental and climate literacy
- Project-specific educational curriculum
- Connect students with nature, hands-on learning



Ayer additional Pocket Forest Locations in 2025:



Ayer Pocket Forest Pilot Projections:

- Significant stormwater and AQ benefits
- Visual and noise buffer
- Valuable wildlife habitat
- Climate resilience/buffer



2023

Award-Winning (potentially!)

EBC Community
Choice Award

New England energy
and/or environmental
project voted on by
the people

Vote now at:

<https://ebcne.org/community-choice-award/>

BSC GROUP 

AYER-DEVENS

Pilot Pocket Forest

The first pocket forest in Central Massachusetts! This prototype will serve as a model for three ongoing forests and other communities.



Pocket Forest Benefits

COMMUNITY

- Hundreds of volunteers for project development and implementation
- Engagement
- Education
- Curriculum and standards development

BIODIVERSITY

- 500 trees planted
- 50 new species installed
- Creating new forests

CLIMATE RESILIENCE

- Cleaner air
- Neighborhood cooling
- Soil building
- Reduced flooding
- Wildlife habitat
- Pollinator and bird forage
- Carbon storage



Save the Date(s)!

1st Birthday of the Ayer-Devens Pocket Forest

Saturday, April 27th from 11:00 am - 2:00 pm

Local eats, site and neighborhood tours, live music, and more!

Eric Kilburn - *Singer, Song-Writer & Acoustic Guitarist*
performs at

Ayer East Main Street Neighborhood Pocket Forest

1st Birthday Mini-Festival

Saturday, April 27th

11:00AM - 2:00PM



<https://climateresilient.wixsite.com/ayerdevens>



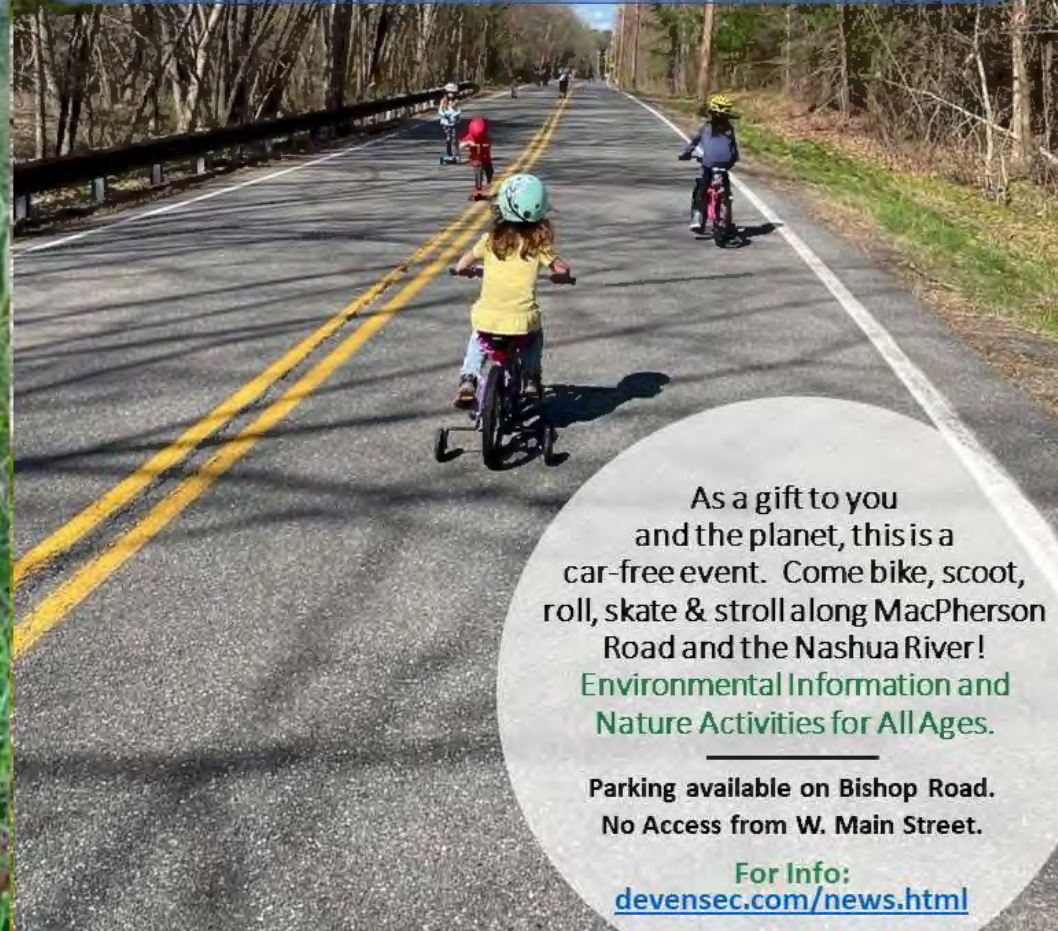
Ayer, Devens, and Oxbow National Wildlife Refuge present an invitation to celebrate

EARTH DAY

Open Streets & Greenways

MacPherson Road

Monday, April 22, 2024, 2-6 PM



As a gift to you and the planet, this is a car-free event. Come bike, scoot, roll, skate & stroll along MacPherson Road and the Nashua River! **Environmental Information and Nature Activities for All Ages.**

Parking available on Bishop Road.
No Access from W. Main Street.

For Info:
devensec.com/news.html

Thank You!

**Alan S. Manoian, Town of Ayer
Director of Community and Economic
Development**

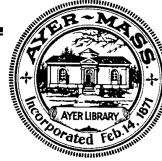
amanoian@ayer.ma.us
(978) 772-8220

**Neil Angus, Devens Enterprise Commission
Director**

neilangus@devensec.com
(978) 772-8831

Pocket Forest Project Website:
<https://climateresilient.wixsite.com/ayerdevens>





MEMORANDUM

Date: April 10, 2024
To: Select Board
From: Dan Van Schalkwyk, P.E., Director
Subject: **Agenda Items for April 16, 2024, Select Board Meeting**

1. Change Order 1 – Sandy Pond Road Sanitary Sewer Rehabilitation

Attached is Change Order 1 for the Sandy Pond Road Sanitary Sewer Rehabilitation Project. The project involves the rehabilitation by ultraviolet lining of 8,400 linear feet of 15 to 24-inch sanitary sewer pipe. The change order is to remove lateral service connection liner work from the project, a reduction in the total project cost from \$1,743,160.00 to 1,303,867.68.

