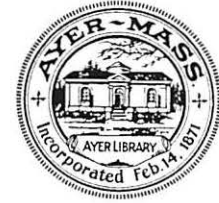


RECEIVED

OCT 02 2020

TOWN OF AYER  
TOWN CLERK

11:00am  
Annex Copeland



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

**Tuesday October 6, 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](mailto: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](mailto:atm@ayer.ma.us)*

**Select Board Recognition of Fire Chief Robert J. Pedrazzi**

**Ratification of Appointment of Ayer Fire Chief**

**6:05 PM\***

**Public Hearing – Pole Petition by National Grid – Bligh Street**

**6:20 PM**

**Affordable Housing Committee**

1. Appointment of Committee Member
2. Presentation of Proposed Ayer Housing Trust

**6:30 PM**

**Superintendent Mark Wetzel, Department of Public Works**

1. Execution of Contract for School Street Sidewalk Construction Project
2. Brief PFAS Update
3. Spectacle Pond PFAS Treatment Facility Funding and Warrant Article

**6:45 PM**

**Town Manager's Report**

1. Administrative Update/Review of Town Warrant(s)
2. COVID-19 Update
3. Review and Approval of the 2020 Special Fall Town Meeting Warrant (October 26, 2020)
4. Discussion on Reducing the Quorum for the Special Fall Town Meeting due to COVID-19
5. Update/Review DRAFT FY '22 Budget Calendar
6. Reschedule of November 3, 2020 SB Meeting due to Presidential Election
7. Amendment No. 6 to Agreement for Veterans Services, Devens
8. Discussion on Extension of Outdoor Dining Service

7:15 PM

**New Business/Selectmen's Questions**

1. Special Recognition of Ms. Lauri Fritz, Assistant Town Clerk (SB Member S. Copeland)
2. Rate Review Committee Update (SB Member J. Livingston)
3. Special Recognition of Ms. Mary Spinner (SB Member J. Livingston)

7:25 PM

**Approval of Meeting Minutes**

September 15, 2020

7:30 PM\*\*

**Executive Session pursuant to MGL Chapter 30A, Section 21A,**

**Exemption:**

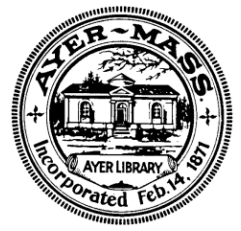
#2 (Non-Union Personnel Contract Negotiations) Fire Chief Contract  
#6 (To consider the purchase, exchange, lease, or value of real property) 211  
West Main Street Parcel

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

*\*\*The Select Board will adjourn the meeting for the evening at the conclusion of the Executive Session.*

**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**

**DATE:** October 2, 2020

**TO:** Ayer Select Board

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

**SUBJECT: Ratification of Appointment of Ayer Fire Chief**

Dear Honorable Select Board Members,

At the October 6, 2020 Select Board Meeting I will be pleased to present to you the appointment of Deputy Chief Timothy Johnston for ratification by the Select Board as the next Fire Chief for the Town of Ayer. In addition to Deputy Chief Timothy Johnston, I will be joined by Chief Pedrazzi and Chief Steele McCurdy the Groton Fire Chief and Chair of the Fire Chief Internal Review Committee.

Several months ago, upon the announcement by Chief Pedrazzi of his retirement effective October 8, 2020 after 43 years of distinguished service to the Town; it was determined that the next Fire Chief should come from within the Department which consist of very qualified and competitive candidates. To that end, I appointed a Fire Chief Internal Review Committee charged with reviewing all applications for the position; developing the interview questions; interviewing candidates; and making a formal recommendation to the Town Manager for appointment subject to ratification by the Ayer Select Board in accordance with the provisions of Chapter 79 of the Acts of 2018.

The Fire Chief Internal Review Committee was chaired by the Groton Fire Chief, Chief Steele McCurdy and consisted of the following individuals:

- Fire Chief Steele McCurdy, Town of Groton, Committee Chair
- Fire Chief Brian Borneman, Town of Pepperell
- Fire Chief Scott Woodzinski, Town of Littleton
- Deputy Police Chief Brian Gill, Town of Ayer
- Assistant Town Manager Carly Antonellis

The Fire Chief position posting with the official job description was posted at the Ayer Fire Station for one-week. The posting and job description were also sent electronically to all members of the Ayer Fire Department. The Internal Review Committee received three qualified applications who were all reviewed and interviewed by the Committee.

On September 11, 2020 the Committee recommended the appointment of Timothy Johnston as Fire Chief. Please see the attached letter from the Chair of the Committee. I concur with the recommendation and please see the attached appointment letter for your consideration for ratification. Thank you.



# Groton Fire Department

*Fire ~ EMS ~ Rescue*

*"Together We Serve the Community"*

45 Farmers Row  
Groton, Massachusetts 01450  
Tel: (978) 448-6333  
Fax: (978) 448-1116



September 11, 2020

Mr. Robert Pontbriand, Town Manager  
Town of Ayer  
1 Main St.  
Ayer, MA 01432

Dear Town Manager Pontbriand,

On behalf of the Fire Chief Search Committee, I am honored to recommend **Timothy Johnston** for the position of Fire Chief. Mr. Johnston has shown a true commitment to the Town of Ayer and the fire service over his 35+ years of experience. This commitment has prepared him to take on the position of Fire Chief and lead the organization forward for years to come.

The selection and committee recommendation of Mr. Johnston was made after interviewing 3 qualified candidates on September 10, 2020. The interview panel consisting of leaders from the Town of Ayer and area fire service officials, ran each candidate through 10 standard questions as well numerous follow up questions in order to assess their readiness to lead the Ayer Fire Department as its next Chief.

All 3 candidates interviewed very well, showing that the Ayer Fire Department has a great level of depth within the organization. This depth is undoubtedly an attribute of the organization that the Town of Ayer should be very proud of. That said, Mr. Johnston rose to the top and showed that he is ready to take on the role of Fire Chief immediately.

The members of the Committee would like to thank you and the Town of Ayer for allowing us to participate in this process and help shape the future of the Ayer Fire Department.

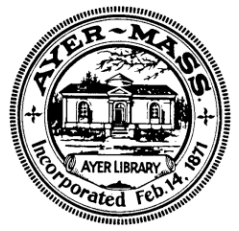
If you have any questions, I am available to discuss the decision and interview process in more depth.

Respectfully submitted,

Steele McCurdy, Fire Chief Town of Groton

**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**

**DATE:** October 2, 2020

**TO:** Ayer Select Board

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

**SUBJECT: Appointment of Deputy Fire Chief Timothy Johnston as Ayer Fire Chief Effective October 8, 2020**

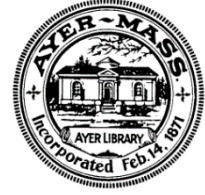
Dear Honorable Select Board Members,

In accordance with the provisions of Chapter 79 of the Acts of 2018, I hereby appoint Deputy Fire Chief Timothy Johnston as Ayer Fire Chief effective October 8, 2020 upon the retirement of Fire Chief Robert Pedrazzi.

I respectfully request that the Select Board vote to ratify this appointment in accordance with the provisions of Chapter 79 of the Acts of 2018.

Thank you for your time and consideration.





