

RECEIVED
NOV 24 2020

TOWN OF AYER
TOWN CLERK



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

3:30pm
Snow Speland

Tuesday December 1, 2020 - 6:00 PM

Open Session Remote Participation Meeting Agenda

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

6:00 PM

Call to Order

Pledge of Allegiance; Review and Approve Agenda; Announcements

Public Input

Due to the unique and unprecedented circumstances of the COVID-19 Pandemic; individuals with public input and/or questions for the Select Board should call-in at this portion of the meeting and state their name and address when asked by the Chair. Any public input and/or questions may be sent to the Assistant Town Manager, Carly Antonellis at 978-772-8220 or at atm@ayer.ma.us

6:05 PM*

Public Hearing - FY '21 Tax Classification

6:25 PM

Joint Meeting with Board of Health for Appointment of BOH Member

6:40 PM

Superintendent Mark Wetzel, DPW

1. Wastewater Treatment Plant Upgrade Change Order 1
2. Out of Town Water and Sewer Connection Policy
3. Devens Wastewater Agreement Renewal

6:55 PM

Town Manager's Report

1. Administrative Update/Review of Town Warrant(s)
2. COVID-19 Update
3. Appointments
4. Town Counsel Disclosure for Town of Westford Inter-Municipal Agreement
5. 2021 License Renewals
6. 128 Washington Street Commitment of Tax Lien for Property Enforcement/Clean-Up

7:20 PM

New Business/Selectmen's Questions

7:25 PM

Approval of Meeting Minutes

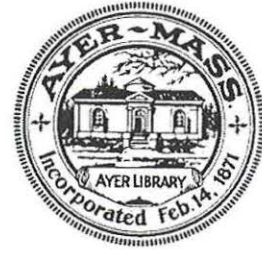
November 2, 2020

7:30 PM

Adjournment

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

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



The Ayer Select Board will conduct a Public Hearing on Tuesday December 1, 2020 at 6:05 PM via remote participation due to COVID-19 for the Town's FY 2021 Tax Classification. At the Public Hearing, the Ayer Board of Assessors shall provide all information and data relevant to making a decision on allocating the tax burden including the fiscal effect on the available alternatives. For Call-In information prior to the hearing, please contact atm@ayer.ma.us or 978-772-8220.

Advertised November 13, 2020 and November 20, 2020, *The Nashoba Valley Voice*

RECEIVED
NOV 09 2020

TOWN OF AYER
TOWN CLERK

2:45pm
M. W. Papelard

TOWN OF AYER

FY2021 TAX CLASSIFICATION HEARING

December 1, 2020

OPEN SPACE DISCOUNT

❖ What is Open Space?

- Land maintained in an open or natural condition which contributes significantly to the benefit and enjoyment of the public.

❖ Exclusions:

- Land taxable under the provisions of chapter land.
- Land under a permanent conservation restriction.
- Land held for the production of income.

❖ Board of Selectmen:

- Selectmen may discount up to 25% of the open space percentage share of the tax levy.

RESIDENTIAL EXEMPTION

❖ What is a Residential Exemption?

- Applied to every residential property which is the principal residence of a taxpayer.
- The exemption is subtracted from the assessed value of eligible parcels.

❖ Exclusions:

- Accessory residential land & seasonal homes.
- Non-owner-occupied residential property.

❖ Board of Selectmen:

- Selectmen may adopt a discount of up to 35% of the average residential valuation.

SMALL COMMERCIAL EXEMPTION

❖ What is a Small Commercial Exemption?

- Designed to provide tax relief for small businesses.
- The tax burden is shifted within the C&I class.

❖ Qualifying criteria:

- Eligible properties must be included on the list provided annually to the Assessors by the DLWD.
- Qualifying properties must have a valuation of less than one million dollars and an average annual employment of 10 or fewer people.

❖ Board of Selectmen:

- Selectmen may adopt an exemption of up to 10% of the value of eligible parcels.

SMALL COMMERCIAL EXEMPTION II

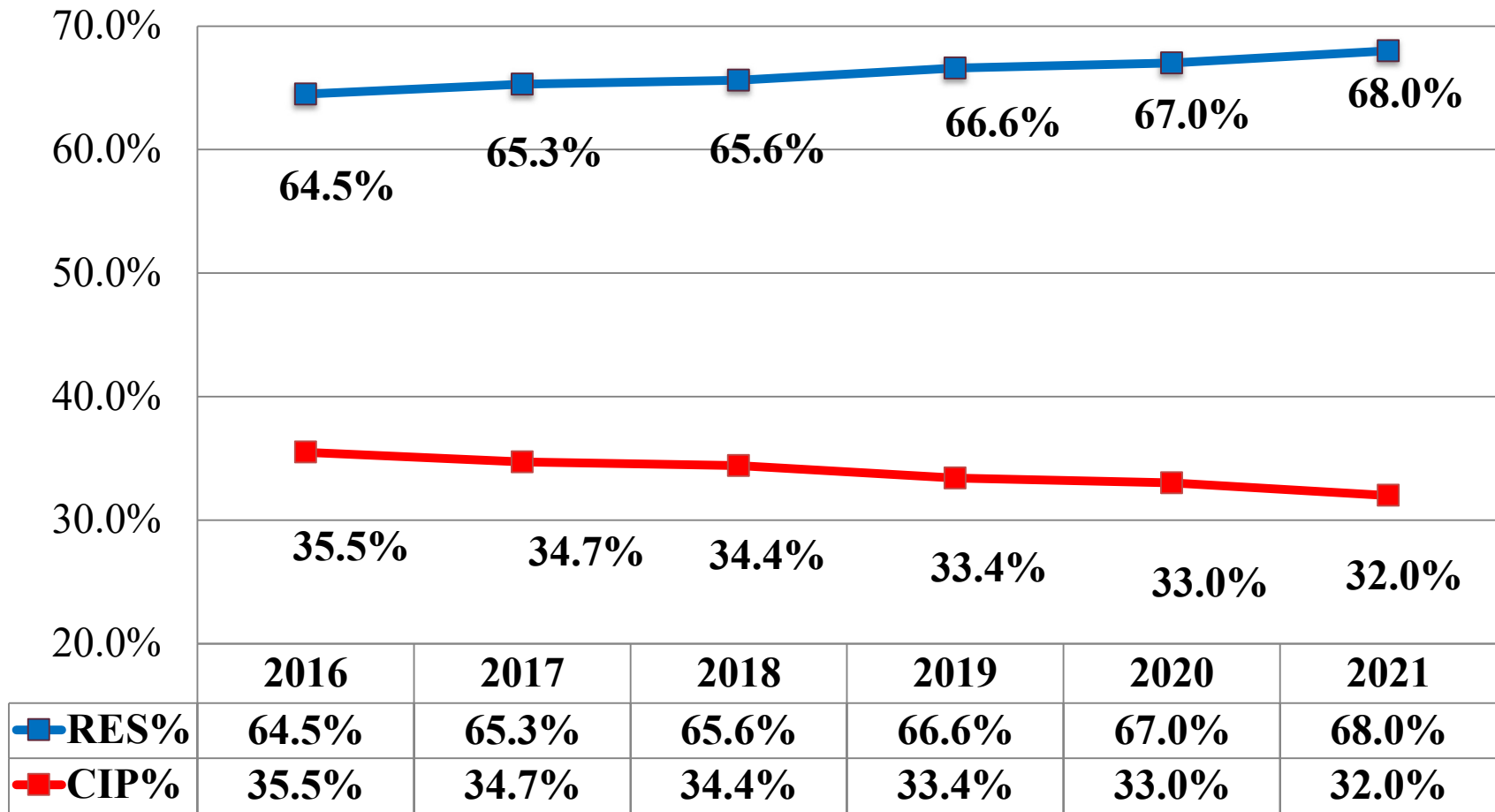
Pros

- Local adoption will provide a measure of tax relief to qualifying small businesses.

