

RECEIVED  
JAN 28 2022

TOWN OF AYER  
TOWN CLERK

10:55am  
Munierplaud

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



**Tuesday February 1, 2022, 6:00 PM**

**Open Session Remote Participation Meeting Agenda**

*Due to the ongoing COVID-19 Pandemic, in accordance with Chapter 20 of the Acts of 2021, suspending certain provisions of the Open Meeting Law (OML), public bodies otherwise governed by the OML are temporarily relieved from the requirement that meetings be held in public places, open and physically accessible to the public, so long as measures are taken to ensure public access to the bodies' deliberations "through adequate, alternative means." This meeting will be live on Zoom and Channel 8. The public may participate remotely 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**

6:05 PM

**Continued from January 18, 2022 - Public Hearing – Application for Flammable and Combustible Liquids, Gases and Solids License (G.L. 148 sec. 13) – ENI Fitchburg Road, LLC., 97 Fitchburg Road**

6:15 PM

**Dan Van Schalkwyk, Director, DPW**

1. Main Street TIP Project Update and Request for Letter of Support

6:20 PM

**Town Manager's Report**

1. Administrative Update/Review of Town Warrant(s)  
2. FY 2023 Budget Update

6:25 PM

**New Business/Select Board Member Questions**

1. FY '23 Capital Plan Update (Select Board Member S. Houde)

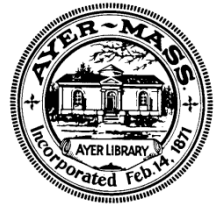
**Adjournment**

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

*The next regularly scheduled meeting of the Select Board is February 15, 2022 at 6:00 PM via Remote Participation. The ASRSD will present their FY '23 Budget. Zoom Meeting ID #897 9080 0793 or by Phone 929-205-6099*

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


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

**Memorandum**

To: Ayer Select Board  
Town Manager Robert A. Pontbriand

From: Carly M. Antonellis, Assistant Town Manager 

Date: January 28, 2022

Re: Continued from January 18, 2022 - Public Hearing – Application for Flammable and Combustible Liquids, Gases and Solids License (G.L. 148 sec. 13) – ENI Fitchburg Road, LLC., 97 Fitchburg Road

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After consultation with the Building Commissioner, who will be attending on Tuesday February 1, 2022, the current address is listed as 99 Fitchburg Road. The Building Commissioner will assign number 97 after completion of the real estate transaction. Per Ayer Bylaw XLIV, *House Numbering*, Section 7, the Building Commissioner is responsible to assign all house numbers. It has been Commissioner Shultz's practice to coordinate numbering with the Ayer Fire Department to ensure accuracy for public safety/EMS calls.

1/18/2022 6:05pm



The Commonwealth of Massachusetts  
City/Town of Ayer

GIS Coordinates
LAT.
LONG.
License Number

### License

Massachusetts General Law, Chapter 148 §13

FP-002  
(Rev. 1.1.2015)

New License     Amended License

After notice and hearing, and in accordance with Chapter 148 of the Mass. General Laws,  
a license is hereby granted to use the land herein described for the purposes described.

Location of Land: 97 Fitchburg Road Map 1 Lots 5,6,7  
Number, Street and Assessor's Map and Parcel ID

Owner of Land: ENI Fitchburg Road LLC

Address of Land Owner: 2 International Way Lawrence, MA 01843

#### Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases. All tanks and containers are considered full for the purposes of licensing and permitting. (Attach additional pages if necessary.)