# Office of the Board of 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](http://www.ayer.ma.us)

## **Notification to Abutters**

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

The Ayer Board of Select Board will be conducting a Public Hearing on Tuesday October 6, 2020 at 6:05 PM at the Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, 1 Main Street, Ayer, MA 01432 (you are able to participate remotely, see below) regarding a petition by National Grid to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and cross the following public way:

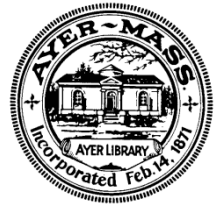
Bligh Street – National Grid to install 1 SO Pole on Bligh St. Beginning at a point approximately 101’ feet west of the centerline of the intersection of Forest St. and Bligh St. and continuing approximately 40’ feet in a west direction.

<b>Name of Applicant:</b>	National Grid
<b>Date of Public Hearing:</b>	Tuesday October 6, 2020
<b>Time of Public Hearing:</b>	6:05 PM
<b>Location of Public Hearing:</b>	Remote Participation 1 <sup>st</sup> Floor Meeting Room, Ayer Town Hall 1 Main Street Ayer, MA 01432

Copies of the application and Zoom Call-In Information are available by emailing the Select Board’s Office at [atm@ayer.ma.us](mailto:atm@ayer.ma.us) or by calling 978-772-8220.

**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  
Robert A. Pontbriand, Town Manager

From: Carly Antonellis, Assistant Town Manager 

Date: October 2, 2020

Re: October 6, 2020 Select Board Meeting – Pole Petition Bligh Street

---

Greetings!

All Department Heads have reviewed the Pole Petition for Bligh Street and none of our departments have flagged any issues and recommend with proceeding. Due to the size of the meeting packet, rather than include every individual sheet from each Department, I wanted to summarize their recommendations on a single page. I'm happy to make the individual sheets available at your request.

Ayer

**ORDER FOR POLE AND WIRE LOCATIONS**

In the Town of Ayer, Massachusetts

Notice having been given and public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that Massachusetts Electric Company d/b/a National Grid and be and it is hereby granted a location for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the 21st day of September, 2020.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Bligh St - Ayer – Massachusetts

No.# 29973912 Dated: September 21, 2020. Filed with this order

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Bligh St - National Grid to install 1 SO Pole on Bligh St beginning at a point approximately 101' feet west of the centerline of the intersection of Forest St & Bligh St and continuing approximately 40 feet in a west direction.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City/Town of \_\_\_\_\_, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20 .

\_\_\_\_\_  
Massachusetts

City/Town Clerk.

20 .

Received and entered in the records of location orders of the City/Town of

Book

Page

Attest:

City/Town Clerk

I hereby certify that on \_\_\_\_\_  
at \_\_\_\_\_

20 \_\_\_\_\_, at \_\_\_\_\_ o'clock, M  
a public hearing was held on the petition of \_\_\_\_\_



PETITION SKETCH  
FOR THE TOWN OF AYER  
MIDDLESEX COUNTY

26 32 Tannery ST

Forest St

C/L



**Legend**

Existing JO Pole

Proposed SO Pole

Existing SO Pole

Center Line

Property Line

~40'

~101'

Bligh St

C/L

P279  
EOP=~3'

P278-50 (NEW)  
EOP=~3'

P278  
EOP=~3'

0 Bligh ST

17 Bligh ST

**nationalgrid**

The exact location of said facilities to be established by and upon the installation and erection of the facilities thereof.



Designer: Riordan Hoffman  
ControlPoint Technologies, Inc.  
200 Ledgewood Place, Rockland,  
MA 02370  
781-423-3062

Petition Sketch for Pole 278-50  
Bligh Street  
Ayer, MA  
WR#29973912

SHEET  
1 OF 1

Not To Scale  
Distances are  
Approximate

Drawn By:  
RH

Sketch #  
29973912

DATE  
09/16/2020

8/25/2020

Mr. Robert Pontbriand  
1 Main Street  
Ayer MA 01432-1373

Dear Mr. Pontbriand:

I want to express my interest in being appointed to a one-year term on the new Housing Trust or the Affordable Housing Committee. If I can handle the pace, I would be interested in serving a longer term.

Both committees have members with housing experience and involvement with the Community Preservation Act and Community & Economic Development office. Both committees are managed/coordinated by the Community & Economic Development Office. This office will be disbursing the funds, but also serving as the staff member, providing guidance and steering the work. I know that's how it works for all town boards and committees.

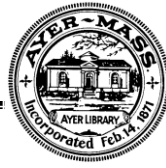
But when it comes to the idea portion of how to use the housing trust funds (after the rental assistance program the Affordable Housing Committee has already decided to pursue), the CED will have the only inside position on making ideas for how to spend the money. Once the department speaks up and shares a suggestion, there isn't always time for residents or others to speak. The department has just been so successful in all its work – and that's great.

But while the CED office has good ideas that well serve Ayer, the Community Preservation Act funds are partially funded by the town residents. If I was appointed, I would follow the Master Plan being developed. I would support allowing residents and other Affordable Housing Committee members to make suggestions about contributing to building projects, down payment programs and other initiatives - when the time comes. I would support giving those who have ideas into speak to the committees directly (unless the CED and town advises it is inappropriate). I would support and listen to the CED ideas as well.

Thank you for your time.

Sincerely,

Sara Withee



## MEMORANDUM

Date: October 1, 2020  
To: Select Board  
From: Dan Van Schalkwyk, P.E., Town Engineer  
Mark Wetzel, P.E. Superintendent of Public Works  
Subject: **Agenda Items for October 6, 2020 Select Board Meeting**

1. **Execution of Contract for School Street Sidewalk Construction Project** – General bids for the School Street Sidewalk Construction Project were received at the DPW on September 9, 2020. We received four (4) bids ranging from \$106,220.00 to \$184,455.00. The low bidder is D’Ambrosia, Inc. from Weymouth, MA. Their qualifications are appropriate, and they are also a MassDOT Prequalified Contractor which was required by the Complete Streets Funding Grant funding for the project.

In summary, the project scope includes a new sidewalk from East Main Street to Pirone Park with granite curb and a mix of cement concrete and asphalt sidewalk. A paved path will connect from Bligh Street to the existing perimeter path at Pirone Park. Additionally, drainage work includes upgrading an existing catch basin to a hydrodynamic separator, installing a rain garden at the entrance to Pirone Park, and a leaching catch basin in the same area.

We recommend executing the contract with D’Ambrosia, Inc. for \$106,220.00.

Requested Motion – Vote to execute the Contract with D’Ambrosia, Inc. for the School Street Sidewalk Construction Project in the amount of \$106,220.00.  
(3 originals for signature by the Board).

2. **Brief PFAS Update** – Superintendent Wetzel will provide the Board with a brief update of the PFAS contamination at the Town water supplies, status of the Grove Pond PFAS Treatment Facility, MassDEP’s new regulation and contamination source investigation.
3. **Spectacle Pond PFAS Treatment Facility Funding and Warrant Article** – Bids for the construction of the Spectacle Pond PFAS Treatment Facilities were opened and the DPW will be requesting additional funding at Town meeting. We will provide a summary of costs to date, projected construction costs, funding sources and the additional funding needed.



expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty), Contractor shall pay Owner \$500 for each day that expires after the time specified in Paragraph 4.02 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if Contractor shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner \$500 for each day that expires after the time specified in Paragraph 4.02 for completion and readiness for final payment until the Work is completed and ready for final payment.

## **ARTICLE 5 – CONTRACT PRICE**

5.01 Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to Paragraph 5.01A.