Recommended Motion - I recommend approval of Change Order No. 1 for the Sandy Pond Road Sanitary Sewer Rehabilitation Project which includes a reduction of \$439,292.32 in the contract price, for signature by the Chair.

2. Recommendation for Installation of Traffic Signage –

The Town's Traffic Regulations are in Division 2, Chapter 450 of the Town's General Code. Specifically, Chapter 450-6 A, Traffic signs and signals, indicates the Select Board has authority for placement of traffic signs.

Recently, the Ayer DPW and Police have been made aware of near misses and concerns with the 4-way intersections of:

Coolidge Road and Summit Avenue
Coolidge Road and Wachusett Avenue West

There are currently no traffic controls at these intersections. Upon review, and in accordance with MassDOT requirements and Manual on Uniform Traffic Control Devices (MUTCD), it's recommended Stop signs be installed at the approaches to Coolidge Road from both Summit Ave and Wachusett Ave West. Please see attached memo with a plan summarizing the recommended changes.

Requested Motion – Authorize the Town to install and maintain traffic signs at the approaches to Coolidge Road from Summit Avenue and from Wachusett Avenue West, in accordance with the Town of Ayer Traffic Regulations and as presented herein.

3. Water Supply Update

As discussed at previous Board meetings, the DPW will provide status updates of the Town's water supply.

- Since the last update, water production continues to face some challenges meeting demand during the work week. During the month of late March through early April

both well fields work 24 hours a day, five days a week, and get up to 10 hours of rest during the weekend.

- The tank levels, which is an indication of our ability to meet demand, have been full or nearly full most mornings during this last update period.
- Having nearly full tank levels and still being in a winter demand period has allowed the Water Division to pick up the flushing program where they left off. This is important for the water quality and general maintenance of valves and hydrants.

At this time, we recommend changes to the existing water use restrictions by the Water and Sewer Commissioners. **Per the Water Management Act Permit, the Town and the Ayer Water Division are obligated to implement water strinctions between May 1st and September 30th.**

Requested Motion: Vote to implement Outdoor Water Use Restrictions, effective May 1st, of mandatory no outside water use between 9 AM and 5 PM and mandatory Odd / Even Outside Water Restriction (even numbered street address water on even numbered dates and odd numbered addresses on odd numbered dates).

4. PFAS Update

The Ayer DPW Water Division has been closely monitoring a family of chemicals called per- and polyfluoroalkyl substances (PFAS) that have been detected in our water supplies.

On Wednesday, April 10th, the US EPA announced that they have finalized a new federal National Primary Drinking Water Rule for PFAS, which will apply to Public Water Suppliers across the county. EPA's Maximum Contaminant Levels (MCL) for PFAS compounds, PFOA, PFOS, PFNA, PFHxS, and GenX Chemicals are lower than the Massachusetts MCL of 20 ppt for the sum of six PFAS compounds (PFAS6).

Ayer DPW Water Division has been monitoring for these PFAS compounds and are glad to report that our most recent results are **non-detect/non-reportable**.

Change Order No. 1

Date of Issuance: March, 27th, 2024 Effective Date: _____

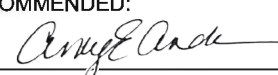
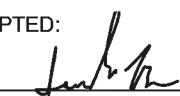
Project: Sandy Pond Road Sanitary Sewer Rehab.	Owner: Town of Ayer, MA	Owner's Contract No.:
Contract: Sandy Pond Road Sanitary Sewer Rehabilitation		Date of Contract: September 20, 2023
Contractor: Vortex Services LLC		Engineer's Project No.: 30157998

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

- Description: **Item 1:** Removal of Cured-In-Place Lateral Connection Liners
- Item 2:** Removal of Chemical Sealing of Service Connections
- Item 3:** Removal of Sealed Service Connection Warranty Inspections

Attachments: (List documents supporting change): 1. Work Change Directive No. 001, issued 3/27/2024 – Removal of Lateral Connection Rehabilitation

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>1,743,160.00</u>	Original Contract <input type="checkbox"/> Working days <input type="checkbox"/> Calendar days Substantial completion (days or date): _____ Ready for final payment (days or date): _____
[Increase] [Decrease] from previously approved Change Orders No. <u> x </u> to No. <u> x </u> : \$ <u>0.00</u>	[Increase] [Decrease] from previously approved Change Orders No. <u> x </u> to No. <u> x </u> : Substantial completion (days): _____ Ready for final payment (days): _____
Contract Price prior to this Change Order: \$ <u>1,743,160.00</u>	Contract Times prior to this Change Order: Substantial completion (days or date): _____ Ready for final payment (days or date): _____
Decrease of this Change Order: \$ <u>439,292.32</u>	[Increase] [Decrease] of this Change Order: Substantial completion (days or date): <u>0</u> Ready for final payment (days or date): <u>0</u>
Contract Price incorporating this Change Order: \$ <u>1,303,867.68</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): _____ Ready for final payment (days or date): _____

RECOMMENDED: By: <u></u> Engineer (Authorized Signature)	ACCEPTED: By: _____ Owner (Authorized Signature)	ACCEPTED: By: <u></u> Contractor (Authorized Signature)
Date: <u>3/27/2024</u>	Date: _____	Date: <u>3/28/24</u>

Dan Van Schalkwyk, P.E., Director
Kimberly Abraham, Water and Sewer Superintendent
Matt Herson, P.E., Town Engineer
Pam Martin, Business Manager



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

Memorandum

Date: April 10, 2024

To: Select Board

From: Dan Van Schalkwyk, P.E., DPW Director

Re: Stop Sign Application at Coolidge Road approaches from Wachusett Avenue West and Summit Avenue ("Minor Streets")

Dear Select Board,

The Manual on Uniform Traffic Control Devices (MUTCD) provides standards and guidance related to the application and installation of Stop signs.

Guidance in Section 2B.06 part 02, B, indicates the use of stop signs on the minor street approaches should be considered if engineering judgment indicates that a stop is always required because a restricted view exists that requires road users to stop to adequately observe conflicting traffic on the through street.