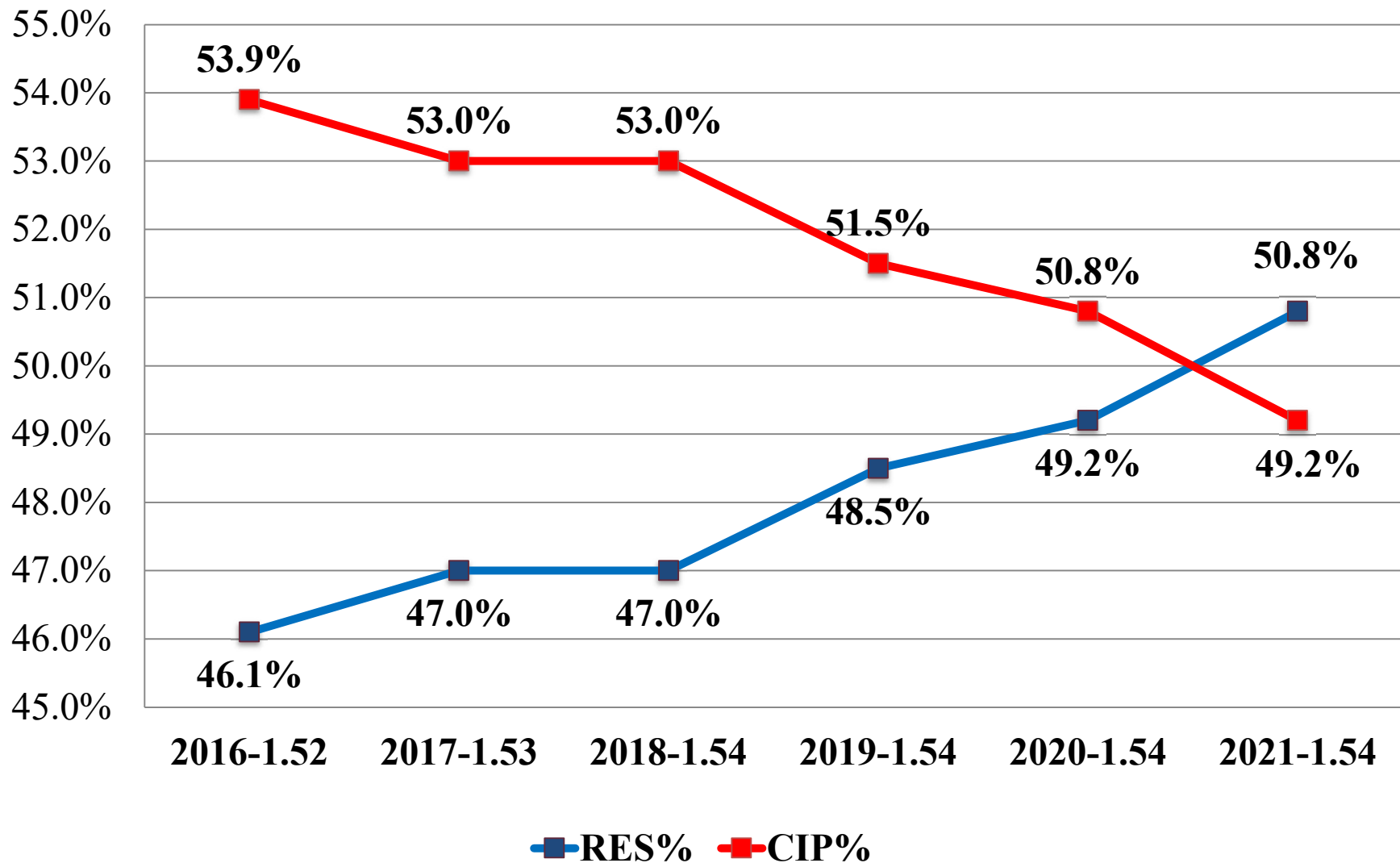
Cons

- The S.C.E. will increase the CI tax rate.
- The S.C.E. does not provide broad based tax benefit to C&I taxpayers.
- Property taxes will increase on non-qualifying C&I properties.
- The tax benefit may be realized by the property owner & not the small business.
- Adoption of the S.C.E. for the current tax year may lead to a disruption in our tax billing cycle as well as stress the FY21 overlay account.

FY2021 VALUATION PERCENTAGES



FY2021 TAX LEVY PERCENTAGES



FY2021 VALUATION SUMMARY

<u>Class</u>	<u>Valuation</u>	<u>Percent</u>	<u>%</u>
Residential	919,843,200	68.0%	68%
Commercial	126,591,700	9.4%	
Industrial	161,276,800	11.9%	
Personal	<u>144,057,950</u>	<u>10.7%</u>	<u>32%</u>
Total Valuation	1,351,769,650	100%	100%
FY2019 Total Value	1,301,040,190		
% Change	4%		
<u>Property Type</u>	<u>FY2021</u>	<u>FY2020</u>	<u>%</u>
Avg. Single Family Value	367,900	350,200	5.1%
Median Com/Ind Value	291,500	291,500	0.0%

FY2021 TAX LEVY SUMMARY

FY2020 Levy Limit	\$25,368,946
Increased 2.5%	\$634,224
FY2021 Growth	\$501,241
FY2021 Debt Exclusions	<u>\$1,742,773</u>
FY2021 Maximum Tax Levy	\$28,247,184
FY2021 Actual Tax Levy	\$25,602,827
Excess Levy Capacity	\$2,644,357
FY2020 Tax Levy	\$24,985,750
Levy Change (\$)	\$617,077
Levy Change (%)	2.5%

FY2021 SINGLE TAX RATE

FY2021 Tax Levy	<u>\$25,602,827</u>
FY2021 Valuation	\$1,351,769,650 ✖ 1,000 = \$18.94
Single Tax Rate 2021	\$18.94
Single Tax Rate 2020	\$19.20
% Change	-1.35%

FY2020 CLASSIFICATION DATA

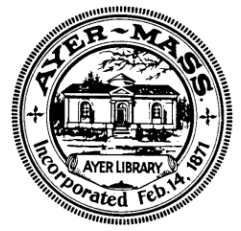
<u>Class</u>	<u>Valuation</u>	<u>%</u>	<u>Levy%</u>	<u>Tax Rate</u>
Residential	871,751,300	67%	49.2%	\$14.10
<u>CIP</u>	<u>429,287,890</u>	<u>33%</u>	<u>50.8%</u>	\$29.57
Totals:	1,301,040,190	100%	100%	

* Single Tax Rate	\$19.20			
* CIP Shift Factor	1.54			
* Res. Factor	0.734081	(BOS vote 12/4/19)		

FY2021 ESTIMATED TAX RATES

<u>CIP Shift Factor</u>	<u>Res. Factor</u>	<u>CIP Levy%</u>	<u>Res. Levy%</u>	<u>Res. Tax Rate</u>	<u>CIP Tax Rate</u>	<u>Avg. Res Bill \$Ch</u>	<u>Avg. C&I Bill \$Ch</u>	<u>Avg. Res Bill %Ch</u>	<u>Avg. C&I Bill %Ch</u>
1.00	1.000000	32.0%	68.0%	\$18.94	\$18.94	\$2,030	(\$3,099)	41.1%	-35.9%
1.10	0.953043	35.1%	64.9%	\$18.05	\$20.83	\$1,703	(\$2,548)	34.5%	-29.6%
1.20	0.906086	38.3%	61.7%	\$17.16	\$22.73	\$1,375	(\$1,994)	27.9%	-23.1%
1.30	0.859130	41.5%	58.5%	\$16.27	\$24.62	\$1,048	(\$1,443)	21.2%	-16.7%
1.40	0.812173	44.7%	55.3%	\$15.38	\$26.52	\$720	(\$889)	14.6%	-10.3%
1.50	0.765216	47.9%	52.1%	\$14.49	\$28.41	\$393	(\$338)	8.0%	-3.9%
1.51	0.760521	48.2%	51.8%	\$14.40	\$28.60	\$360	(\$283)	7.3%	-3.3%
1.52	0.755825	48.6%	51.4%	\$14.32	\$28.79	\$331	(\$227)	6.7%	-2.6%
1.53	0.751130	48.9%	51.1%	\$14.23	\$28.98	\$297	(\$172)	6.0%	-2.0%
1.54	0.746434	49.2%	50.8%	\$14.14	\$29.17	\$264	(\$117)	5.4%	-1.4%
1.55	0.741738	49.5%	50.5%	\$14.05	\$29.36	\$231	(\$61)	4.7%	-0.7%
1.56	0.737043	49.8%	50.2%	\$13.96	\$29.55	\$198	(\$6)	4.0%	-0.1%
1.57	0.732347	50.2%	49.8%	\$13.87	\$29.74	\$165	\$50	3.3%	0.6%
1.58	0.727651	50.5%	49.5%	\$13.78	\$29.93	\$132	\$105	2.7%	1.2%
1.59	0.722956	50.8%	49.2%	\$13.69	\$30.12	\$99	\$160	2.0%	1.9%
1.60	0.718260	51.1%	48.9%	\$13.60	\$30.30	\$66	\$213	1.3%	2.5%
1.70	0.671303	54.3%	45.7%	\$12.71	\$32.20	(\$262)	\$767	-5.3%	8.9%
1.75	0.647826	55.9%	44.1%	\$12.27	\$33.15	(\$424)	\$1,044	-8.6%	12.1%

**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: November 25, 2020

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Joint Meeting with the Board of Health for Appointment of Board of Health Member

Dear Honorable Select Board,

On Tuesday, December 1, 2020 as part of the Select Board Meeting, the Select Board will be joined by the Board of Health for the purposes of a joint meeting for the joint appointment of a Board of Health Member to fill the vacancy as a result of a resignation. The joint meeting and joint appointment process for filling the vacancy on an elected board is in accordance with the provisions set forth in GL c. 41, Section 11.