A. For all Work, at the prices stated in Contractor's Bid, attached hereto as an exhibit.

## **ARTICLE 6 – PAYMENT PROCEDURES**

6.01 *Submittal and Processing of Payments*

A. Contractor shall submit Applications for Payment in accordance with Article 5 of the General Conditions. Applications for Payment will be processed by Engineer as provided in the General Conditions.

6.02 *Progress Payments; Retainage*

A. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment on or about the 30<sup>th</sup> day of each month during performance of the Work as provided in Paragraphs 6.02.A.1 and 6.02.A.2 below. All such payments will be measured by the schedule of values established as provided in Paragraph 2.07.A of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no schedule of values, as provided in the General Requirements:

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, including but not limited to liquidated damages, in accordance with the General Conditions:
  - a. 95 percent of Work completed (with the balance being retainage); and
  - b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).
2. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 98 percent of the Work completed, less such amounts as Engineer shall determine in accordance with the General Conditions.

6.03 *Final Payment*

A. Upon final completion and acceptance of the Work in accordance with the General Conditions and the Supplementary Conditions, Owner shall pay the remainder of the Contract Price as recommended by the Engineer and as provided in the General Conditions, less any sum Owner is entitled to set off against Engineer's recommendation, including but not limited to liquidated damages.

## ARTICLE 7 – INTEREST

7.01 Not Applicable

## ARTICLE 8 – CONTRACTOR’S REPRESENTATIONS

8.01 In order to induce Owner to enter into this Agreement Contractor makes the following representations:

- A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.
- B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.
- C. Contractor is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.
- D. Contractor has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the Site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the Site (except Underground Facilities).
- E. Contractor has obtained and carefully studied (or assumes responsibility for doing so) all additional or supplementary examinations, investigations, explorations, tests, studies, and data concerning conditions (surface, subsurface, and Underground Facilities) at or contiguous to the Site which may affect cost, progress, or performance of the Work or which relate to any aspect of the means, methods, techniques, sequences, and procedures of construction to be employed by Contractor, including any specific means, methods, techniques, sequences, and procedures of construction expressly required by the Bidding Documents, and safety precautions and programs incident thereto.
- F. Contractor does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.
- G. Contractor is aware of the general nature of work to be performed by Owner and others at the Site that relates to the Work as indicated in the Contract Documents.
- H. Contractor has correlated the information known to Contractor, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.
- I. Contractor has given Engineer written notice of all conflicts, errors, ambiguities, or discrepancies that Contractor has discovered in the Contract Documents, and the written resolution thereof by Engineer is acceptable to Contractor.
- J. The Contract Documents are generally enough to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

## ARTICLE 9 – CONTRACT DOCUMENTS

9.01 *Contents*

- A. The Contract Documents consist of the following:
  1. This Agreement (pages 1 to 5, inclusive).
  2. Performance bond and Payment bond
  3. General Conditions
  4. Supplementary Conditions



5. Specifications as listed in the table of contents of the Project Manual.
6. Drawings consisting of 8 sheets with each sheet bearing the following general title: School Street Sidewalk Construction.
7. Addenda (Not Applicable).
8. Exhibits to this Agreement (enumerated as follows):
  - a. Contractor's Bid (pages 00300-1 to 00300-6 and Bid Form Pages 1 to 5, inclusive).
  - b. Documentation submitted by Contractor prior to Notice of Award (pages \_\_\_\_\_ to \_\_\_\_\_, inclusive).
  - c. \_\_\_\_\_.
9. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:
  - a. Notice to Proceed (pages \_\_\_\_\_ to \_\_\_\_\_, inclusive).
  - b. Work Change Directives.
  - c. Change Order(s).
- B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in the General Conditions.

## **ARTICLE 10 – MISCELLANEOUS**

### 10.01 *Terms*

- A. Terms used in this Agreement will have the meanings stated in the General Conditions and the Supplementary Conditions.

### 10.02 *Assignment of Contract*

- A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

### 10.03 *Successors and Assigns*

- A. Owner and Contractor each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

### 10.04 *Severability*

- A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Owner and Contractor, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement in four copies. One counterpart each has been delivered to Owner, Contractor, Engineer, and Agency. All portions of the Contract Documents have been signed, initialed, or identified by Owner and Contractor or identified by Engineer on their behalf.

This Agreement is dated \_\_\_\_\_.

OWNER:

CONTRACTOR

Board of Selectmen  
Town of Ayer  
Ayer, Massachusetts

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: Chairman

By: \_\_\_\_\_

Title: Member

By: \_\_\_\_\_

Title: Member

Title: \_\_\_\_\_

[CORPORATE SEAL]

[CORPORATE SEAL]

Approved: \_\_\_\_\_

\_\_\_\_\_

Title: Treasurer

\_\_\_\_\_

Attest: \_\_\_\_\_

Attest: \_\_\_\_\_

Title: Clerk

Title: \_\_\_\_\_

Address for giving notices:

Address for giving notices:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Agent for service of process:

\_\_\_\_\_

(If Contractor is a corporation or a partnership, attach evidence of authority to sign.)

# 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

## Ayer Drinking Water PFAS Update

September 25, 2020

The Ayer Department of Public Works will be providing updates regarding the various actions and issues related to the PFAS contamination in Ayer's drinking water. The update will be itemized and in no particular order or priority. If you need additional information or clarification on any of these items, contact Mark Wetzel 978-772-8240 [mwetzel@ayer.ma.us](mailto:mwetzel@ayer.ma.us).

Regulatory Update – Massachusetts Department of Environmental protection recently established a PFAS Maximum Contaminant Level (MCL) of 20 parts per trillion (ppt) for the sum of six PFAS compounds (PFOS, PFOA, PFHxS, PFNA, PFHpA and PFDA), known as PFAS6. The regulations detail the sampling requirements and corrective actions that public water supplies must take when the MCL is exceeded, as well as the provisions for public education and notice of exceedances so that communities can be educated and proactive in protecting their drinking water quality. Ayer has been proactive in sampling the Town water supplies and implementing treatment. Based on this regulation, Ayer would not be required to test for PFAS in the water until summer 2021.

Water Quality Sampling – Quarterly sampling for the third quarter of 2020 were taken in September and the results are as follows:

Supply	PFOA & PFOS ppt	MassDEP PFAS-6 ppt
Grove Pond Well 1	15.8	28.5
Grove Pond Well 6	13.9	24.6
Grove Pond Well 7	15.4	28.8
Grove Pond well 8 (untreated)	119	262
Grove Pond well 8 (treated)	Non Detect	Non Detect
Grove Pond finished	8.76	15.2
Spectacle Pond Well 1	13.4	20.9
Spectacle Pond Well 2	15.4	28.6
Spectacle Pond finished	14.8	25.6

Grove Pond PFAS Treatment Facility –The Grove Pond PFAS Treatment Facility construction is substantially complete. The resin was installed in the filters on September 9 and the MassDEP inspected the facility on September 15. Samples for bacteria, VOCs, PFAS, sulfates and chlorides were taken and we are awaiting results before placing the treatment system into service. We have developed a plan to test all modes of operation, including taking additional PFAS samples at various points in the treatment process (influent, lead vessel treated, lag vessel treated). We are anticipating start-up in the next 2 weeks.

Grove Pond Temporary Treatment – The Grove Pond Well 8 temporary treatment system is effectively removing the PFAS in this supply to below detectable limits. The water is sampled monthly for PFAS. We expect to keep this system in place as a back-up until several weeks after the Grove Pond plant is on line.