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
Methanol	III	3	55 gal	drums
Propane	II	2	30,000 gal	ASME
Propane	II	5	1,000 gal	ASME
Propane	II	15	500 gal	ASHE
Propane	II	10	100 gal	ASHE

#### LP-gas (Complete this section for the storage of LP-gas or propane)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: 73,500  
 List sizes and capacities of all aboveground containers used for storage See above list

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: N/A  
 List sizes and capacities of all underground containers used for storage \_\_\_\_\_

Total aggregate quantity of all LP-gas to be stored: 73,500

#### Fireworks (Complete this section for the storage of fireworks)

❖ Maximum amount (in pounds) of Class 1.3G: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.4G: \_\_\_\_\_

❖ Maximum amount (in pounds) of Class 1.4: \_\_\_\_\_

Total aggregate quantity of all classes of fireworks to be stored: N/A

**RECEIVED**  
 DEC 13 2021  
 TOWN OF AYER  
 OFFICE OF THE SELECT BOARD

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.**

**Explosives** (Complete this section for the storage of explosives) *N/A*

- ❖ Maximum amount (in pounds) of Class 1.1: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.2: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.3: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.4: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.5: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_
- ❖ Maximum amount (in pounds) of Class 1.6: \_\_\_\_\_ Number of magazines used for storage: \_\_\_\_\_

**Licensing Authority Use:**

This license is granted upon the condition that the licensed activity will comply with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts General Law, Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00) as amended. The license holder may not store materials in an amount exceeding the capacities herein specified unless and until any amended license has been granted.

**ADDITIONAL RESTRICTIONS:**

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Signature of Licensing Authority

Title

Date

**THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.**





**From:** [Chief Tim Johnston](#)  
**To:** [Carly Antonellis](#); [Jody Ameden](#)  
**Cc:** [Robert Pontbriand](#); [Lt. Bob Bozek](#)  
**Subject:** RE: Proposed Newspaper Article Text for Public Hearing  
**Date:** Tuesday, January 11, 2022 11:44:55 AM

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Carly,

I have reviewed the file with Lieutenant Bozek, everything is in order for the public hearing. I will be in attendance if any questions were to come up from the Select Board or public. If you have any other questions or concerns, please contact my office.

Sincerely,

*Tim*

Tim Johnston  
Fire Chief  
Ayer Fire Department  
1 West Main Street  
Ayer, MA 01432  
[tjohnston@ayer.ma.us](mailto:tjohnston@ayer.ma.us)  
(978) 772-8231



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**From:** Carly Antonellis <cantonellis@ayer.ma.us>  
**Sent:** Tuesday, January 4, 2022 2:37 PM  
**To:** Chief Tim Johnston <tjohnston@ayer.ma.us>; Jody Ameden <jameden@gmail.com>  
**Cc:** Robert Pontbriand <rponbriand@ayer.ma.us>; Dep. Chief Jeremy Januskiewicz <jjanuskiewicz@ayer.ma.us>; Lt. Bob Bozek <rbozek@ayer.ma.us>  
**Subject:** RE: Proposed Newspaper Article Text for Public Hearing

Thank you all for your feedback. Attached is the public hearing notice for your records.

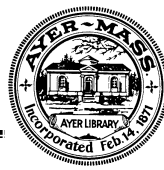
Chief, if you have any recommendations/suggestions for the SB, please forward by next Thursday Jan. 13<sup>th</sup>.

Jody, once I have the newspaper ad cost and complete the abutter notification, I'll send you an invoice to cover those costs.

Other than that, we are in good shape. Thanks everyone!

*Carly*

Carly M. Antonellis  
Assistant Town Manager  
Town of Ayer



Dan Van Schalkwyk, P.E. Director  
Pamela J. Martin, Business Manager

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

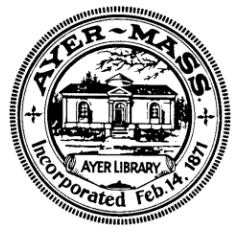
## MEMORANDUM

Date: January 27, 2022  
To: Select Board  
From: Dan Van Schalkwyk, P.E., Director  
Subject: **Agenda Items for February 1, 2022, Select Board Meeting**

1. **Main Street TIP Project Update and Request for Letter of Support** – Based on internal design meetings with Town officials and our engineering consultant, the preferred street design is for wider sidewalks with shared bike lanes as opposed to narrow sidewalks with dedicated bike lanes. If the Town moves forward with the preferred street design, a design exception must be obtained from MassDOT, per TIP design requirements. I'll provide a summary of the project design and recommend the Board provide a letter of support for the design exception.