Upon receipt of official notification from the Board of Health of the resignation; the Select Board officially declared the vacancy at their November 2, 2020 meeting. The vacancy was advertised to the public for over two weeks starting November 3, 2020 with a deadline of November 20, 2020 for interested candidates to apply. The vacancy was advertised on the Town's website, Face Book page, and posted by the Town Clerk on the bulletin board outside of Town Hall. As of the deadline of November 20, 2020, the Town received two interested candidates as follows:

- Mr. Steven Slarsky of Ayer (See Attached)
- Mr. Mark Wall of Ayer (See Attached)

The Select Board joined by the Board of Health will interview each of the candidates who will appear before the Joint Meeting on December 1, 2020. Each candidate will be given the opportunity to present before the Joint Meeting and Select Board Members and Board of Health Members will have the opportunity to ask questions of each candidate.

At the conclusion of the interviews, the Select Board and Board of Health shall deliberate and a motion to appoint would be in order. The vacancy shall be filled by a simple majority vote of the Joint Meeting consisting of all Select Board and Board of Health Members present. The person appointed shall serve on the Board of Health until the Annual Town Election in 2021 at which time the person may run for election to the position.

If you have any questions prior to the meeting, please do not hesitate to contact me directly.

Thank you.

Attachments

To: Mr. Robert Pontbriand Ayer Town Manager, Ayer Board of Selectman, Ayer Board of Health

From: Stephen Slarsky R.Ph

Re: Ayer Board of Health Vacancy

Please accept this correspondence as interest in filling the current vacancy on the Ayer Board of health. By way of introduction and experience, I am a lifelong resident of the town having served in numerous capacities including the Board of Health prior to being elected to the Board of Selectman, having served almost 5 terms. I recently retired as the Captain of the call Division of the Ayer Fire Department, having served 47 years.

My professional experience is as a licensed, registered pharmacist having graduated from the Massachusetts College of Pharmacy in 1976 with a BS degree in Pharmacy. The bulk of my career has been providing patient care and consulting with an emphasis on sterile product preparation and intravenous drug administration and regulation. I opened the Medicine Shoppe Pharmacy in Ayer in 1994, providing quality Pharmaceutical services to the resident of Ayer and the surrounding communities. I was also a senior partner in New England Home Therapies, providing home infusion and other home medical services throughout New England. I am a Veteran, having served in the US Army Medical Service Corps,(reserves) assigned to a Combat Support Hospital Unit with numerous deployments around the globe, retiring as a Lieutenant Colonel .I currently provide part time consulting services for a Microbiology company that provides technical assistance to Pharmaceutical manufacturers in Sterile product Preparation and regulatory compliance.

In addition to my pharmacy license, I'm also a licensed EMT in Massachusetts and a member of the MA2 DMAT Team.(Massachusetts Disaster Medical Assistance Team) organized under FEMA and the Department of Health and Human Services.

As we all face the challenges brought about by the COVID Pandemic and potential vaccine, I would hope and believe that my training and experience could be a

resource in this area as well as all areas of Public Health, and the resident of the town of Ayer.

I do not have any business interest in the town of Ayer, no special interest and no apparent or perceived conflicts of interest.

I am married, have three daughters, and 4 grandchildren.

I would be pleased to discuss my interest or answer any questions that the boards may have.

Thank you for the opportunity,

Stephen M. Slarsky R,Ph

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: [Robert Pontbriand](#)
To: [Mark Wall](#)
Cc: [Carly Antonellis](#)
Subject: RE: Volunteer Opportunity - Board of Health
Date: Monday, November 23, 2020 10:12:25 AM

Dear Mr. Wall,

Greetings and good morning. I hope that this email finds you well.

I am in receipt of your email below and your attached resume regarding your interest in the vacancy on the Ayer Board of Health.

I will be in contact with you shortly regarding next steps in the process.

Thank you for your interest in this position and the Town of Ayer.

Sincerely,

Robert

Robert A. Pontbriand
Town Manager

Town of Ayer
1 Main Street
Ayer, MA 01432
978-772-8220

From: Mark Wall <mwwall@comcast.net>
Sent: Friday, November 20, 2020 5:32 PM
To: tm@ayer.ma.us
Subject: RE: Volunteer Opportunity - Board of Health

Dear Mr Pontbriand,

I would like to introduce myself as a candidate for the Town of Ayer Board of Health position.

I have lived in Ayer since June 1992 at my current address with my wife Jean and our three sons Evan, Graham and Austin. I am interested this Board of Health position, to contribute to helping the Town of Ayer continue to be a great place to live and bring up a family.

Thank you for taking the time to review my credentials (attached). Please let me know if this position is still open and if my background is suitable.

Mark Wall

KEY QUALIFICATIONS:

- 20+ years supporting B2B/Ecommerce applications for sales order-to-cash, procure-to-pay, 3PL distribution and transportation for high-tech, wholesale, CPG and hosted B2B solution industries.
- Experience with Agile and Waterfall Project Management Methods.
- Developing test scenario requirements for each document exchanged by customer, supplier and third parties.
- Experience with many EDI translators.
- Experience with JD Edwards, Oracle and SAP ERP interface technologies and customizations.
- Excellent Customer Service oriented communication skills.

PROFESSIONAL EXPERIENCE:

TRUECOMMERCE, INC/REDTAIL SOLUTIONS, Westborough, MA (Hosted EDI/B2B Solution Provider)

3/2014 – Present SR TRADE RELATIONSHIP IMPLEMENTATION ANALYST

Implementing EDI and B2B solutions for clients and their customer and supplier partners in Grocery, Hardlines, Mass Merchandise, Automotive and Department Store markets.

LINDT&SPRUNGLI (USA), Stratham, NH (CPG Industry)

1/2005 – 3/2014 SYSTEMS ANALYST / B2B and ERP

Managed B2B Software Solution integrated with the Corporate ERP System.

Partnered with Customer Service, Finance to achieve company EDI goals

STERILITE CORPORATION, Townsend, MA (CPG Industry)

1/2000 – 1/2005 EDI ANALYST

Daily EDI monitoring/troubleshooting, and supporting Gentran for UNIX.

Partnered with Customer Service, Finance to achieve company EDI goals.

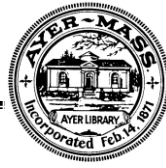
M/A-COM, INC., A TYCO ELECTRONICS Company, Lowell, MA (High Tech Industry)

1995 – 2000 EDI TEAM LEAD

Managed EDI Team priorities with guided by the Director of Customer Satisfaction.

Supported a global SAP implementation, writing process documentation, performing gap analysis, writing test plans and expediting issue resolution.

REFERENCES: FURNISHED ON REQUEST



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

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

MEMORANDUM

Date: November 20, 2020
To: Select Board
From: Mark Wetzel, P.E. Superintendent of Public Works
Subject: **Agenda Items for December 1, 2020 Select Board Meeting**

1. **Wastewater Treatment Plant Upgrade Change Order 1** – Attached is Change Order 1 for the Wastewater Treatment Plant Upgrade project that is nearing completion. The change order totals \$74,406.00 resulting in a contract amount of \$1,513,295.00. The change order includes a number of items as follows:

- Contract Time Extension (due to Covid 19)
- Grit Classifier Disconnect
- Additional Conduit, Wire and Gas Detection System Devices
- Forklift Battery Charger Installation
- Fixed Ladder Deletion Credit
- Structural Steel Modifications
- Fire Alarm Junction Box Relocation
- Plumbing Modifications
- Grit Line Heat Trace
- Addition of 2" Tap on Sludge Fill Line
- Paving Credit

I recommend that the Board vote to approve the change order.