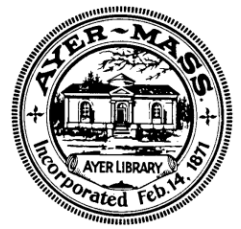
Spectacle Pond Wellfield Treatment – This project is out for bids with bids due on September 24. This treatment facility uses granular activated carbon (GAC) to remove the PFAS from the water. Construction

will start in late October and continue through next construction season. The project will be funded by the MassDEP Drinking Water SRF program with a 0 percent interest and 17% principal forgiveness. The DPW recently received a \$200,000 PFAS grant to cover engineering costs.

Spectacle Pond Contamination Investigation – MassDEP Waste Site Clean-up Division is investigating potential source of contamination in the Spectacle Pond watershed. They have sent letters to all potential industries and have initialed specific investigations at several of the properties.

Silent Springs PFAS Health Study – The DPW is assisting Silent Spring with determining potential PFAS exposure levels and health effects in Ayer, due to the drinking water contamination. We have set up a computer model of the water system to simulate the various operating conditions and potential PFAS levels in various parts of Town.

**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:** October 2, 2020

**TO:** Ayer Select Board *R.A.P.*

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

**SUBJECT: Town Manager's Report for the October 6, 2020 Select Board Meeting**

Dear Honorable Select Board Members,

I am pleased to transmit to you the following Town Manager's Report for the October 6, 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 a brief Administrative Update at the meeting of the various activities, initiatives, and projects of the Administration since the Select Board last met on September 15, 2020.
- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on September 15, 2020:

Accounts Payable Warrant #21-05 in the amount of \$669,180.51 was reviewed, approved, and signed on September 14, 2020.

Payroll Warrant #21-06 in the amount of \$352,811.62 was reviewed, approved, and signed on September 22, 2020.

Accounts Payable Warrant #21-06 in the amount of \$2,019,817.23 was reviewed, approved, and signed on September 29, 2020.

**COVID-19 Update:**

- I will provide a brief update at the meeting of the Town's ongoing COVID-19 preparedness and related activities since the Select Board last met on September 15, 2020.

**Review and Approval of the 2020 Special Fall Town Meeting Warrant (October 26, 2020):**

- Attached is the FINAL DRAFT of the 2020 Special Fall Town Meeting Warrant for review and approval by the Select Board. The 2020 Special Fall Town Meeting will take place on Monday, October 26, 2020 at 7pm in the Auditorium of the Ayer Shirley Regional High School. All COVID-19 protocols will be in place including social distancing, required masks, and sanitization measures.

- There are nine (9) Warrant Articles and no Citizens' Petitions. The first three Articles are the deferred Articles from the Annual Town Meeting on June 15, 2020. At the meeting I would like to provide a brief overview of the Articles as well as a brief presentation on Article 4 which is the Article for the acquisition of land for the Senior Center.
- Upon approval of the Select Board at the meeting, the Warrant will then be sent to print and mailing to all the households in Ayer. The Warrant will also be physical posted at the Town Hall, Post Office, Police Station, Library, Pauline's Variety, The Jack-o-Lantern, and will be posted on the Town's website and social media accounts. **(See attached)**

**Discussion on Reducing the Quorum for the Special Fall Town Meeting due to COVID-19:**

- Due to the ongoing COVID-19 Pandemic emergency legislation was enacted which allows Town's that have a Town Meeting quorum requirement to lower the quorum to no less than ten percent (10%) of the quorum requirement. As the Select Board is aware, the quorum requirement for Town Meeting in Ayer is fifty (50) registered voters.
- Under the emergency legislation the Select Board may reduce the quorum on a case by case basis to no less than ten percent (10%) of the quorum (this is not a permanent quorum reduction but just for this specific Town Meeting).
- If the Select Board opts to reduce the quorum the following legal steps must take place:
  1. The Select Board must post a public meeting (remote public participation) at which they will be voting to reduce the quorum no less than seven (7) days prior to said meeting occurring.
  2. The Select Board may vote (simple majority) to reduce the quorum to no less than ten percent (10%) of the Town Meeting quorum requirement.
  3. Not less than ten (10) days after a vote of the Select Board to reduce the quorum requirement, the Town Clerk shall notify the Attorney General of the adjusted quorum requirement.
- It is recommended that the Select Board consider reducing the quorum do to COVID-19 to perhaps half of the normal quorum requirement (i.e. 25 registered voters) for the following reasons: 1.) It will ensure a quorum for the Town Meeting to proceed timely at 7pm; and 2.) It will ensure that the Town Meeting does not run the risk of losing a quorum during the Town Meeting.
- It is important to note that reducing the quorum does not prevent nor prohibit any voter from attending and participating in Town Meeting and the Town has made accommodations to safely accommodate everyone that attends. Additionally, this quorum reduction would only be for this Special Fall Town Meeting on October 26, 2020.
- Finally if the Select Board wishes to proceed with reducing the quorum requirement of Town Meeting, a special meeting will need to be posted at least seven (7) days in advance AND well in advance of the Special Fall Town Meeting on October 26, 2020. Respectfully, the Select Board should select/schedule a date and time for this special meeting at the meeting on Tuesday evening.



**Update/Review of the DRAFT FY 2022 Budget Calendar:**

- Attached is an updated DRAFT of the FY 2022 Budget Calendar since the Select Board last met on September 15, 2020. I would like to briefly review the updated DRAFT with the Select Board and answer any questions and/or take any input from the Select Board. The plan currently is to have the Select Board vote to approve the final FY 2022 Budget Calendar at the Select Board meeting on October 20, 2020. **(See attached)**

**Reschedule of the November 3, 2020 Select Board Meeting due to the Presidential Election:**

- The Select Board would normally meet on the first Tuesday of November which is November 3<sup>rd</sup> this year. However, that is the day of the Presidential Election and polls will be open at the Town Hall from 7am to 8pm. Per the Secretary of State, no public meetings should occur in an official polling place during the election. Therefore, the Select Board should select a different date to meet for the first meeting in November. The second meeting in November will be on November 17 and there are no issues.

**Amendment No. 6 to the Agreement for Veterans Services, Devens:**

- The Select Board is respectfully requested to review and approve Amendment No. 6 to the Agreement for Veterans Services between the Town of Ayer and Devens. Please see the attached memo from the Assistant Town Manager. **(See attached)**

**Discussion on Extension of Outdoor Dining Service:**

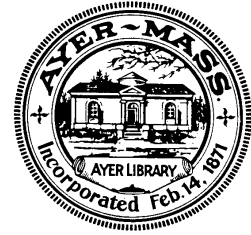
- The Assistant Town Manager and I would like to discuss the extension of outdoor dining service with the Select Board. Please see the attached memo prepared by the Assistant Town Manager. (See attached)

Thank you.

Attachment(s): Final DRAFT of the 2020 Special Fall Town Meeting Warrant

Revised/Updated DRAFT FY 2022 Budget Calendar

Memo from the Assistant Town Manager Re: Amendment No. 6 to the Agreement for Veterans Services and the Discussion on Extension of Outdoor Dining Service



# Town of Ayer

## SPECIAL FALL TOWN MEETING WARRANT

**\*\*\*\*FINAL DRAFT\*\*\*\***

Ayer Shirley Regional High School Auditorium  
141 Washington Street, Ayer, MA 01432  
October 26, 2020 @ 7:00 P.M.

Commonwealth of Massachusetts  
Middlesex, ss.

### GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Ayer qualified to vote in Town Elections and Affairs to meet at the Auditorium in the Ayer Shirley Regional High School located at 141 Washington Street, Ayer, Massachusetts on Monday, the Twenty-sixth (26<sup>th</sup>) day of October, 2020, at seven o'clock in the evening (7:00 p.m.) then and there to act on the following articles:

Hereof fail not and make due return of this warrant with your doings thereof to the Town Clerk before the date appointed for said meeting.

Given under our hands this 6<sup>th</sup> day of October AD 2020

\_\_\_\_\_  
Shaun C. Copeland, Chair

\_\_\_\_\_  
Scott A. Houde, Vice Chair

\_\_\_\_\_  
Jannice L. Livingston, Clerk

**AYER SELECT BOARD**

Any persons needing disability related assistance (such as signing, etc.) at the Town Meeting please contact the Selectmen's Office at 978-772-8220 before October 16, 2020. We shall make every reasonable effort to assist you. Large print version of the text of this warrant is available upon request.

## **ARTICLE 1: UDAG REPLENISHMENTS**

To see if the Town will vote to transfer \$230,000 from Free Cash to replenish the Urban Development Action Grant (UDAG) account for the following:

Worthen Dale Depot Square Eminent Domain Settlement: \$230,000

**Total: \$230,000**

Or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

*Explanatory Note: This Article will replenish the Town's UDAG Fund in the amounts set forth in the article. These funds were used from the UDAG's unrestricted funds for purposes that did not have a repayment mechanism in place. The \$230,000 is the second of three UDAG replenishment payments for the Worthen Dale Depot Square Eminent Domain Settlement. This Article was originally Article 14 on the June 15, 2020 Annual Town Meeting Warrant and was deferred by the Select Board at the June 15, 2020 Annual Town Meeting.*

## **ARTICLE 2: FORWARD FUNDING OF THE TOWN'S PENSION ASSESSMENT**

To see if the Town will vote to transfer the sum of \$300,000 from free cash for the purposes of forward funding the Town's pension assessment from the Middlesex County Retirement System; or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

*Explanatory Note: This Article would forward fund the Town's pension assessment from the Middlesex County Retirement System in the amount of \$300,000 for the purposes of realizing estimated future savings. Additional payments of \$300,000 for two successive years (of which this is the first) will provide an estimated savings of \$1.3 million dollars through full funding in 2035. Brief presentation to be made at Town Meeting. This Article was originally Article 25 on the June 15, 2020 Annual Town Meeting Warrant and was deferred by the Select Board at the June 15, 2020 Annual Town Meeting.*

## **ARTICLE 3: STABILIZATION FUND**

To see if the Town will vote transfer \$949,139 from Free Cash or such other sum or sums of money, with \$9,139 to be credited to the Stabilization Fund under the provisions of Chapter 40, Section 5B of the General Laws, and \$940,000 to be credited to the Capital Stabilization Fund per the Town's Financial Policies, or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee: Recommends

Simple Majority Vote Required

*Explanatory Note: This Article transfers \$9,139 from Free Cash into the Town's Stabilization Fund and transfers \$940,000 into the Town's Capital Stabilization Fund for a total transfer of \$949,139. This Article was originally Article 26 on the June 15, 2020 Annual Town Meeting Warrant and was deferred by the Select Board at the June 15, 2020 Annual Town Meeting.*

**ARTICLE 4: ACQUISITION OF WEST MAIN STREET PROPERTY FOR A NEW SENIOR CENTER**

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase or eminent domain, two adjacent properties, and any improvements thereon, located at (i) 211 West Main Street, Ayer, Tax Map 32, Lot 13, being those premises described in a deed recorded with the Middlesex South District Registry of Deeds in Book 68381, Page 394, and (ii) 0 West Main Street, Ayer, Tax Map 32, Lot 11, being those premises described in a deed recorded with the Middlesex South District Registry of Deeds in Book 37871, Page 11, for general municipal purposes, including, but not limited to, a senior center, and to accept a deed or deeds for said property; and, as funding for such acquisition and costs related thereto, to raise and appropriate, or transfer from available funds, or borrow, or any combination thereof, the sum of six hundred and seventy thousand dollars (\$670,000.00) or other sum or sums of money; and further to authorize the Select Board to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article in the best interest of the Town; or take any action thereon or in relation thereto.

Sponsor: Select Board

Two-Thirds Vote Required

*Explanatory Note: This Article would authorize the Select Board to acquire the property at 211 West Main Street for the purposes of constructing a new Senior Center. The Article would authorize the Select Board to borrow the sum of \$670,000 to purchase the property. The property located at 211 West Main Street was the optimal site identified by the Senior Center Feasibility Study (authorized by the 2018 Annual Town Meeting). The purchase of the property is contingent upon a fair market appraisal and Phase 1 21E (environmental assessment). Presentation to be made at Town Meeting.*

**ARTICLE 5: BORROW AUTHORIZATION FOR ADDITIONAL FUNDING FOR THE SPECTACLE POND WATER TREATMENT PLANT IMPROVEMENTS FOR REMOVAL OF PERFLUORINATED ALKYL SUBSTANCES (PFAS)**

To see if the Town will vote to authorize the Treasurer, with the approval of the Select Board, to borrow the sum of \$\_\_\_\_\_ for the purposes of funding the design and construction of the Spectacle Pond Water Treatment Plant improvements for the removal of perfluorinated alkyl substances (PFAS), including demolition and site preparation costs and costs incidental or related thereto. Any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, or take any action thereon or in relation thereto.

Sponsor: Select Board

Two-Thirds Vote Required

*Explanatory Note: This Article would authorize the Town to borrow up to \$\_\_\_\_\_ for the purposes of constructing the Spectacle Pond Water Treatment Plant for the removal of PFAS.*

## **ARTICLE 6: ESTABLISHMENT OF THE AYER AFFORDABLE HOUSING TRUST**

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and to establish a trust to be known as the Ayer Affordable Housing Trust Fund, whose purpose shall be to provide for the creation and preservation of affordable housing in the Town of Ayer for the benefit of low and moderate income households, said Trust to be overseen by a Board of Trustees consisting of seven (7) members appointed and acting pursuant to and in accordance with the provisions of G.L. c. 44, sec. 55C; or take any action thereon or in relation thereto.

Sponsor: Select Board  
Ayer Affordable Housing Committee: Recommends

Simple Majority Vote Required

*Explanatory Note: This Article would authorize the Town to establish an Ayer Housing Trust for the purposes of providing for the creation and preservation of affordable housing in Ayer, for the benefit of low and moderate income households and for the funding of community housing, as defined in and in accordance with the provisions of MGL Chapter 44, §55C. The specific bylaw(s) governing the Affordable Housing Trust are under development by the Affordable Housing Committee and will be presented for Town Meeting approval at the 2021 Annual Town Meeting.*

## **ARTICLE 7: AYER AFFORDABLE HOUSING TRUST INITIAL FUNDING REQUEST**

To see if the Town will vote to transfer from the Community Preservation Fund (FY2021) Balance Reserve from Housing Category the sum of \$30,000 to the Ayer Affordable Housing Trust, whose purpose shall be to provide for the creation and preservation of affordable housing in the Town of Ayer for the benefit of low and moderate income households; or take any other action thereon or in relation thereto.