Based on near miss information, physical site observations, existing site lines and visible obstructions, and observations of vehicles passing through the minor street approaches causing safety concerns, I recommend the installation of stop signs on the minor street approaches.

Please find a plan attached showing the approximate location of proposed stop signs.



PROPOSED STOP SIGNS

3/19/2024

Legend

- Proposed Stop Signs

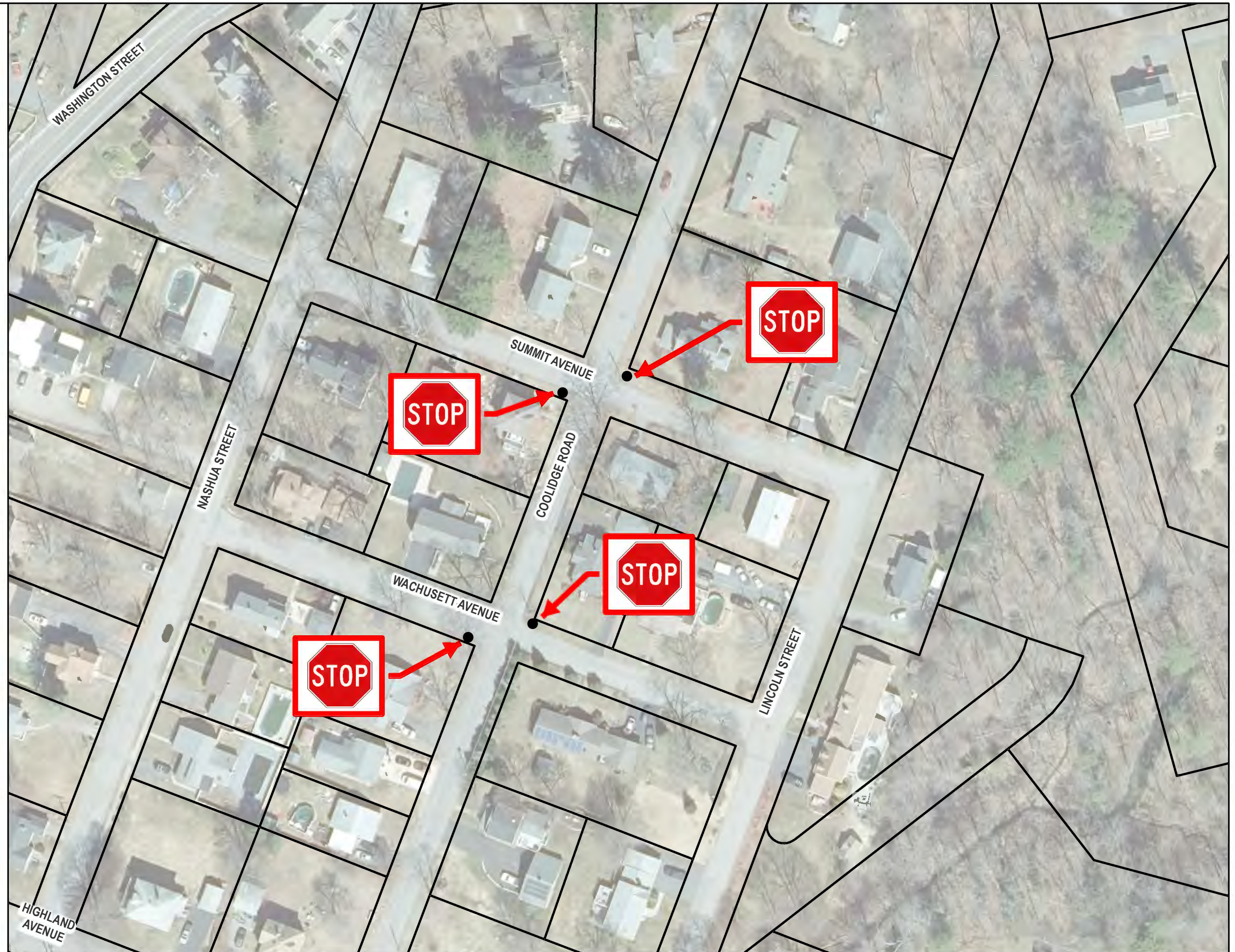
80 40 0 80 Feet



1 inch = 80 feet



Disclaimer:
This map is for display purposes only — it is not intended for survey or legal purposes. Questions about specific datalayers on this map should be directed to the respective Town board, committee or department. The Town of Ayer expressly disclaims responsibility for damages or liability that may arise from any errors, omissions, or inaccuracies in the information provided herein.



Coolidge Road at Summit Ave (West)



Coolidge Road at Summit Ave (East)



Coolidge Road at Summit Ave (South)



Coolidge Road at Summit Ave (North)



Coolidge Road at Wachusett Ave (West)



Coolidge Road at Wachusett Ave (East)



Coolidge Road at Wachusett Ave (South)



Coolidge Road at Wachusett Ave (North)



MEMO



To: Robert Pontbriand, Town Manager
From: Chief Timothy Johnston
CC: Carly Antonellis, Asst. Town Manager
Date: April 9, 2024
Re: Call Department Recruitment & Retention Grant

Comments: During the FY-25 budget presentation the call department was given a \$1.00 per hour wage adjustment. We also mentioned that we would like to come back to the board with a proposed wage scale to be used for our call firefighters. This scale would be comparable to other combination fire departments.

There are federal grant funds available that we can apply for that would cover the cost of the additional proposed wage scale adjustments. It would also cover the training and equipment cost of new firefighter recruits. The grant, if awarded, would be for a 3-year period.

The Deputy and I would like to brief the board on the grant process and the benefits to the town.

MEMO



To: Robert Pontbriand, Town Manager
From: Chief Timothy P. Johnston
CC: Carly Antonellis, Asst. Town Manager
Date: April 9, 2024
Re: Grant Award

Comments: Please see the attached grant award letter for \$15,748.00 from the Community Foundation of North Central Massachusetts. These funds will be used to purchase a second transport ventilator for use by the fire department's ambulance service. This piece of equipment is used when providing positive pressure ventilations for patients who are having respiratory distress or are in respiratory/cardiac arrest and not breathing. This grant eliminated using FY-25 capital funds to purchase this equipment.