2. Out of Town Water and Sewer Connection Policy – See the attached memo regarding proposed process and modifications to the Water and Sewer Regulations regarding applications for water and sewer extensions beyond the Town boundary.
3. Devens Wastewater Agreement renewal – See the attached memo regarding my proposed process and schedule for reviewing and renewing the Agreement with MassDevelopment for wastewater disposal at the Devens Wastewater Treatment Plant.

CHANGE ORDER FORM

Ayer Wastewater Treatment Plant FY19 Improvements

<u>Change Order No.</u>	<u>1</u>
<u>Contract Amount (As-Bid)</u>	<u>\$1,438,889.00</u>
<u>Net Change in Contract Price (this Change Order)</u>	<u>\$74,406.00</u>
<u>Total Cost of Change Orders to date (excluding this C.O.)</u>	<u>\$0.00</u>
<u>Total Adjusted Contract Price (including this change order and all other change orders)</u>	<u>\$1,513,295.00</u>

This change order extends the time to complete the work by 73 calendar days.

This extended completion date is: November 15, 2020

This change order is checked by: _____
CDM Smith

This change order is requested by: Town of Ayer

This change order is recommended by: CDM Smith

Consultant Engineer P.E. # _____ Date _____

The undersigned agree to the terms of the change order.

Winston Builders Corp. _____ Date _____

Shaun C. Copeland, Chair - Board of Selectmen _____ Date _____

Scott A. Houde, Vice-Chair - Board of Selectmen _____ Date _____

Jannice L. Livingston, Clerk - Board of Selectmen _____ Date _____

Certification of Appropriation under M.G.L. c.44, s.31C: Adequate funding in an amount sufficient to cover the total cost of this change order is available.

Lisa Gabree, Town Accountant
Date

Public Entity: Town of Ayer, Massachusetts

Change Order No.: 1

Contract Title: Wastewater Treatment Plant FY19 Improvements

Owner's Name: Ayer, Massachusetts - Board of Selectmen

Owner's Address: 1 Main Street, Ayer, MA 01432

Contractor's Name: Winston Builders Corp.

Contractor's Address: PO Box 990, 55 Hopkinton Road, Westboro, MA 01581

ITEM 1 - Contract Time Extension

Description of Change:

The Final Completion date will be extended seventy three (73) calendar days, from September 3, 2020 to November 15, 2020.

Reason for Change:

The time extension is for delays related to the COVID pandemic including, but not limited to, state and local orders to distance workers requiring the use of reduced manpower (in conjunction with the Wastewater Treatment Plant staff being reduced); supply disruption/delays and general delays in dealing with the pandemic.

COST: \$0.00

ITEM 2 - Grit Classifier Disconnect

Description of Change:

The NEMA 12 disconnect is being replaced with an XP Class 1/Division 1 disconnect.

Reason for Change:

Based on current ratings, the new Grit Room will be rated "explosion proof." The current disconnect is rated NEMA 12; per RFI 002 response, General Contractor is to install an explosion proof disconnect.

COST: \$1,711.00

ITEM 3 – Additional Conduit, Wire and Gas Detection System Devices

Description of Change:

The General Contractor will install nine (9) gas detection devices in the basement, including conduit and wiring. The conduit/wire will include wiring from PLC2 and the Fire Alarm Control Panel to these 9 devices. The cost includes the programming of these devices. All work is based on revisions to Plan Sheets E-11, E-14 and SK-E-1 (revision dates 3/20/20).

Reason for Change:

The upgrade was requested by Town of Ayer to ensure that the basement complies with all codes once upgrades at the Wastewater Treatment Plant (including future projects) are completed.

COST: \$52,924.00

ITEM 4 – Forklift Battery Charger Installation

Description of Change:

The General Contract will furnish and install conduit, wire and a NEMA 12 disconnect for the new forklift being furnished with this project. The charger will be powered from MCC 1B, bucket 1KL per revised drawing E-12.

Reason for Change:

The Contract did not include provisions to charge the new forklift being provided.

COST: \$3,907.00

ITEM 5 – Fixed Ladder Deletion

Description of Change:

The Town requested that the specified fixed ladder shown on Plan Sheets A-2 and S-1 be deleted.

Reason for Change:

Due to space concerns and a ladder that wasn't needed at the Plant, the Town deleted it.

CREDIT: -(\$1,458.00)

ITEM 6 – Structural Steel Modifications

Description of Change:

The General Contractor provided modifications to the headers over the existing doorways. This Time and Materials (T&M) change included relocation of the headers to the correct elevations.

Reason for Change:

The details of the structural steel installations included elevations that didn't meet actual existing elevations encountered on site.

COST: \$2,277.00

ITEM 7 – Fire Alarm Junction Box Relocation

Description of Change:

The General Contractor relocated the existing fire alarm junction box.

Reason for Change:

The existing fire alarm junction box is located in the space which will become the new classified Grit Room; the junction box is not XP rated and required relocation into an unclassified area – on the other side of the new CMU wall.

COST: \$4,518.00

ITEM 8 – 4" Sanitary Vent Relocation; Water Spigot Additions

Description of Change:

The General Contractor relocated the 4" sanitary vent in the new GBT Room and added 3/4" water spigots in the new Grit and GBT Rooms. This work was completed on T&M.

Reason for Change:

The 4" sanitary vent was relocated to allow installation of the new overhead door; 3/4" water spigots were added in the new Grit and GBT rooms to provide washdown capabilities and the capping of a 1 1/2" water line.

COST: \$2,778.00

ITEM 9 - Grit Line Heat Trace

Description of Change:

The General Contractor removed and replaced the insulation and heat trace wire (XP) between the Grit King and the new Grit Room.

Reason for Change:

During the Contract work on site, it was discovered that a 45-degree bend on the grit removal line was leaking; the Town repaired this leak. During the Town's repair, it was also discovered that the existing heat trace system for this line was found to be compromised and defective (inoperable).

COST: \$11,717.00

ITEM 10 - Addition of 2" Tap on Sludge Fill Line

Description of Change:

The General Contractor installed a 6" x 2" saddle, with appurtenances, on the existing sludge fill line.

Reason for Change:

This saddle allows the sludge truck fill line to enable it to drain back after the fill completion. This allows the connected hose to be emptied prior to disconnection for the truck and fill line.

COST: \$1,060.00

ITEM 11 - Paving Credit

Description of Change:

The site paving included with the Contract is deleted.

Reason for Change:

The Town has elected to complete the paving as part of their Town Contract.

CREDIT: -(\$5,028.00)

DEPARTMENT OF PUBLIC WORKS

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

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

Memorandum

Date: November 20, 2020

To: Ayer Select Board
Robert Pontbriand, Town Manager

From: Mark Wetzel P.E.

Re: Water and Sewer Extensions

As a result of discussions regarding the review and approval of water and sewer extensions beyond Town of Ayer boundaries, developing a formal review process has been discussed. The Town Bylaw related to this issue is:

ARTICLE XVII - EXTENSION OF WATER AND SEWER LINES

"No permanent water or sewage line may be extended outside of the boundary of the Town of Ayer unless said extension be authorized by a vote of the Town at an Annual or Special Town Meeting."

I have developed a recommended process for future requests. Instead of implementing a separate policy, I recommend that the Water Rules and Regulations and Sewer Rules and Regulations be modified to include these procedures.

Note that we also have numerous potential projects within Ayer that could impact the Town water supply. These are reviewed by the Planning Board but there should also be a similar review process within the Planning Board Approval process and a review by the Select Board.

The recommended process is as follows:

1. Submit an application for water and / or sewer extension a minimum of 75 days prior to Town Meeting. Application fee shall be \$1,000. Application is submitted to Town Manager's Office.
2. Application is reviewed by the Town Engineer with a report to the Select Board.
3. Applicant provides response to Town Engineer's comments.
4. Select Board hold a Public Hearing to receive input from the Town. Applicant must attend public hearing.
5. Select Board vote to recommend for or against Town Meeting Warrant Article.