Sponsor: Select Board  
Affordable Housing Committee: Recommends  
Community Preservation Committee: Recommends

Simple Majority Vote Required

*Explanatory Note: This Article would transfer the sum of \$30,000 from the Community Preservation Funds – Housing Category to the Ayer Housing Trust.*

## **ARTICLE 8: SANDY POND SCHOOL ASSOCIATION PHASE II STRUCTURAL RESTORATION PROJECT**

To see if the Town will vote to transfer from the Community Preservation Fund (FY2021) Balance Reserve from Historic Resources Category the sum of \$187,340 to support the Sandy Pond School Association in its Phase II restoration of the National Historic building located at the corner of Sandy Pond, Willow, and Westford roads, pursuant to a grant agreement between the Board of Selectmen, upon such terms and conditions as the Board, in consultation with the Community Preservation Committee, shall determine, and the Sandy Pond School Association, limiting the purposes for which such funds may be expended; provided that such agreement shall contain a

requirement that the grantee provide the Town with a historic restriction consistent with the requirements of G.L. c. 44B, the Community Preservation Act, in said property, and to authorize the Board of Selectmen to accept such restriction; or take any other action thereon or in relation thereto.

Sponsor: Select Board  
Community Preservation Committee: Recommends  
Historical Commission: Recommends

Simple Majority Vote Required

*Explanatory Note: This Article would transfer the sum of money not-to-exceed \$187,340 from the Community Preservation Fund Balance Reserve from the Historic Resources Category for the purposes Phase II of the restoration of the Sandy Pond School House which is a National Historic building.*

**ARTICLE 9: EXTENSION OF WATER AND SEWER LINE ON HARVARD ROAD INTO THE TOWN OF HARVARD**

To see if the Town will vote to authorize the extension of the Town’s water and sewer lines on Harvard Road from approximately the Town line on Harvard Road (for water) and from approximately the end of Markham Circle (for sewer) down Harvard Road into the Town of Harvard at approximately 320 Ayer Road in Harvard to provide water and sewer for a private residential development in Harvard, to include an assisted living component; or take any action thereon or in relation thereto.

Sponsor: Select Board

Simple Majority Vote Required

*Explanatory Note: This Article would authorize the Town to extend the Town’s water and sewer services down Harvard Road into the Town of Harvard to 320 Ayer Road in Harvard for the purposes of a private residential development to include an assisted living component. If this Article is approved, the Town of Ayer would need to execute an Inter-Municipal Agreement with the Town of Harvard which would stipulate the requirements, responsibilities, specific water and sewer rates and connection fees.*

A True Copy Attest: \_\_\_\_\_  
**Susan E. Copeland, Town Clerk**

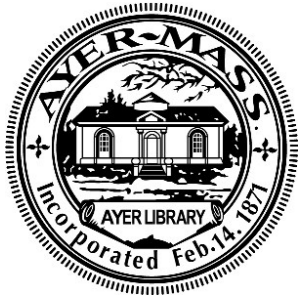
Date: October 6, 2020

As directed in the foregoing warrant, I have this day posted three attested copies in three public places, one of which was the Town Hall, at least fourteen days before said meeting, all as herein directed.

\_\_\_\_\_  
**Constable**

Date: October 6, 2020

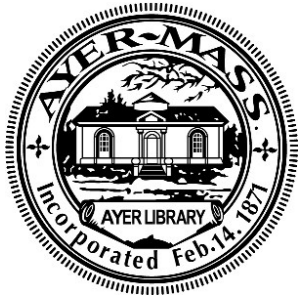




# August 2020

Mon	Tue	Wed	Thu	Fri
3	4	5	6	7
10	11	12	13	14
17	18 BOS Open Fall Town Meeting Warrant	19	20	21
24	25	26	27	28
31				

Town of Ayer  
 FY '22 Budget/Town Meeting Calendar  
**DRAFT—October 2, 2020**



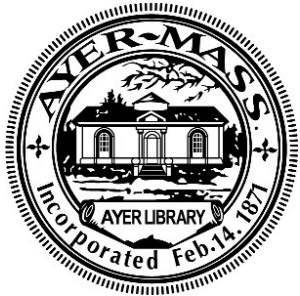
# September 2020

Mon	Tue	Wed	Thu	Fri
	1	2	3	4
7 Town Hall Closed Labor Day	8	9	10	11
14	15 SB Meeting	16	17	18
21	22	23	24	25
28	29 Rate Review Committee	30 OPEB Board of Trustees		

Town of Ayer

FY '22 Budget/Town Meeting Calendar

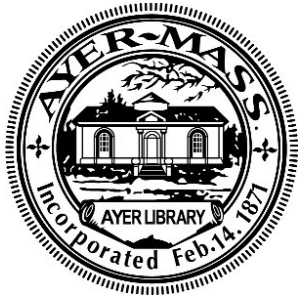
**DRAFT—October 2, 2020**



# October 2020

Mon	Tue	Wed	Thu	Fri
			1	2 12 PM Close Fall Town Meeting Warrant
5	6 SB Meeting to approve Fall Town Meeting Warrant	7	8	9 FY '22 Capital Directive Out
12 Town Hall Closed Columbus Day	13	14	15	16
19	20 SB Meeting	21	22	23
26 7 PM Fall Special Town Meeting, ASRHS	27	28	29	30 FY'22 Capital Due

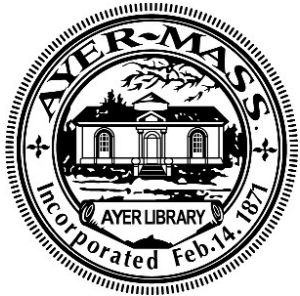
Town of Ayer  
 FY '22 Budget/Town Meeting Calendar  
**DRAFT—October 2, 2020**



# November 2020

Mon	Tue	Wed	Thu	Fri
2	3 Presidential Election SB Meeting Needs to be rescheduled	4	5	6 Fy '22 Operating Budget Directive Out
9	10 Rate Review Committee 1st Capital Planning Meeting	11 Town Hall Closed Veteran's Day	12	13
16	17 SB Meeting	18	19	20
23	24	25	26 Town Hall Closed Thanksgiving	27 Town Hall Closed Day After Thanksgiving
30				

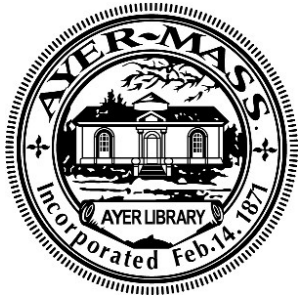
Town of Ayer  
 FY '22 Budget/Town Meeting Calendar  
**DRAFT—October 2, 2020**



# December 2020

Mon	Tue	Wed	Thu	Fri
	1 SB Meeting Tax Classification Hearing	2	3	4 FY '22 Operating Budgets Due
7	8	9	10	11
14	15 SB Meeting	16	17	18
21	22	23	24 Town Hall Closed 1/2 Day Christmas Eve	25 Town Hall Closed Christmas Day
28	29	30 OPEB Meeting	31 Town Hall Closed 1/2 Day New Year's Eve	

Town of Ayer  
 FY '22 Budget/Town Meeting Calendar  
**DRAFT—October 2, 2020**



# January 2021

Mon	Tue	Wed	Thu	Fri
				1 Town Hall Closed New Year's Day
4	5 SB Meeting Call Annual Election	6	7	8
11	12 Rate Review Committee	13	14	15
18 Town Hall Closed MLK, Jr. Day	19 SB Meeting	20	21	22
25 First Budget Presenta- tion to SB and Fin Com	26	27	28	29

### Tasks

Fin Com to meet with Dept.  
Heads, if needed

#### Town Accountant

Revenue Projections  
Water/Sewer Rate Model  
Develop Ambulance and  
Solid Waste Rates