Board of Trustees

February 1, 2024

Emeritus Trustee

Ronald M. Ansin
Richard W. Nobile

Chief Timothy Johnston
Town of Ayer Fire Department
1 West Main Street
Ayer, MA 01432

Board Chair

Jay Drake

Vice-Chairman

William E. Aubuchon, IV

Dear Chief Johnston,

Treasurer

Steven L. Stone

The Board of Trustees of the Community Foundation of North Central Massachusetts is pleased to award the Town of Ayer Fire Department \$15,748 for a transport ventilator described in your submission to the Nashoba Valley Community Health Grant Program.

Clerk

Leslie Garrison

President

Stephen J. Adams

Please review and sign the Grant Agreement enclosed here. We will mail a check once the agreement has been returned to us.

Kimberly Ansin
Thomas F. Bagley, III
Achla Bahl Madan
John Barrett
Janet Chambers
Jan Cochran
Lucy Crocker-Abisalih
Tina Griffin
David E. Huhtala
David McKeehan
Allen Rome
Henri Sans
Gary Shepherd
Albert Stone
Ben Urquhart
Miggie Vélez
Alice von Loesecke

We will seek to promote this award through various media channels and encourage you to do the same. The credit line "Made possible in part by a grant from the Community Foundation of North Central Massachusetts" may be appropriate.

The Board of Trustees, the Nashoba Valley Community Health Grant Committee, and the staff of the Community Foundation look forward to following your progress and extending best wishes for your program's success.

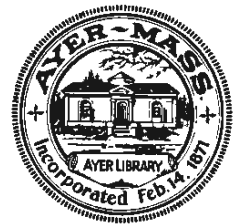
Sincerely,

Gary Shepherd
Committee Chair

Stephen J. Adams
President

cc: Jeremy Januskiewicz

**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: April 12, 2024

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Town Manager's Report for the April 16, 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 April 16, 2024 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 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 April 2, 2024.
- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on April 2, 2024:

Payroll Warrant #24-20 in the amount of \$399,915.73 was reviewed, approved, and signed on April 2, 2024.

Accounts Payable Warrant #24-20 in the amount of \$1,573,385.67 was reviewed, approved, and signed on April 9, 2024.

Annual Town Meeting Update:

- At the meeting I will provide a brief update on information and preparations for the Annual Town Meeting to take place on Monday, April 22, 2024 at 7pm in the Auditorium of the Ayer Shirley Regional High School. The Annual Town Meeting Warrant was officially posted on April 5, 2024 at the following physical locations in Town: Town Hall; Post Office Lobby; Library Lobby; Jack-o-Lantern Store; Pauline's Variety; Police Station Lobby; Transfer Station; and Dog Park on Snake Hill Road. Additionally, the Warrant was posted on the Town's website at www.ayer.ma.us. The Warrant has also been sent to print and to be mailed to all Ayer Households in advance of the Town Meeting. Hard copies of the Warrant are available upon request from the Town Manager's Office during normal business hours.

- The Town has also started the “Articles of the Day” on the Town’s website and Town Facebook Page. Each day leading up to the Town Meeting, warrant articles will be featured with a summary of the warrant article and links to additional information. The Town has also activated the Town Meeting webpage on the Town’s website at www.ayer.ma.us/townmeeting which contains all information related to Town Meeting and the Town Meeting Warrant. This includes the Town’s new Digital Budget Book which will replace the printing of the Budget Book and provides additional budgetary information useful for Town Meeting.
- If members of the public have any specific questions in advance of Town Meeting or require any additional information or assistance finding any information, please do not hesitate to contact the Town Manager’s Office at 978-772-8220 ext. 100 or email the Town Manager at tm@ayer.ma.us or stop by the Town Manager’s Office during normal business hours at Town Hall. We are here to help and to make sure the public has their questions answered and information for the Town Meeting.

Town ARPA Funds Status Update:

- At the meeting I will provide a brief update on the status of the Town’s ARPA Funds. As previously discussed with the Select Board, the Town has been recently advised by the Town’s Auditors and Congresswoman Trahan’s Office that though the deadline to use ARPA Funds is December 31, 2024, it is advised that the Town use the funds sooner due to increasing concern on the Federal level that unused ARPA Funds may be clawed back prior to December 31, 2024.
- I am pleased to report that per the Select Board’s vote on April 2, 2024 to first use any remaining ARPA Funds toward the Town’s portion (which is \$350,000) for the 71 Sandy Pond Road Property Acquisition and then the Town’s UDAG funds for any remaining balance; upon further analysis of the ARPA Funds by the Town Manager, Finance Manager, and Town Accountant the Town will only have to use ARPA Funds and not access UDAG Funds for the \$350,000 toward the 71 Sandy Pond Road Property Acquisition. Additionally, part of this analysis was the Town’s recent (and unexpected) award of a \$135,000 grant from the DEP for the Grove Pond Clear Well Project has freed up \$135,000 in ARPA funds which per the Select Board’s vote on April 2, 2024 can be applied toward the Town’s portion for the 71 Sandy Pond Road property purchase.
- I look forward to providing a brief update on the status of the Town’s ARPA Funds at the meeting and to answering any questions the Select Board may have.

Thank you.



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

Broadcast and Recorded by APAC

March 19, 2024
Open Session Meeting Minutes

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

SB Absent: Scott A. Houde, Chair

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

Call to Order: J. Livingston called the meeting to order at 6:00 PM. J. Livingston 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 2-0.**

Announcements: J. Livingston announced that the 2nd Public Budget Forum will take place on Wednesday March 27, 2024, at 6:00 PM.

Public Input: Pauline Conley, 40 Cambridge Street, stated that she doesn't listen to music often, but she enjoyed listening to it at the Transfer Station and she is upset that the radio was banned at the transfer station after a complaint. She stated that this was one of the most of the "most inane" acts done by the Town. She then paraphrased the song "American Pie" by Don McClean. She would like the music to be restored. J. Livingston stated she was aware of the radio issue, but the Board was not a part of that decision, and that the supervisor made the decision based on the information available at the time.