An outline for the Water / Sewer Out of Town Extension application should include:

1. Applicant Name and Address / Owner Name and Address
2. Project Location
3. Project Description and Preliminary Plan

4. Letter from Town where project is located, supporting execution of an Inter-Municipal Agreement
5. Status of Project (Design, Permitting, Approvals)
6. Project Schedule, including phasing
7. Water and Wastewater Requirements
 - a. Number of units / SF (provide calculations)
 - b. Proposed Water and Wastewater Flows and Required Pressures
 - c. Fire Protection Requirements
8. Alternatives for Water and Sewer Service

Town Engineer review will include:

- Water and Sewer Capacity Analysis and project impact on future capacity
- Technical feasibility (design requirements, system evaluation and potential upgrades).
- Proposed fees and charges
- Conditions and restrictions

The Water Rules and Regulations and Sewer Rules and Regulations should be revised as follows:

Water Rules and Regulations

1. Definitions – Add “Out of Town Water Service : Out of Town Water Service shall be any extension of the Town Water pipes to any property outside of the Town of Ayer boundaries. Determination of properties that are located partially in Ayer shall be based on the property address.”
2. Definitions – Add “ Inter Municipal Agreement: Inter municipal agreement is a legal document for the purpose of authorizing one municipality to perform a service for another.”
3. SECTION 5 – APPLICATION FOR SERVICE – Add “H. Applications for service from out of town shall be subject to a vote of the Town at an Annual or Special Town meeting. An inter municipal agreement between the Town of Ayer and the Town that the water service is located shall be executed prior to connecting to the Town of Ayer water system. The Applicant shall be responsible for all costs associated with the service connection, including application fees, inspection fees and legal fees. The Applicant shall be responsible for obtaining any additional permits related to the extension of the Out of Town service.
 - a. Submit an application for water and / or sewer extension a minimum of 75 days prior to Town Meeting. Application fee shall be as specified in Attachment A - Water and Sewer Rate and Fee Schedule. Application is submitted to Town Manager’s Office.

- b. Select Board shall hold a Public Hearing to receive input from the Town. Applicant must attend public hearing. Select Board reserve the right to recommend for or against Town Meeting Warrant Article.

Sewer Rules and Regulations (Note that the DPW is in the process of revising the Sewer Rules and Regulations and the changes propose are related to the draft Regulations. I will present the revised Sewer R&R to the Board for approval at a future meeting.)

4. Section 1.4 Definitions – Add “47. Inter Municipal Agreement: Inter municipal agreement is a legal document for the purpose of authorizing one municipality to perform a service for another.”
5. Section 1.4 Definitions - Add “59. Out of Town Sewer Service and Sewer Connections: Out of Town Sewer Service and Sewer Connections shall be any extension of the Town sewer pipes to any property outside of the Town of Ayer boundaries. Determination of properties that are located partially in Ayer shall be based on the property address.”
6. Section 2.2 New Sewers and Sewer Connections, B. Application, Permits and Approvals – Add “ Applications for sewer service and / or a sewer connection from out of town shall be subject to review by the Select Board, a public hearing and a vote of the Town at an Annual or Special Town meeting. Applicant shall submit a application to the Town Manager at least 75 days prior to Town Meeting and pay the application fee in accordance with Attachment A - Water and Sewer Rate and Fee Schedule. An inter municipal agreement between the Town of Ayer and the Town that the sewer service is located shall be executed prior to connecting to the Town of Ayer sewer system. The Applicant shall be responsible for all costs associated with the sewer extension and connection, including application fees, inspection fees and legal fees. The Applicant shall be responsible for obtaining any additional permits related to the extension of the Out of Town service. All other requirements related to the size, type and location of the sewer connection shall be in accordance with the requirements of the Sewer Rules and Regulations.

DEPARTMENT OF PUBLIC WORKS

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

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

Memorandum

Date: November 20, 2020

To: Ayer Select Board

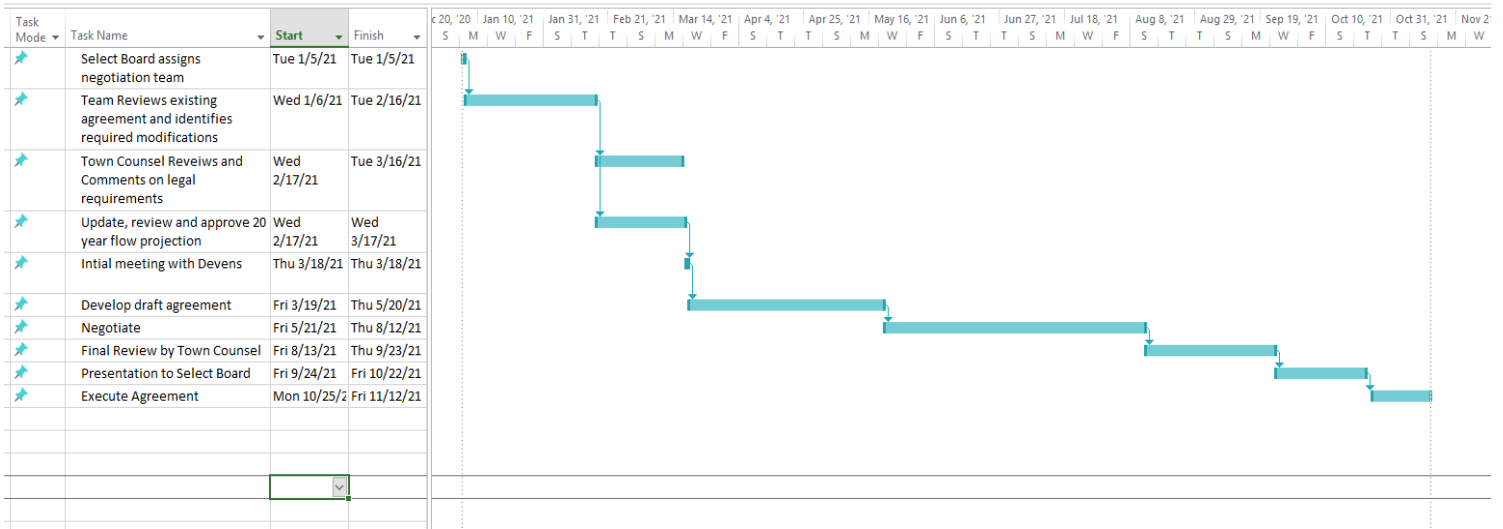
From: Mark Wetzel P.E.

Re: Wastewater Treatment Agreement – MassDevelopment

Ayer’s agreement with the Massachusetts Development Finance Agency expires at the end of December 2021. The following outlines my recommendation for negotiating a new agreement.

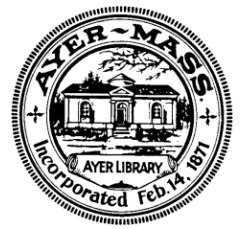
1. Assign agreement negotiation team
2. Update, review and approve the 20 year wastewater flow projection to determine volume needed,
3. Review existing agreement and update definitions, existing conditions and identify areas of modification / negotiation.
4. Meet with MassDevelopment / Devens to discuss process, schedule and issues.
5. Key issues include length of agreement, volume, fees and rates, amendments and termination.
6. Discuss legal issues with Town Counsel.
7. Schedule negotiations with Devens and begin negotiating

Proposed Schedule:



I will begin reviewing the current agreement and mark up the changes and critical issues as I see them. We can then schedule a meeting with the negotiation team to discuss and set up the schedule with MassDevelopment. After we meet with MassDevelopment, we can discuss if we need to hire a consultant who specializes in there types of agreements.

**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: November 25, 2020

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Town Manager's Report for the December 1, 2020 Select Board Meeting

Dear Honorable Select Board,

I am pleased to transmit to you the following Town Manager's Report for the December 1, 2020 Select Board Meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

Administrative Update/Review of Town Warrant(s):

- I will provide the Select Board with a brief Administrative Update on the activities, initiatives, and projects of the Administration since the Select Board last met on November 2, 2020.
- I have reviewed, approved, and signed the following Town Warrant(s) since the Select Board last met on November 2, 2020:

Accounts Payable Warrant #21-09 in the amount of \$1,229,649.07 was reviewed, approved, and signed on November 10, 2020.

Payroll Warrant #21-10 in the amount of \$348,367.58 was reviewed, approved, and signed on November 17, 2020.

Accounts Payable Warrant #21-10 in the amount of \$636,670.15 was reviewed, approved, and signed on November 24, 2020.

COVID-19 Update:

- I will provide the Select Board with a brief COVID-19 Update regarding the Town's ongoing COVID-19 preparedness efforts since the Select Board last met on November 2, 2020.