#### Town Manager

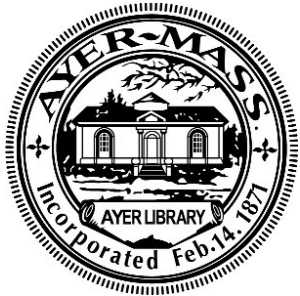
Meet with Departments

Town of Ayer

FY '22 Budget/Town Meeting Calendar

**DRAFT—October 2, 2020**





# February 2021

Mon	Tue	Wed	Thu	Fri
1	2 SB Meeting Open ATM Warrant	3	4	5
8	9 Rate Review Committee	10 FY '22 Health Rates Expected	11	12
15 Town Hall Closed President's Day	16 SB Meeting	17	18	19
22	23	24	25	26

**Tasks**

OPEB Meeting

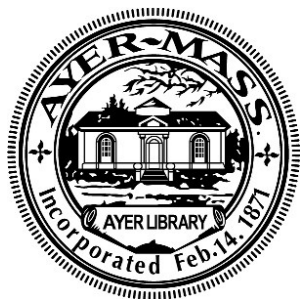
Town Accountant

Revenue Projections  
Water/Sewer Rate Model  
Develop Ambulance and  
Solid Waste Rates

Town Manager

Make COLA Recommen-  
dation

Town of Ayer  
FY '22 Budget/Town Meeting Calendar  
**DRAFT—October 2, 2020**



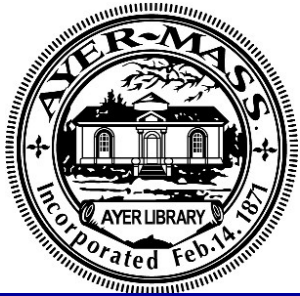
March 2021

Mon	Tue	Wed	Thu	Fri
1 Regional School Assessments Due	2 SB Meeting	3	4	5
8 Second Budget Presentation to SB and Fin Com	9 Rate Review Committee	10	11	12
15	16 SB Meeting Public Hearing Water & Sewer Rates	17	18	19
22	23	24 OPEB Meeting	25 Close ATM Warrant	26
29	30	31		

Town of Ayer

FY '22 Budget/Town Meeting Calendar

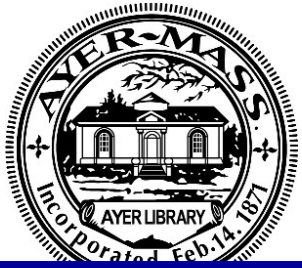
**DRAFT—October 2, 2020**



April 2021

Mon	Tue	Wed	Thu	Fri
			1	2
5	6 SB Meeting Approve ATM Warrant	7	8	9
12	13	14	15	16
19 Town Hall Closed Patriots Day	20 SB Meeting Approve Ec. Dev. Udag Budget	21	22	23
26 ANNUAL TOWN MEETING	27	28	29	30

Town of Ayer  
 FY '22 Budget/Town Meeting Calendar  
**DRAFT—October 2, 2020**



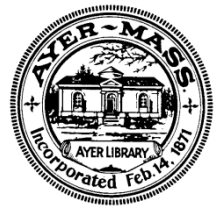
May 2021

Mon	Tue	Wed	Thu	Fri
3	4 SB Meeting	5	6	7
10	11 ANNUAL TOWN ELECTION	12	13	14
17	18 SB Meeting	19	20	21
24	25	26	27	28
31 Town Hall Closed Memorial Day				

Town of Ayer  
FY '22 Budget/Town Meeting Calendar  
**DRAFT—October 2, 2020**

**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  
Robert A. Pontbriand, Town Manager

From: Carly Antonellis, Assistant Town Manager

Date: October 2, 2020

Re: October 6, 2020 Select Board Meeting

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Greetings! Please see additional information below relating to Items 7,8 under the Town Manager's Report.

**#7 Amendment No. 6 to Agreement for Veterans Services, Devens**

Attached is Amendment No. 6 to our agreement with Devens to provide Veterans Services to those eligible who live in the territorial Ayer portion of Devens. I am respectfully requesting SB approval with signature by the Chair.

**# 8 Discussion on Extension of Outdoor Dining Service**

On June 17, 2020, the Select Board approved the Town's Outdoor Seating Policy pursuant to COVID-19 Order 35 which allows restaurants to extend their premises to outdoors due to the pandemic until November 1, 2020. The Governor's Order has been amended to allow for outdoor dining 60 days past the end of the state of emergency. Currently we have 3 restaurants using the outdoor dining option:

The Nashoba Club  
Bar 25  
Lucia's Tavola (2 separate permits - Front of Building and Rear of Building)

I have begun discussions with these business owners and our Public Safety Departments (Police, Fire and DPW). I am looking forward to updating you at the October 6, 2020 SB Meeting.

Thank you!

**MASSACHUSETTS DEVELOPMENT FINANCE AGENCY**

**AMENDMENT NO. 6 TO  
AGREEMENT FOR SERVICES**

THIS AMENDMENT NO. 6 TO AGREEMENT FOR SERVICES (the "Amendment") is made and entered into as of the 1<sup>st</sup> day of September, 2020, by and between **Massachusetts Development Finance Agency**, a Massachusetts body politic and corporate created and established under Chapter 23G of the Massachusetts General Laws, having its principal place of business at 99 High Street, 11<sup>th</sup> Floor, Boston, Massachusetts 02110 ("MassDevelopment" or the "Agency"), and the **Town of Ayer, Massachusetts**, having a principal place of business at 1 Main Street, Ayer, Massachusetts 01432 (the "Town").

WITNESSETH THAT

WHEREAS, the Agency and the Town entered into that certain Agreement for Services (the "Agreement") dated as of September 1, 2012, a First Amendment dated as of August 11, 2015, a Second Amendment dated as of August 16, 2016, a Third Amendment dated as of August 15, 2017, a Fourth Amendment dated as of September 1, 2018, and a Fifth Amendment dated as of September 1, 2019 whereby the Town is providing veterans services to eligible veterans residing in the Devens Regional Enterprise Zone (DREZ), as described in the Agreement; and

WHEREAS, the Agency and the Town wish to amend the Agreement pursuant to the terms of this Amendment to extend the term of the Agreement for one (1) year.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and with the intent of being legally bound, the parties hereby agree as follows:

1. The first sentence of Article 7A of the Agreement is hereby deleted in its entirety and replaced with the following language:

"The Term of this Agreement shall be from the effective date of this Agreement to August 31, 2021."

2. All of the terms of the Agreement, as amended pursuant to the terms hereof, and all representations made by the Town in the Agreement, including, without limitation, representations made regarding the payment of state taxes, are hereby restated, ratified and confirmed in their entirety as of the date hereof.

3. This Amendment No. 6 may be signed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a ".pdf" format data file, such signature shall create a valid and binding obligation of the party

executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof.

4. Each party to this Amendment No. 6 represents that the individual executing this Amendment No. 6 on its behalf is duly authorized to bind such party to this Amendment No. 6 according to its terms.

*[Remainder of page left blank; signature(s) on next page]*

DRAFT

IN WITNESS WHEREOF, this Amendment No. 6 has been executed by the Agency and the Town and is effective as of the date first written above.