Sara Withee, 11 Groton Shirley Road stated that she had interest in more graphs relating to the water and sewer rates. J. Livingston stated to Ms. Withee that if she had additional questions, she encouraged her to ask during the public hearing later in the evening.

Michael Pattenden, 42 Westford Road, stated that he was an abutter to Catania Spagna, located at 1 Nemco Way. He wanted to ask questions related to the public hearing on storage of flammable material later in the meeting. J. Livingston asked that M. Pattenden come up during the public hearing on this item.

Public Hearing – M.G.L. 148 sec. 13 – Amendment to Storage of Flammable and Combustible Liquids, Gases and Solids License - IAR Realty Corporation, 1 Nemco Way: S. Copeland opened the public hearing to order at 6:11 PM by reading the public hearing notice. Dan Brackett, from Catania Oils was in attendance. C. Antonellis explained that the applicant is currently licensed to store 2,080,000 gallons of oil and is looking to increase that capacity to 2,500,000 gallons. The applicant has been working with both the Ayer Fire Department and the State Fire Marshal’s Office. Ayer Fire Chief Tim Johnston stated that he had no issues with the application.

Michael Pattenden, 18 Westford Road stated he was concerned that if there was a fire it could spread onto his property. He asked if there was adequate insurance to cover any damage that may occur. D. Brackett stated that all tanks are constructed within applicable state standards with containment provisions to allow for any spills. He stated that they do not have insurance policies to provide compensation to the neighbors in the event of a spill/event. Chief Johnston stated that life safety is important to both the Town and the company. The Fire Department works with Catania Oils regularly on fire prevention.

Pauline Conley, 40 Cambridge Street said she is blown away that the applicant doesn’t have insurance. She stated that the Town of Ayer is protected to the amount of \$10,000,000 in the event of an escape of oil. She said if the Town doesn’t have an agreement with Catania Oils to name the Town as an additional insured that they should contact Town Counsel.

C. Antonellis stated that in any agreement that the Town has entered into with Catania Oils in the past, that Catania Oils has always provided an adequate certificate of insurance as required by a specific contract.

There was additional discussion.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to continue the public hearing until 6:00 PM on Tuesday April 2, 2024. **Motion passed 2-0.**

Public Hearing – FY ’25 Water & Sewer Rates: S. Copeland opened the Public Hearing at 6:29 PM by reading the public hearing notice. Dan Van Schalkwyk, DPW Director and Kimberly Abraham, DPW Water and Wastewater Superintendent were in attendance and gave a presentation (included in the meeting packet) on the FY ’25 proposed water and sewer rates. D. Van Schalkwyk noted that the system, though generally in good shape, does have aging pipes, numerous dead-end pipes, PFAS contamination (which is being remedied) and is tested regularly for over 100 quality parameters. Due to PFAS contamination pumping capacity has been reduced, which necessitates the need for a clear well storage tank. D. Van Schalkwyk presented the budgets for both the water and sewer departments. He noted that the Town updated the water and sewer rate model in FY ’24 with Raftelis and consulted with them again in the development of the FY ’25 rates. The Rate Review Committee is recommending a 2% increase in water rates and a 5% increase in sewer rates.

Sara Withee, 11 Groton Shirley Road asked what the representation of this public hearing was at Town Meeting. R. Pontbriand stated that the rates as recommended by the Select Board this evening will be reflected in the proposed FY ’25 Enterprise Funds for consideration at Town Meeting.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to increase Water and Sewer Rates as recommended by the Rate Review Committee effective July 1, 2024. **Motion passed 2-0.**

Motion: A motion was made by S. Copeland and seconded by J. Livingston to close the public hearing at 6:51 PM. **Motion passed 2-0.**

Dan Van Schalkwyk, Director, Dept. of Public Works - Change Order 1 – Pulpit Rock Drainage and Pathway Improvement Project:

D. Van Schalkwyk presented Change Order 1 for the Pulpit Rock Drainage and Pathway Improvements Project which includes installation of drainage, granite curb, crushed stone path, grading, and landscaping improvements. The change order is for replacing the failed railings on the footbridge crossing over Grove Pond, and for raising the height of a hydrant in the work area. He is recommending approval.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve Change Order 1 as presented, including the time extension with signature by the Chair. **Motion passed 2-0.**

Main Street Reconstruction Project – Support Letter – D. Van Schalkwyk referenced a memo in the meeting packet by MRPC and is asking the Select Board to write a letter of support to the Metropolitan Planning Organization to support Main Street Reconstruction project.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve a letter of support to the MPO for the Main Street Reconstruction Project. **Motion passed 2-0.**

Stormwater Utility Advisory Workgroup Update – D. Van Schalkwyk stated that Stephanie Covino made a presentation to the workgroup on stormwater and climate resiliency which will be up on the Town’s website. He reported that several members of the workgroup have made presentations to various Boards and Committees to bring awareness to the process. The workgroup will continue to do further outreach.

Water Supply Update – D. Van Schalkwyk stated that there is no change to the water supply update; the system is being heavily used with very few breaks for the pumps. He is not recommending any changes to any water use restrictions at this time.

Out-of-Town Wastewater Service Connection Application – D. Van Schalkwyk was joined by Chris Tymula from GPI who is the project proponent’s engineer. The proponent is requesting a sewer service connection to the Ayer sewer collection system for the gas station located at 254-260 Ayer Road in Littleton. The proponent has plans to reconstruct the gas station to include 24-hour operation. He noted that a requirement of the Out-of-Town sewer application is for the application to be submitted 90-days prior to the Town Meeting warrant approval, and the second is for a public hearing scheduled by the Select Board. These two requirements were unfortunately an oversight through the coordination process with the Gas Station applicant. He is recommending waiving the 90-day requirement in this instance because the sewer connection application is not complex or a significant capacity request. He stated that at the purview of the Board, a public hearing could be held but for similar reasons does not appear warranted. C. Tymula said the overall project is being permitted through the Town of Littleton. J. Livingston stated that this would enable Ayer residents without sewer access on Willow Road to access it through this project connection if they chose to do so. S. Copeland pointed out that the Sewer Main will be installed at the project proponent’s expense. The Board and C. Tymula discussed the project schedule. The project proponent is prepared to go before the Annual Town Meeting in April.