Appointments:

- I hereby recommend that the Select Board appoint Lois Bisson of Ayer to the Cultural Council for an unexpired term until June 30, 2021.

- I hereby recommend that the Select Board appoint Marianne Cooper of Ayer to the Cultural Council for an unexpired term until June 30, 2022.
- I hereby recommend in consultation with the Historical Commission that the Select Board appoint Margaret Durand of Ayer to the Historical Commission for an unexpired term until June 30, 2021.

Town Counsel Disclosure for Town of Westford Inter-Municipal Agreement:

- On the recommendation of Fire Chief Johnston, the Ayer Fire Department would like to garage the Town's old Engine #2 at the Town of Westford Fire Station. As the Select Board is aware, the Town recently received the new fire engine. The old engine is still operational but there is no sufficient room in the Ayer Fire Station to garage the old engine. Ayer's old engine would be garaged at the Westford Fire Station and Westford would be able to use the engine in the event of an emergency. Additionally, Ayer will retain ownership and can use the engine in the event of an emergency. This arrangement will be codified in an Inter-Municipal Agreement subject to review and approval by the Ayer Select Board and the Westford Select Board.
- Because Town Counsel (KP Law) represents both the Towns of Ayer and Westford, the Select Board must consent to Town Counsel's representation regarding the proposed intermunicipal agreement. Please see the attached request from Attorney Mark Reich of Town Counsel (KP Law). (See Attached).
- I am respectfully requesting that the Select Board vote to consent to Town Counsel's (KP Law) representation of the Town of Ayer and the Town of Westford regarding the proposed intermunicipal agreement.
- Upon completion of the DRAFT Intermunicipal Agreement, the Select Board will be asked to review and approve the Intermunicipal Agreement at a future Select Board Meeting.

2021 License Renewals:

- The Select Board is respectfully requested to review and vote to approve the 2021 License Renewals. As voted by the Select Board on November 2, 2020 all the costs of all 2021 License Renewals were reduced by 75% for 2021 due to the impacts of the COVID-19 Pandemic. Please see the attached memo from the Assistant Town Manager. (See Attached).

128 Washington Street Commitment of Tax Lien for Property Enforcement/Clean-Up:

- The Select Board is respectfully requested to vote to commit the tax lien for 128 Washington Street as part of the Town's congoing property enforcement/clean-up of the property. Please see the attached memo from the Assistant Town Manager. (See Attached).

Thank you.

Attachments: Email from Town Counsel Re: Disclosure for Town of Westford Inter-Municipal Agreement

Memo from the Assistant Town Manager Re: 2021 License Renewals

Memo from the Assistant Town Manager Re: 128 Washington Street Commitment of Tax Lien

From: [Lois Bisson](#)
To: [Carly Antonellis](#)
Subject: Joining Aye Cultural Council
Date: Friday, October 30, 2020 3:10:39 PM

Dear Ms. Cantonellis,

I received your name and email address from Ginette Brockway, a member of the Ayer Cultural Council (ACC). I expressed to her my interest in joining the council and she outlined the next steps for me, the first of which is to write this email outlining a little bit of information about myself and my interest in joining the council.

My husband and I moved to Ayer a little more than one year ago, seeking the lifestyle associated with a smaller town like Ayer. We previously lived in Lexington, MA where I enjoyed membership in LexArt, a non-profit collaborative which supported artisans and their creative work within the community. I enjoyed the many facets of that membership and feel that joining the ACC will allow me to do similar work within the Ayer community.

I have always been interested in many forms of art and culture and use that interest to create pottery in my own studio in Ayer. In addition, prior to retiring from school nursing two years ago, I taught an after school enrichment pottery class to children at the elementary school in which I worked. The class was always at full capacity and the kids really loved it. Many studies have shown how art and creativity are so good for kids (and adults!), and I have seen this directly through my own work, through collaboration at LexArt, and through the eyes of elementary-aged students.

I am excited to offer my assistance to the ACC, promoting the arts and culture within our beautiful town.

Thank you for your time and if you have any questions please feel free to email me or call / text to [REDACTED]

Have a wonderful day.

Lois Bisson

From: [mcooper](#)
To: [Carly Antonellis](#)
Subject: Ayer Cultural Council Board membership request
Date: Thursday, November 12, 2020 11:06:16 AM

To Whom it May Concern,

I have lived in Ayer for almost 11 years now, having moved with my family from Virginia. I love the welcoming feel of Ayer and see a lot of potential for future town events. I grew up in a small town in New Jersey and have fond memories of all the great activities for families. I have 2 college-age daughters who attended the Ayer Shirley schools from grades 4 & 6 and they graduated from ASRHS. From the beginning, I urged them to become involved with the activities offered and I started volunteering in the school district while they attended the various schools. As a class mom, band mom, drama club parent, and in the high school's Music Boosters parent group I became acquainted with the children and their parents and many have become good friends. I've also been a substitute teacher for all the schools in the district as well as formed and directed the ASMS Chorus from 2012 until the Covid-19 pandemic. I've volunteered in St. Mary Church for many years as a Faith Formation teacher and a singer in the music ministry and just started this summer as the Faith Formation Coordinator for St. Mary and St. Anthony Churches.

In this day and age, so many people live in communities without knowing even their closest neighbors. I see the Cultural Council as a way of helping shape Ayer into a town that people want to live and flourish in. It can open doors to allow neighbors to become friends. After seeing how much it has done for my family, it's so important for children to have contact with art and music and various community experiences. A community as a whole does better when they have opportunities to bond and what better way to make that happen than with activities that are provided by this organization!

I hope to become a permanent member of the Ayer Cultural Council. I look forward to your response. Please contact me if you have any questions.

Kindest regards,
Marianne Cooper



From: gbacon@ayer.ma.us
To: [Robert Pontbriand](#)
Cc: [Margaret Durand](#); histcom@ayer.ma.us; [Carly Antonellis](#)
Subject: Appointment to the Historical Commission
Date: Thursday, November 19, 2020 10:38:12 AM

Good Day Robert

At our meeting yesterday, the Historical Commission voted to recommend that the Select Board appoint Margaret Durand to the Commission. She will send you an email soon confirming her interest.

Have a good day
George

From: [Mark R. Reich](#)
To: [Robert Pontbriand](#)
Cc: [Carly Antonellis](#)
Subject: RE: TIME SENSITIVE FW: Town of Ayer: Intermunicipal Agreement for Ayer Fire Engine to be garaged at the Westford Fire Station
Date: Monday, November 23, 2020 3:26:37 PM

Robert -

As we have discussed, this firm serves as Town Counsel to the Towns of Ayer and Westford. You have requested that we assist in drafting an intermunicipal agreement between the Towns relative to the garaging of an Ayer fire engine at the Westford fire station and the use and maintenance of that engine. As such, this represents a matter in which two clients of the Firm have an interest.

The representation of multiple clients is regulated under the Massachusetts Rules of Professional Conduct. The relevant provision, Rule 1.7, states that an attorney may not represent multiple clients if the interests of one client are directly adverse to those of another client, or if his representation of one client may be materially limited by his responsibilities to another client or his own interests. If, however, the attorney reasonably believes that the representation of either client will not be adversely affected, and each of the clients consents after consultation, the attorney may represent the client in such a situation. Where representation of multiple clients in a single matter is undertaken, we are also required to disclose and explain the implications of the common representation and the advantages and risks involved.

In our opinion, our position as Town Counsel to the Town of Westford will not adversely affect the representation we will provide to the Town of Ayer. It is our further opinion that this joint representation provides the advantage of cost effectiveness and efficiency, with the cost of review divided between the two Towns. The only risk I would note would be in the unlikely event that negotiations breaks down or performance of the intermunicipal agreement becomes an issue between the parties, to the point where one party seeks legal redress from the other. Under these circumstances, KP Law, P.C. would have to cease representing the Towns with regard to the Agreement. You must consider whether our representation of the Town of Westford as described above will be likely to adversely affect our ability to exercise independent professional judgment on behalf of the Town of Ayer.

It is our belief that our joint representation of the Towns, for the purposes and under the conditions described above, will not affect the exercise of our independent professional judgment on behalf of the Town of Ayer with regard to the intermunicipal agreement or any other matter. It is the determination of the Select Board, as Appointing Authority, however, as to whether the representation described herein will not impair the integrity of this firm's services to the Town.