**MASSACHUSETTS DEVELOPMENT  
FINANCE AGENCY**

\_\_\_\_\_  
Approved as to Form  
Agency Counsel

By: \_\_\_\_\_  
Name: Jessica Strunkin  
Title: Executive Vice President Devens

**TOWN OF AYER**

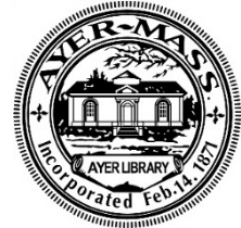
By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: Chair, Ayer Board of Selectmen

Contract Number: PO3060

*[Signature page of Amendment No. 6 to Agreement for Services between Massachusetts Development Finance Agency and the Town of Ayer]*



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



*Broadcast and Recorded by APAC*

**Tuesday September 15, 2020**  
**Open Session Meeting Minutes**

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

**Not Present:** Shaun C. Copeland, Chair

**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 stated that SB Member Shaun Copeland would not be in attendance.

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

**Remote Access:** S. Houde 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.

**Approval of Meeting Agenda:**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the meeting agenda. **Motion passed 2-0.**

**Announcements:** S. Houde announced that the Annual Town-Wide Clean Up will be held on October 3, 2020 from 9:00 AM – 1:00 PM.

**Public Input:** None

**Superintendent Mark Wetzel, Department of Public Works:** *Wastewater Capacity Presentation* – M. Wetzel gave a presentation on the Town's wastewater capacity, stating that he has been approached by several area Towns, business/developments who would like to purchase capacity from the Town of Ayer. M. Wetzel stated that it is important to plan for wastewater capacity because the development of a new supply could take up to 5 years. He reported that the Town currently has approximately 3,400 water and wastewater customers. He has worked with Town Planner Mark Archambault to estimate needed increase in capacity by reviewing current and potential development opportunities in Town. M. Wetzel stated that the Town appears to have sufficient water supply and treatment capacity through 2035. He stated he has had very preliminary discussion with Devens about establishing an interconnection in the future and that he is currently preparing a draft of a new wastewater Inter-Municipal Agreement with Devens, as the current IMA expires soon.

**Town Manger's Report: Robert A. Pontbriand, Town Manager:** *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 the Town Warrants in the meeting packet. The Fire Chief Search Committee has made a unanimous recommendation of appointing Dep. Chief Tim Johnston as the next Chief of the Department, which will go before the SB for ratification at their next meeting. He stated that the landscaping at Depot Square has recently been completed and Phase III (restrooms and shelter) is slated to start shortly. Facilities is replacing the Town Hall boiler which is was funded by a Green Communities Grant.

*COVID-19 Update* – R. Pontbriand advised that the situation with COVID-19 remains status quo. He reported that ASRSD has their first day of school tomorrow. The Nashoba Boards of Health will hold a flu clinic in October. To date, all Town revenue collections are on target.

*Appointment – Alternate member for Minuteman Nashoba Health Group* – R. Pontbriand is recommending that Ms. Barbara Tierney, Town Treasurer/Tax Collector be appointed as the Alternate Member of the Minuteman Nashoba Health Group.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to appoint Ms. Barbara Tierney as the alternate member to the MNHG. **Motion passed 2-0.**

*Select Board Approval of Select Board Letter for UXO Study, Nashua River* – R. Pontbriand stated that PACE (People of Ayer Concerned About the Environment) has requested that the SB send a letter to the U.S. Army in support of the request that the U.S. Army conduct a UXO (Unexploded Ordnance) Study of the Nashua River as the result of a recent incident involving the retrieval/disposal of UXO in the Nashua River. R. Pontbriand stated that the draft letter was in the meeting packet.

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to approve the draft letter relating to the UXO Study of the Nashua River. **Motion passed 2-0.**

*Police Forum Date Selection and Update* – R. Pontbriand was joined remotely by Police Chief Bill Murray and announced that Police Forum will be held on Monday October 5, 2020 from 6:00 PM – 8:00 PM via remote participation. The meeting is being held in conjunction with Community Policing Week. R. Pontbriand is asking that all questions be submitted beforehand. An advertisement for the forum will be going out next week. The general format will be an overview of what the Ayer Police Department does, what they don't do and an overview of the operating budget. Then there will be a Q&A segment, where the pre-submitted questions will be answered and then other questions from the audience.

*DRAFT FY 2022 Budget and Town Meeting Calendar Review/Discussion* – R. Pontbriand presented the first DRAFT of the FY '22 Budget and Town Meeting calendar. He reported that the Assessor's would like to hold the Tax Classification Hearing on Tuesday December 1, 2020. J. Livingston asked if the Town should entertain holding the Hearing as a standalone event. She also stated she would like the Rate Review meetings to be automatically populated every year, so it is on more of a routine schedule. As far as the Solid Waste Rate public hearings, she is hoping that the hearing is not too early in the budget cycle, so the Committee is feeling like they are rushing. R. Pontbriand and J. Livingston agreed that the discussion on timing of the hearing would be discussed at the Rate Review Committee meeting being held in two weeks.

*Special Fall Town Meeting DRAFT Warrant Update/Discussion* – R. Pontbriand stated that the deadline for warrant article submissions for the Fall Special Town Meeting is Friday Oct. 2, 2020 at 12:00 PM. Thus far the warrant is looking to have the following articles on it: UDAG Replenishments in the Amount of \$230,000 (Deferred from June 15, 2020); Forward Funding of the Town's Pension Assessment in the Amount of \$300,000

(Deferred from June 15, 2020); Stabilization Fund in the Amount of \$949,139 (Deferred from June 15, 2020); Establishment of the Ayer Housing Trust (Placeholder from Affordable Housing Committee); Funding for the Ayer Housing Trust (Placeholder from Affordable Housing Committee/CPC); Authorization for Water/Sewer Extension for Ayer Road in Harvard (Placeholder from DPW). There was initially a placeholder article relating to a request from the Town of Littleton to connect into the Town's sewer, but that has been pulled. R. Pontbriand stated that he also wanted to get a sense about proceeding for the October 26, 2020 Fall Town Meeting, stating that with COVID-19, it could be pushed further back, if needed. The funding in the first three articles, if not acted upon, would remain in Free Cash until a further Town Meeting. J. Livingston stated that the SB could consider putting forth reductions in the financial articles, to reduce the full impact in the future. R. Pontbriand also brought up the possibility of reducing the Town Meeting quorum as allowed by state law in relation to the COVID-19 pandemic. This would be a one-time only reduction to allow for the meeting to proceed if residents are not comfortable coming to a Town Meeting due to the pandemic. Relating to Town Meeting, the SB discussed having non-resident Town Staff in the overflow room to create more space. The SB will have further discussion at the October 6, 2020 meeting.

*Approval and Signature of Conservation Restriction for John Carroll Preserve (54 and 56 Littleton Road) – R.* Pontbriand is requesting that the SB review, approve, and sign a Conservation Restriction for the John Carroll Preserve (54 and 56 Littleton Road). This CR was approved by the Conservation Commission at their September 10, 2020 meeting. The CR is a requirement of the Town's new Open Space Residential Development (OSRD) and a requirement set forth by the Planning Board.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the Conservation Restriction for John Carroll Reserve (54 and 56 Littleton Road). **Motion passed 2-0.**

**New Business/Selectmen's Questions:** None

**Approval of Meeting Minutes:**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from August 18, 2020. **Motion passed 2-0.**

**Executive Session:** At 7:06 PM, S. Houde moved to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A, Exemption #6 to consider the purchase, exchange, lease value of real property) for 211 West Main Street and to adjourn from Executive Session. To discuss these items in Executive Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** S. Houde, 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 BOS:** \_\_\_\_\_

**Signature Indicating Approval:** \_\_\_\_\_