Sara Withee, 11 Groton Shirley Road stated that there is no way the Board should waive the public hearing.

Pauline Conley, 40 Cambridge Street stated she agreed with S. Withee and that the Board should not waive the public hearing.

The Select Board decided to hold the public hearing on Tuesday April 16, 2024 at 6:05 PM.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve the out-of-town sewer application and waive the 90-day submission requirement is waived with a public hearing to be held on Tuesday April 16, 2024 at 6:05 PM. **Motion passed 2-0.**

DPW Project Updates – D. Van Schalkwyk reported that the Sandy Pond Complete Street Project will be put out to bid tomorrow. He also reported that the playground equipment was delivered to Pirone Park and construction will start shortly. Relating to the Grove Pond Clear Well Project, the design funding was received from the Army and procurement of the pumps is underway. D. Van Schalkwyk said the West Main Street project continues to be delayed due to utility coordination. He has been working with Town Counsel to remedy the situation with an easement proposal to be considered at the Annual Town Meeting. The bid is scheduled to be released on May 1, 2024. He also reported that Congresswoman Lori Trahan was able to secure a \$700,000 federal earmark to assist with payment of the bridge project.

The Board recessed from 7:20 PM – 7:23 PM.

Chief Brian Gill, Ayer Police Department - Ayer Special Meeting, October 23, 2023: Articles

Approved by Attorney General: Chief Gill reported that the dog bylaw update and the transient merchant bylaw have been approved by the Attorney General's Office. Relating to the Transient Merchant Bylaw, Chief Gill is looking to have the fees set by the Select Board. He is requesting that the Select Board set the fees associated with the application and duration of Transient Merchant Permits as follows: Application and Investigation Fee: \$25; Permit Duration Fees: 1 Day: \$5; 1 Week: \$25; 1 Month: \$50; 1 Year \$100.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve fees as described by Chief Gill for the transient merchant bylaw. **Motion passed 2-0.**

Town Manager's Report - Administrative Update/Review of Warrants and FY 2025 Budget

Process Update: R. Pontbriand presented an administrative update on the various activities, initiatives, and projects of the Town since the Select Board last met. He referenced the Town Warrants that he reviewed and approved, as referenced in his written report. He stated that at this time the primary focus of the Town has been all things budget and Town Meeting preparations. The Second Public Budget Forum will take place on March 27, 2024, at 6pm. DRAFT #3 of the FY 2025 Omnibus Budget will be transmitted to the Select Board and Fin Com on March 22, 2024, and will be posted on the Budget webpage for the public. DRAFT #3 is the version that will be used at the Public Budget Forum and represents the final version subject to any final adjustments. The Select Board is scheduled to finalize and approve the Annual Town Meeting Warrant on April 2, 2024, at 6pm and will be joined by the Fin Com for a final review of the Budget and their positions on any financial articles on the Warrant.

71 Sandy Pond Funding Plan – R. Pontbriand advised that the total purchase price for the land at 71 Sandy Pond Road is \$700,000. On March 6, 2024, the Community Preservation Committee held a public hearing on this project application and voted unanimously to forward the project to Town Meeting for its consideration to authorize \$350,000 from CPA Funds from the Open Space Category. The remaining \$350,000 is to come from Town Funds and he presented a funding proposal which was reviewed by the Executive Bi-Board on March 14, 2024, of which there was a consensus to recommend that the Select Board authorize \$100,000 from the Town's ARPA Funds and that the Select Board authorize \$250,000 from the UDAG Fund subject to replenishment by a future Town Meeting(s). This would represent that Town's contribution of \$350,000 toward the purchase of the land. He advised that as of March 14 the current UDAG Fund balance is over \$3.1 million, and the balance of the ARPA Funds is \$423,900. R. Pontbriand asked that before the SB takes any action on this recommendation, he would like to first

present the next proposal which deals with the Minuteman Nashoba Health Group (MNHG) Dissolution Invoice, as it also impacts the Town's ARPA funds.

Minuteman Nashoba Health Group (MNHG) Dissolution Invoice – R. Pontbriand advised that the Town received a FY 2024 invoice from the Minuteman Nashoba Health Group (MNHG). R. Pontbriand advised that the Town began the process of looking to leave the MNHG in August of 2023 due to ongoing increasing assessment costs and concerns about long term sustainability. In October 2023 on recommendation of the Town's Insurance Advisory Committee, the SB authorized the Town to leave the MNHG. Additional member unit of r the MNHG initiated similar actions resulting in the MNHG voting in December 2023 to formally dissolve the MNHG as of June 30, 2024. Per the terms of the MNHG Agreement all member units are responsible for a proportionate share of their estimated run out claims past June 30, 2024. The Town just received the FY 2024 Invoice from MNHG in the amount of \$310,512.90 for the Town of Ayer's portion of the dissolution. R. Pontbriand further advised that the March 14, 2024, Executive Bi-Board meeting, the Bi-Board reviewed and discussed recommended proposal to pay this invoice. There was consensus among the Bi-Board to recommend that the Select Board authorize \$310,512.90 from the Town's ARPA funds. R. Pontbriand stated that this proposal was based on the following: the Town has been advised to expend its remaining ARPA funds as soon as possible before the deadline of December 31, 2024 to avoid risking potential federal claw backs of the funding; the Town has completed all of its major infrastructure projects subject to funding by ARPA; by using the ARPA funds to pay this invoice, the Town's Free Cash does not have to be used; and by using ARPA funds there would be no direct tax impact to the Ayer taxpayer at the local level.

J. Livingston stated that in terms of paying the MNHG Invoice with ARPA that is fine. In terms of funding the Town's portion of 71 Sandy Pond instead of just applying \$100,000 from ARPA with \$250,000 from UDAG, the Town should pay the MNHG Invoice with the \$310,512.90 from ARPA as presented and then whatever is left in ARPA funds apply to the purchase of 71 Sandy Pond Road which will lower the amount, needed from UDAG. S. Copeland concurred.