Accordingly, I request that the Select Board, as Appointing Authority, consent to our representation of the Towns regarding the proposed intermunicipal agreement. Should the Select Board so consent, I ask that you send confirmation of such determination to me, as required by the Rules of Professional Conduct. A copy of such confirmation should also be retained by the Town Clerk for the Town's records.

Please contact me with any further questions.

Thank you.

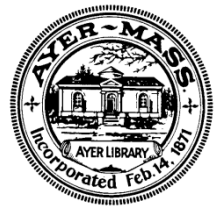
Mark

Mark R. Reich, Esq.

KP | LAW



**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

To: Select Board
From: Carly Antonellis, Assistant Town Manager
Date: November 25, 2020
Re: 2021 License Renewals

The following is a list of the 2020 License Renewals. I am recommending approval of all license renewals listed below subject to successfully meeting all requirements as set forth by Ayer Bylaw XLII and relevant Massachusetts General Law(s).

Pursuant to the Town of Ayer Bylaw XLII, this list is currently under review for outstanding bills, taxes, fees, assessments, liens, betterments and any other municipal charges by the Treasurer/Tax Collector and the Department of Public Works.

In addition to the full payment due, the following list of requirements must be met before a license will be released.

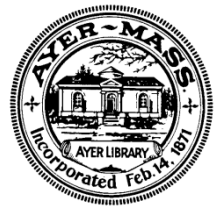
Code	License Type	License Type
Class 1	New/Used Motor Vehicle Dealership License	Proof of \$25,000 Surety Bond
Class 2	Used Motor Vehicle License	
Class 3	Junk Auto Dealer's License	n/a
CV	Common Victualler	n/a
BW	Beer/Wine	
AA	All Alcohol	
s15	Off Premise/Package Store	Completion of ABCC Form
s12	On Premise/Restaurant/Club	Completion of ABCC Form, proof of liquor liability insurance, fire inspection by AFD
Amusement	Amusement License	n/a
Sunday Entertainment	Sunday Entertainment License	n/a

Business Name	Business Address	Map and Parcel	License Type
Toreku Tractor & Equipment, Inc.	4 Littleton Road	35-9	Class 1
Gervais Inc.	5 Littleton Road	35-24/25	Class 1
Don's Auto Sales	9 Bishop Road	19-9	Class 2
J.C. Madigan, Inc.	8 Shaker Road	43-4 & 43-7	Class 2
Terranova Auto Body	40 Littleton Road	35-15	Class 2
Smart Auto Sales, Inc.	42 Littleton Road	35-16	Class 2
Rt 2A Auto Sales, Inc.	77 Fitchburg Road	11-16	Class 2
Power of Honesty, Inc.	179 West Main Street	32-22	Class 2
Ayer Auto Repair, LLC.	85-87 Central Avenue	27-106/107	Class 2
Turbo Lube	21 Fitchburg Road	11-50	Class 2
Ultimate Car Care	1 Bishop Road	19-199	Class 2
Harry Schwartz & Sons, Inc.	20 Sandy Pond Road	28-86	Class 3

Business Name	Business Address	Map and Parcel	License Type
Subway	1 Mill Street	26-82	CV
Ayer Convenience	60 Park Street	19-16	CV
Deven's Pizza & Deli	210 West Main Street	32-30	CV
McDonald's Restaurant	2 Sandy Pond Road	35-4	CV
Wendy's Restaurant	2 Barnum Road	35-17	CV
Woo Jung Restaurant	174 West Main Street	32-40	CV
Verona Pizza & Seafood	18 Park Street	26-21	CV
Dunkin Donuts	18 Park Street	26-21	CV
Karyn's Kitchen	200 West Main Street	32-21	CV
Ayer Gulf	26 Park Street	26-19	CV
The Cottage Restaurant	18 Main Street	26-93	CV
Wok & Roll	49 Park Street	19-31	CV
Lazy Mary's	30 Littleton Road	35-12	CV
Taco Bell	4 Sandy Pond Road	35-3	CV
Union Coffee	25 Main Street #1	26-223	CV
Tipo Taco's	35 Main Street	26-187	CV
Ruby Donut Shop	210 West Main Street	32-30	CV
Junction RPD	60 West Main Street	26-72	CV
Alltown Fresh Ayer	28 Harvard Road	35-53	CV
Ayer Shop 'n Save	22 Fitchburg Road	18-2	s15BW
Ayer Beer and Wine	210D West Main St.	32-30	s15BW
Ayer Package Store, Inc.	48 Main Street	26-89	s15AA
The Vineyard	63 Park Street	19-30	s15AA
Traffic Circle Liquors, Inc.	2 Littleton Road	35-7	s15AA
Barnum Road Liquors, Inc.	1 Barnum Road	34-86	s15AA
Archer's Mobil	70 Main Street	26-87	s15BW; CV
Pauline's Variety	67 1/2 East Main Street	34-42	s15BW; CV
Ayer Gun & Sportsmen's Club	225 Snakehill Road	14-1/14-4/14-7	s12BWC; CV
Billiard's Café	39 Main Street	26-187	s12AA; CV; Amusement; Sunday Entertain;
Lucia's Tavola Ristorante	31 Main Street	26-187	s12AA; CV
Markoh's on Main	43 Main Street	26-187	s12AA; CV
Shaker Hills Country Club	146 Shaker Road	43-5	s12AA; CV
Tiny's Restaurant	2 Groton School Road	19-7	s12AA; CV; Amusement
Nashoba Club	14 Central Avenue	26-278	s12AA; CV; Amusement
9 Main Ayer, Inc.	9 Main Street	26-228	s12AA; CV
Bar 25	25 Main Street	26-223	s12AA; CV

As of Wednesday November 25, 2020, Carlin's has chose not to renew their licenses for 2021 and have been removed from this list.


**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

To: Ayer Select Board
Robert A. Pontbriand, Town Manager

From: Carly Antonellis, Assistant Town Manager 

Date: November 25, 2020

Re: 128 Washington Street – Commitment of Lien

Greetings!

As you'll remember in 2017 the Town paid over \$20,000 to have the structures located at 128 Washington Street boarded and secured due to a several violations of the State Sanitary Code. This remedial work also included the removal of an excess of debris and trash located on the exterior of the property. The then Board of Selectmen, placed a lien on the property, recorded at the Middlesex South Registry of Deeds Book 69667 Page 95, in the amount of \$22,672.50 (clean-up costs) + \$124.50 (recording fee) with 6% annual interest. The total now owed to the Town through December 31, 2020 is \$27,600.75.

I am asking the Select Board to vote to commit this lien (\$27,600.75 through December 31, 2020) to the property tax rolls.

Thank you for your consideration.

State Tax Form 290
Certificate: 4264306
Issuance Date: 11/19/2020

MUNICIPAL LIEN CERTIFICATE
TOWN OF AYER
COMMONWEALTH OF MASSACHUSETTS

Requested by THE LAW OFFICE OF MATTHEW T. DESROCHERS
274 MAIN ST
SUITE 208
READING, MA 01876

I certify from available information that all taxes, assessments and charges now payable that constitute liens as of the date of this certificate on the parcel of real estate specified in your application received on 11/19/2020 are listed below.

DESCRIPTION OF PROPERTY

Parcel ID: 0013000015

128 WASHINGTON STREET

ERNISSE HUGH P
PO BOX 812
AYER MA 01432

Land area : 1.10 AC
Land Value : 140,800
Impr Value : 218,500
Land Use : 0
Exemptions : 0
Taxable Value: 359,300

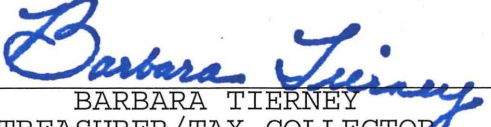
Deed date: 09/12/2008 Book/Page: 51674/303
Class: 101-SINGLE-FAMILY

FISCAL YEAR	2021	2020	2019
DESCRIPTION			
CPA SURCHARGE	\$25.02	\$48.81	\$45.35
RESIDENTIAL REAL ESTATE TAX	\$2,501.73	\$4,881.42	\$4,534.70
WATER LIEN	\$0.00	\$167.06	\$0.00
TOTAL BILLED:	\$2,526.75	\$5,097.29	\$4,580.05
Charges/Fees	\$0.00	\$0.00	\$0.00
Abatements/Exemptions	\$0.00	\$0.00	\$0.00
Payments/Credits	-\$2,526.75	-\$5,097.29	-\$4,580.05
Interest to 11/19/2020	\$0.00	\$0.00	\$0.00
TOTAL BALANCE			
DUE TO 11/19/20:	\$0.00	\$0.00	\$0.00

NOTE: Actual 2021 taxes not yet issued.