Office of the Select Board  
Office of the Town Manager

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**MEMORANDUM**

**DATE:** January 28, 2022

**TO:** Ayer Select Board

**FROM:** Robert A. Pontbriand  
Town Manager

**SUBJECT: Town Manager's Report for the February 1, 2022, Select Board Meeting**

Dear Honorable Select Board Members,

I am pleased to transmit to you the following Town Manager's Report for the February 1, 2022, Select Board Meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

**Administrative Update/Review of Town Warrant(s):**

- 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 January 18, 2022.
- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on January 18, 2022:

Accounts Payable Warrant #22-14 in the amount of \$229,975.75 was reviewed, approved, and signed on January 18, 2022

Payroll Warrant #22-15 in the amount of \$348,356.33 was reviewed, approved, and signed on January 25, 2022.

**FY 2023 Budget Update:**

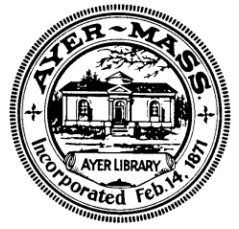
- At the meeting I will provide a brief update on the development of the FY 2023 Budget. As the Select Board is aware DRAFT #1 of the FY 2023 Budget and all related FY 2023 Budget documents are available on the Town's website at [www.ayer.ma.us](http://www.ayer.ma.us) under the tab labelled "FY 2023 Budget" on the Town Manager's page.

Thank you.



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

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**MEMORANDUM**

**DATE:** January 28, 2022

**TO:** Ayer Select Board

**FROM:** Robert A. Pontbriand  
Town Manager

**SUBJECT: FY '23 Capital Plan Update (Select Board Member S. Houde)**

Dear Honorable Select Board Members,

At the February 1, 2022, Select Board Meeting under “New Business/Select Board Questions”, Select Board Member Scott Houde (Chair of the Capital Planning Committee) would like to provide a brief update on the Town’s FY 2023 Capital Plan. The Capital Planning Committee completed its review and recommendations for the FY 2023 Capital Plan on January 19, 2022.

To facilitate the update and discussion at the meeting please see the attached FY 2023 Capital Plan spreadsheet as prepared by Select Board Member Houde (See attached). This document contains all the FY 2023 Capital Plan Requests as well as the Capital Planning Committees official recommendations and votes. All information related to the FY 2023 Capital Plan can be found on the Town’s website at [www.ayer.ma.us](http://www.ayer.ma.us) under the “Capital Planning Committee” webpage.

Thank you.