Motion: A motion was made by S. Copeland and seconded by J. Livingston to authorize \$310,512.90 from the Town's ARPA Funds to pay the FY 2024 Minuteman Nashoba Health Group (MNHG) Dissolution Invoice and to further authorize that the Town fund its portion of \$350,000 for the purchase of 71 Sandy Pond Road to come from the Town's remaining ARPA funds with any remaining balance to come from the Town's UDAG Fund subject to a future replenishment by Town Meeting. **Motion passed 2-0.**

DRAFT Annual Town Meeting Warrant Update – R. Pontbriand presented an update on the DRAFT Annual Town Meeting Warrant. He advised that the Warrant remains under development with some information including final funding amounts left from the DRAFT subject to verification. He advised that the deadline for Warrant Articles and Citizens Petitions being at 12pm on March 29, 2024, per the Town's Budget Calendar. The Select Board is scheduled to approve the ATM Warrant on April 2, 2024. Once the Select Board approves the ATM Warrant it will be publicly posted by April 5, 2024, and at that time sent to printing to be mailed to all households in advance of the Annual Town Meeting on April 22, 2024. R. Pontbriand provided a brief overview of the twenty-eight Articles on the DRAFT ATM Warrant and advised that there will be at least two more Articles because of tonight's meeting, one for the out-of-town sewer connection and one regarding the Town's Senior Tax Work-off Program which he just received today.

New Business/Select Board Member Questions: None

Approval of Meeting Minutes:

Motion: A motion was made by S. Copeland and seconded by J. Livingston to approve the meeting minutes of March 6, 2024. **Motion passed 2-0.**

Executive Session Pursuant to MGL Chapter 30A, Section 21A:

Motion: At 7:58 PM, a motion was made by S. Copeland and seconded by J. Livingston to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A, Exemption #2 (Non-Union Personnel) Finance Manager Personal Services Contract; Exemption #2 (Non-Union Personnel) DPW Director Personal Services Contract; Exemption #2 (Non-Union Personnel) Police Chief Personal Services Contract; Exemption #3 (Collective Bargaining) Ratification of Dispatchers Contract MOA and to adjourn at the conclusion of the Executive Session. S. Copeland further stated that discussing these items in Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** S. Copeland, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 2-0.**

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

Date Minutes Approved by SB: _____

Signature Indicating Approval: _____

DRAFT



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

Broadcast and Recorded by APAC

April 2, 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 6:00pm. 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.

S. Houde stated that all votes will be Roll Call Votes, as member S. Copeland is joining the meeting via ZOOM.

Approval of Meeting Agenda:

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

Announcements: None

Public Input: None

Continued Public Hearing – M.G.L. 148 sec. 13 – Amendment to Storage of Flammable and Combustible Liquids, Gases and Solids License – JAR Realty Corporation, 1 Nemco Way: S. Houde reopened the continued Public Hearing from March 19, 2024 for JAR Realty Corporation.

J. Livingston recapped the last meeting stating that the JAR Realty Corporation, 1 Nemco Way is requesting an additional 420,000 gallons of storage of oils. She continued stating that the question of insurance was asked to be addressed. JAR Realty Corporation provided the Town with proof of insurance. The board received a memo from Carly Antonellis, Assistant Town Manager stating proof of insurance/insurance certificate was received. C. Antonellis communicated that she contacted Town Counsel to confirm if proof of insurance was required. Town Counsel stated proof of insurance is not required, although Town Counsel reviewed the certificate of insurance.

S. Houde asked if there were any other comments and/or questions. Chair Houde asked if there were any members of the public with comments and/or comments. There were no other comments or questions.

Motion: S. Copeland made a motion to approve the amended ch. 148 sec. 13 license for JAR Realty Corp. 1 Nemco Way. Seconded by J. Livingston. **Roll Call Vote:** J. Livingston; aye, S. Copeland; aye, S. Houde; aye. **Motion passed 3-0.**

Motion: S. Copeland made a motion to close the Public Hearing at 6:09 PM. Seconded by J. Livingston **Roll Call Vote:** J. Livingston; aye, S. Copeland; aye, S. Houde; aye. **Motion passed 3-0.**

Appointment of Assessing Administrator, Ms. April Iannacone: R. Pontbriand introduced April Iannacone to the board stating that Ms. Iannacone was the most qualified applicant interviewed for the Assessing Administrator. He said Ms. Iannacone has a wealth of municipal experience and education and is currently the Assistant Assessor in the Town of Littleton. Mr. Pontbriand respectfully asked the board to ratify the appointment of April Iannacone to the position of the Assessing Administrator with the start date of April 8, 2024.

Motion: J. Livingston made a motion to ratify the appointment of Ms. April Iannacone to the position of Assessing Administrator effective April 8, 2024. Seconded by S. Copeland. **Roll Call Vote:** J. Livingston; aye, S. Copeland; aye, S. Houde; aye. **Motion passed 3-0.**

Joint Meeting of the Select Board and the Finance Committee Final Review and Approval of the 2024 Annual Town Meeting Warrant: Finance Committee Chair Kurt Fraczkowski called the Ayer Finance Committee meeting of April 2, 2024, to order at 6:14pm. He noted that Finance Committee members, Andrew Sealey, Robert France, and Eric Sechman were in attendance at Town Hall and member Jin Hong was joining remotely. Votes will be taken by Roll Call Vote. Town Manager Robert Pontbriand confirmed that the members of the Select Board and Finance Committee received a copy of the draft Warrant for the scheduled Annual Town Meeting on April 22, 2024.

He stated that there are 31 Warrant Articles and no Citizens Petitions as of deadline per the Town Clerk. He continued stating that two additional articles were added to the Warrant since the March 29, 2024, Select Board meeting.

- Article 30: Extension of Sewer line on Willow Road for benefit of 254-260 Ayer Road in Littleton. Mr. Pontbriand informed the board that there is a scheduled Public Hearing on April 16, 2024, regarding this article.
- Article 31: Senior Tax Work-Off Program effective July 1, 2024; to adjust the exemption by; (1) allowing an approved representative, for persons physically unable, to provide such services to the Town; or (2) allowing the maximum reduction of the real property tax bill.

Mr. Pontbriand communicated the following adjustments made to the Warrant since the last draft.

- Article 3 – Contract Police Patrol correction in the explanation, amount should be \$35,793.
- Article 9 – Sewer Direct Costs \$3,079,602.
- OMNIBUS Budget reflects the \$25,000 approved by the COA Board.