FOR INFORMATION ON WATER AND SEWER CALL 772-8242. YOU MUST CALL WATER DEPT FOR FINAL READING IF PROPERTY IS BEING SOLD.

*THIS PROPERTY HAS A LIEN RECORDED AT MIDDLESEX SOUTH REGISTRY OF DEEDS BOOK 69667 PAGE 95 THE AMOUNT DUE IS \$27,600.75. PLEASE REMIT PAYMENT TO THE TOWN OF AYER 1 MAIN STREET AYER MA 01432


BARBARA TIERNEY
TREASURER/TAX COLLECTOR

THIS FORM APPROVED BY THE COMMISSIONER OF REVENUE


STATEMENT OF CLAIM
128 WASHINGTON STREET, AYER, MASSACHUSETTS


The TOWN OF AYER, acting by and through its Board of Health, acting by and in accordance with its authority under G.L. c.139, §3A and G.L. c. 111, §127A and 127B and 105 CMR 410.000, et seq. (the State Sanitary Code), and in accordance with all acts, rules and regulations thereto enabling, hereby makes the following Statement of Claim to perfect its lien for the expenses incurred by said Town against the land and the Owner thereof herein described.


1. Hugh Ernisse (the "Owner") is the record owner of land known as and numbered 128 Washington Street, Ayer, Massachusetts ("Locus") pursuant to a deed recorded in the South Middlesex County Registry of Deeds, in Book 51674, Page 303.
2. The Locus is a residential property that was declared unfit for human habitation by the Ayer Board of Health based on the existence of numerous conditions deemed to materially impair the health, safety and well-being of the occupants and the public
3. In accordance with the provisions of G. L. c. 111, the State Sanitary Code, 105 CMR 410.000, et seq., and a March 29, 2017 order of the Middlesex Superior Court in the case captioned, Town of Ayer v. Hugh Ernisse, et al., C.A. No. 1781CV00912, the Town incurred expenses in securing the property and relocating the occupants.
4. The Town has, accordingly, incurred costs for same in the principal amount of twenty-two thousand six hundred and seventy-two dollars and fifty cents (\$22,672.50) (the "Debt"). The Town has rendered an account of the Debt to the Owner thereof in its demand for payment. Said Debt is presently due.
5. The Town has further incurred costs for recording this STATEMENT OF CLAIM in the principal amount of one hundred twenty-four and dollars and fifty cents (\$124.50). Said Debt is presently due.
6. Pursuant to the provisions of G. L. c. 139, § 3A, the Town hereby claims the aforementioned Debt from the Owner, together with recording costs, and statutory interest of six percent (6%) per annum.

SIGNED THIS 29th DAY OF June 2017.

TOWN OF AYER BOARD OF SELECTMEN


Christopher R. Hillman


Jannice L. Livingston


Gary J. Luca

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



Broadcast and Recorded by APAC

Monday November 2, 2020
Open Session Meeting Minutes

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

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

Call to Order: S. Copeland called the meeting to order at 6:00pm.

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

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

Announcements: None

Public Input: Ms. Sara Withee, 11 Groton Shirley Road stated that she wanted her name added to the meeting minutes because she had concerns.

Ms. Alicia Hersey, Community Development Office: *Lien Subordination Request Case #15-395 (16 Pond Street)* – A. Hersey explained that the borrower is seeking to obtain a better interest rate and therefore needed approval from the SB. There were no questions from the SB.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve Lien Subordination #15-395. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Town Manager's Report: *Administrative Update/Review of Town Warrant(s)* - R. Pontbriand provided the Select Board with an update on the various activities, initiatives, and projects of the Administration since the Select Board last met. He also provided a list of signed Town Warrants in the meeting packet. R. Pontbriand stated that Capital Planning requests have come in and that they are scaled down from previous years. He reported that Transfer Station stickers are being sold at the Transfer Station on Wednesdays and Saturdays. R.

Pontbriand thanked the Town Clerk's office and all election workers in preparing for the Presidential Election tomorrow. He also reported that the new fire truck, Engine 2 has been delivered and is in service.

COVID-19 Update – R. Pontbriand stated that there has been a recent uptick in cases, which prompted the Governor to issue 3 new orders. The Town, at this time, has an adequate supply of PPE. Chief Johnston is working on updating the Town's Shelter Plan.

Review/Discussion of the Annual Special Fall Town Meeting from 10/26/20 – J. Livingston stated that it's been mentioned on social media that the SB is trying to sneak the Senior Center property in. R. Pontbriand stated, of course that any property acquisition cannot be done without Town Meeting approval. S. Houde stated that there is some concern with the current economic environment, and he wouldn't be looking to bring this back up until the economy improves.

J. Livingston stated that related to Article 9 there was concern that the Town of Harvard had not approached the Town of Ayer. J. Livingston stated that the proposed project was not a Town sponsored project, but rather a private developer. S. Copeland stated that he would have liked to see the developer attend Town Meeting to answer questions. SB members discussed working on developing an application that would go to different departments for review prior to a Town Meeting.

Ms. Sara Withee stated that the SB does not have to put the item on the warrant if they are presented with it. SB members stated that pursuant to the relevant Town bylaw, it needs to go to Town meeting for consideration.

J. Livingston asked for an update on the Devens Wastewater Agreement for the next meeting.

S. Copeland asked for clarification on Article 4 regarding the 21E environmental testing. He then suggested we could explore partnering with another town to provide services.

R. Pontbriand stated that he would be meeting with the internal team to debrief and to discuss the next steps.

Review/Discussion Regarding License Renewals and Fees – R. Pontbriand referenced the spreadsheet prepared by the Assistant Town Manager and stated that it is within the SB's purview to adjust the fees due to the COVID-19 pandemic. R. Pontbriand has vetted reducing the license fees with the Town Accountant and they are both confident that the Town could absorb the reduction. R. Pontbriand stated that reducing the fees by 50% would allow for relief to the business owners while, at the same time, maintaining the value of the license.

J. Livingston stated that reducing the 2021 renewal fees by 50% was reasonable. S. Houde and S. Copeland stated that they would like to see the reduction up to 75%.

Motion: A motion was made by J. Livingston and seconded by S. Houde to reduce the 2021 Select Board license fees by 75%. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

FY 2022 Budget Directive and Discussion –R. Pontbriand stated that the FY '22 Budget Directive would be going out this week. The directive seeks level funded/level services and is also asking departments for efficiencies. R. Pontbriand had discussed asking Departments for reduction scenarios but, as of right now revenue is still coming in on target. S. Houde stated that he would like to mitigate the impact on the tax rate and minimize raise and appropriate articles at future Town Meetings.

Declaration of Board of Health Vacancy and Joint Appointment Process- The SB was joined by Board of Health Chair Pam Papineau. R. Pontbriand discussed with the SB the process of filling the current vacancy on the

Board of Health created by Mary Spinner’s resignation. The process for filling the vacancy on an elected board is set forth by MGL, Chapter 41, Section 11. He is recommending that the SB vote to declare the vacancy on the Ayer Board of Health with all applications of interested candidates due to the Town Manager’s Office by no later than Friday, November 20, 2020. The Joint Appointment meeting could then be scheduled to take place as part of the regular Select Board Meeting on December 1, 2020 and/or a special meeting could be called. P. Papineau thanked Mary Spinner for all her years of service to the Town of Ayer.

Motion: A motion was made by S. Houde and seconded by J. Livingston to declare a vacancy on the Board of Health and to have all interested applicants submit a letter of interest/resume by Friday November 20, 2020.
Roll Call: S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

New Business/Selectmen’s Questions: *Initial Discussion on Future Dialogue on Race and Diversity Issues (S. Copeland)* – S. Copeland stated he wanted to start a discussion about race and diversity and thinks that bringing in an 3rd party facilitator may help guide the discussion. He’d like to reach out to different community groups for suggestions on conducting the forum.

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from October 20, 2020 Part 1. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the Meeting Minutes from October 20, 2020 Part 2. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Adjournment:

Motion: A motion was made by J. Livingston and seconded by S. Houde to adjourn at 7:11 PM. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by BOS: _____

Signature Indicating Approval: _____