Attachments: FY 2023 Capital Planning Spreadsheet

FY2023 Capital Planning

Department	Item	Initial request	Adjustments	Final requests	Vote 12/15		Adj 1/19	Adj Total 1/19	Vote 1/19		FY 2023 Notes	Funding mechanism per policies
					Total 12/15	Aye			No	Aye		
Town Clerk	Vault repairs	10,000		10,000	10,000	5	-	10,000				General Fund Regular Debt
Town Clerk	Poll pads	10,150		10,150	10,150	5	-	10,150				General Fund Regular Debt
Information Technology	Replace Copier - Town Hall	13,000		13,000	13,000	5	-	13,000				General Fund Regular Debt
Fire Department	Training room AV upgrade	16,500		16,500	16,500	5	-	16,500				General Fund Regular Debt
DPW Highway	Highway garage roof repair	20,000		20,000	20,000	5	-	20,000				General Fund Regular Debt
Fire Department	Office Furniture	25,000		25,000	25,000	5	-	25,000				General Fund Regular Debt
DPW Highway	Sandy Pond Rd sidewalk design	25,000		25,000	25,000	5	-	25,000				General Fund Regular Debt
Police Dept	Haz mat Gear	29,546		29,546	29,546	5	-	29,546				General Fund Regular Debt
Facilities	Town Hall slate roof & gutter repair - Phase 1	30,000		30,000	30,000	5	-	30,000				General Fund Regular Debt
DPW Admin	DPW hybrid SUV	35,000		35,000	35,000	5	-	35,000				General Fund Regular Debt
Library	Reading room plaster ceiling repair	48,500		48,500	48,500	5	-	48,500				General Fund Regular Debt
DPW Stormwater	Stormwater biofiltration/outfall improvements	50,000		50,000	50,000	5	-	50,000				General Fund Regular Debt
Council on Aging	Kitchen upgrade	56,950		56,950				(56,950)			Ventilation and fire suppression needed. Space is leased. Borrowing may have limitations due to leased space. Cancel request and fund meals through annual budget	General Fund Regular Debt
DPW Highway	1 ton pick up truck w/ plow	60,000		60,000	60,000	5		60,000				General Fund Regular Debt
Police Dept	Redesign patrol work space	63,238		63,238	63,238	5		63,238				General Fund Regular Debt
Economic Development	Final phase Depot Square renovations	65,000	(65,000)	-							Request SB utilize UDAG funds	General Fund Regular Debt
Facilities	VOIP Phone upgrade and wiring for buildings	65,000		65,000	65,000	5		65,000				General Fund Regular Debt
Fire Department	Vehicle Dept Vehicle	65,000		65,000	65,000	5		65,000				General Fund Regular Debt
DPW Highway	Barnum Rd bridge repairs	70,000		70,000	70,000	5		70,000				General Fund Regular Debt
Police Dept	Chief car	76,700	(76,700)	-							Removed from capital and RFT for new vehicle in FY2022 due to failure	General Fund Regular Debt
DPW Highway	Road paving	85,000		85,000	85,000	5		85,000				General Fund Regular Debt
DPW Highway	Highway garage renovation	400,000		400,000				(400,000)			Delay for 1 year Roof will be repaired in 2023	General Fund Debt/Capital exclusion
Parks Dept	Remediation of Kiddie Junction	500,000	(300,000)	200,000				120,000			CPC Funds 300K to offset original request CPC to discuss 1st week of Frb Remediation - 200K & Structure - 400K Possible grant after funding project	General Fund Regular Debt
Fire Department	Fire engine (Pumper)	731,000		731,000	731,000	5		74,000			Rep Sena filed earmark for 150K in state budget Replacing 30 yr old engine	General Fund Debt/Capital exclusion
<b>Enterprise Funds:</b>												
Water	Annual water main replacements	300,000	(100,000)	200,000	200,000	5		200,000			\$100,000 included in FY23 water oprating budget	Enterprise Regular Debt
Water	Utility truck with plow	60,000		60,000	60,000	5		60,000				Enterprise Regular Debt
Water	New well source approval	120,000		120,000				-			Viabile site found, need next step Larger well test needed - 3 8 inch and observation Total 155K, 120K + 35K from other sources	Enterprise Regular Debt
Water	Spec Pond well transmission main replacement	600,000	(600,000)	-							Vote 5 - 0 request SB authorize ARPA funds	Enterprise Regular Debt
Water	portable generator split with sewer	75,000		75,000	75,000	5		75,000				Enterprise Regular Debt
Water	Meter reader vehicle	35,000	(35,000)	-							Vote 5 - 0 to recommend paid out of RE purchase with water retained earnings??	Purchase?
Sewer	portable generator split with water	75,000		75,000	75,000	5		75,000				Enterprise Regular Debt
Sewer	Westford Rd sewer main replacement	1,200,000	(1,200,000)	-							\$500,000 form FY22 Infil/Inflow and \$700,000 for ARPA	
		5,015,584	(2,376,700)	2,638,884	1,451,934							
		3,884,584	(2,376,700)	1,507,884	720,934				1,040,934			General Fund Regular Debt
		1,131,000	-	1,131,000	731,000				805,000			General Fund Debt/Capital exclusion
									1,845,934			Total General Fund
									530,000			Enterprise Regular Debt
									-			Enterprise Debt/Capital exclusion
									530,000			Total Water/Sewer Enterprise
									2,375,934			Total Capital Approvals for Town Meeting