Chair Houde stated he would read the Warrant calling out the Articles. He asked anyone wishing to discuss an Article please indicate so, and we circle back for discussion.

One edit was made, adding the word borrowing to Article 11 and Article 12.

Motion: S. Copeland made a motion to approve the Annual Town Meeting Warrant 2024 with one edit. Seconded by J. Livingston. **Roll Call Vote:** J. Livingston; aye, S. Copeland; aye, S. Houde; aye. **Motion passed 3-0.**

K. Fraczkowski stated that the Finance Committee will be voting on Articles 1 – 24 as these Articles at in their purview as to recommend or not recommend at Town Meeting. K. Fraczkowski asked if any of the Finance Committee members wished to discuss any of the Articles. No members wished to discuss any of the Articles.

Finance Committee Motion: A. Sealey made a motion to recommend Articles 1 – 24 in the Annual Town Meeting Warrant 2024. Seconded by R. France. **Roll Call Vote:** R. France; aye, E. Sechman; aye, J. Hong; aye, A. Sealey; aye, K. Fraczkowski; aye. **Motion passed 5-0.**

Presentation of ClearGov Budget Platform: R. Pontbriand thanked Carly Antonellis, Assistant Town Manager, Barbara Tierney, Finance Manager, and Kerry Cooper, Town Accountant for their work on bringing the ClearGov Budget Platform to the Town. Mr. Pontbriand highlighted some of the features in ClearGOV such as access to the Town Budget and the ability for anyone interested in the Town finances to have easy access to information. Links will be available to ClearGov on April 5, 2024.

Ms. Antonellis presented/demonstrated ClearGOV. Ms. Antonellis opened the floor to comments and questions through the Chair.

Pauline Conely requested a printed copy of the ClearGov information/financial information. The Town Manager's office will prepare a printed copy for Ms. Conely and notify her when it is available for pick up.

Eric Sechman asked how far is the lookback on data? Ms. Cooper confirmed that the lookback can be as many years as desired.

Motion: A. Sealey made a motion for the Finance Committee to adjourn at 6:42pm. Seconded by R. France. **Roll Call Vote:** R. France; aye, E. Sechman; aye, J. Hong; aye, A. Sealey; aye, K. Fraczkowski; aye. **Motion passed 5-0.**

Alicia Hersey, Program Manager, Community Development Office Letters of Support for 65 Fitchburg Road, 40B Project, Ayer Commons: Alicia Hersey was not in attendance for the meeting. Alan Manoian Director, Office of Community & Economic Development stood in for Ms. Hersey. Mr. Manoian said the non-profit Neighborhood of Affordable Housing (NOAH) is requesting letters of support from the Select Board for their funding application. The letters are for Senator Markey and Senator Warren. The application/request is for a \$4 million Federal Earmark to help bridge the gap in funding of the 40B affordable housing project at 65 Fitchburg Road, Ayer Commons.

Motion: J. Livingston made a motion to sign the letters of support as presented for the Federal Earmarked funding to bridge the financial gap for the Ayer Commons 40B. Seconded by S. Copeland. **Roll Call Vote:** J. Livingston; aye, S. Copeland; aye, S. Houde; aye. **Motion passed 3-0.**

Alan Manoian, Director, Office of Community & Economic Development Approval of FY '25 UDAG Budget: Alan Manoian, Director, Office of Community & Economic Development presented the UDAG-portion of the funding for Community & Economic Development, contained in the meeting packet.

Motion: S. Copeland made a motion to approve the UDAG Budget for FY25 as presented. Seconded by J. Livingston. **Roll Call Vote:** J. Livingston; aye, S. Copeland; aye, S. Houde; aye. **Motion passed 3-0.**

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. He referenced the Town Warrants that he reviewed and approved, as referenced in his written report. R. Pontbriand updated the board on the new hires in the Town Hall. Lisa Castro, Assistant Town Account, Maureen Adema, Administrative Assistant to Town Manager's Office & Selectboard and April Iannacone, Assessing Administrator. Mr. Pontbriand communicated that he is working with Ayer Parks Director Jeff Thomas on hiring a new Director, as Mr. Thomas is scaling down into a lesser role and will eventually retire.

Annual Town Meeting Update – R. Pontbriand stated that with the approval of the Annual Town Meeting Warrant, the Town will begin final preparations for the Annual Town Meeting to be held on Monday, April 22, 2024. R. Pontbriand said that there will be presentations on Articles 1, 2, 4, 5 and 6.

Vote to Approve Council on Aging Donation - \$2,000 – R. Pontbriand communicated that the Council of Aging received an anonymous and unrestricted donation in the amount of \$2,000. He requested the board approve and accept the donation.

Motion: J. Livingston made a motion to approve and accept the \$2,000 anonymous and unrestricted donation to the Council on Aging. Seconded by S. Copeland. **Roll Call Vote:** J. Livingston; aye, S. Copeland; aye, S. Houde; aye. **Motion passed 3-0.**

Vote to Approve Letter of Support for Central Mass EMS Corp. - Fire Chief Johnston is requesting the Select Board to sign letters of support written to Senator Eldridge and Representative Sena requesting the Massachusetts Regional Emergency Services (EMS) Councils increase funding this fiscal year to bring the level of funding back to the amount in FY23.

Motion: S. Copeland made a motion to support Fire Chief Johnston's request to sign letters of support for the Central Mass EMS Corp funding request as presented. Seconded by J. Livingston. **Roll Call Vote:** J. Livingston; aye, S. Copeland; aye, S. Houde; aye. **Motion passed 3-0.**

New Business/Select Board Member Questions: None

Executive Session Pursuant to MGL Chapter 30A, Section 21A Exemption #2 (Non-Union Personnel) Assessing Administrator Contract: Motion made by J. Livingston at 6:49 PM and seconded by S. Copeland to enter into Executive Session Pursuant to MGL Chapter 30A, Section 21A for non-union personnel contract for the Assessing Administrator and not to return to regular session and to adjourn in executive session. **Roll Call Vote:** J. Livingston, aye; S. Copeland, aye; S Houde, aye. **Motion passed 3-0.**

Minutes Recorded and Submitted by Maureen Adema, Administrator Assistant to Town Manager and Select Board

Date Minutes Approved by SB: _____

Signature Indicating Approval: _____