



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

Wednesday July 14, 2021 – 6:00 PM
Open Session Meeting Agenda

This meeting/hearing of the Ayer Select Board will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in a specific item on this agenda should make plans for in-person vs. virtual attendance accordingly. The Select Board meetings air live on Comcast Channel 8 and live on ayerpublicaccess.org. For Zoom information, please contact Carly Antonellis, Assistant Town Manager at atm@ayer.ma.us or 978-772-8220 x100

- 6:00 PM** **Call to Order**
Pledge of Allegiance; Review and Approve Agenda; Announcements
- Recognition of Karin Dynice-Swanfeldt, COA Director**
- Public Input**
- 6:05 PM** **Public Hearing – G.L. c. 138 sec. 12 – All Alcohol Restaurant License – 7 Depot Square – 7 KD Ayer, LLC.**
- 6:15 PM** **Mark Wetzel, Superintendent, Dept. of Public Works**
1. Approval of Bottled Water Rebate Program
- 6:20 PM** **Town Manager’s Report**
1. Administrative Update/Review of Town Warrant(s)
2. Approval of Reclassification of Fire Department Administrative Assistant
3. Ratification of MassWorks MOA – MassDevelopment for W. Main St. Project
4. Final Vote of Approval of Town of Ayer ADA Transition Plan
5. Vote of Approval – Historic Preservation Restriction – 14 Washington St. Historic Fire Station
6. Vote to Open the Fall Special Town Meeting Warrant
- 6:40 PM** **New Business/Select Board Member Questions**
- 6:45 PM** **Approval of Meeting Minutes**
June 1, 2021
- 6:50 PM** **Section 15 Wine & Malt Package Store License – Review Letters of Interest Received and Invite Selected Applicant to Application Process**
- 7:15 PM** **Adjournment**

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

The next scheduled Select Board Meeting will be held on Tuesday August 17, 2021 at 6:00 PM.

RECEIVED
JUN 21 2021



TOWN OF AYER
TOWN CLERK

2:30pm

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



The Ayer Select Board will be conducting a Public Hearing on Wednesday July 14, 2021 at 6:05 PM in the First Floor Meeting Room of Ayer Town Hall, 1 Main Street, Ayer, MA 01432 regarding an application for a new Section 12 Restaurant All Alcohol License from 7 KD Ayer, LLC., 7 Depot Sq. Ayer. Public Hearing will be held in person with a courtesy Zoom feed; the hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast. For Zoom/Call-In information please contact atm@ayer.ma.us or 978-772-8220 x100.

Name of Applicant: 7 KD Ayer, LLC.
7 Depot Sq. Ayer, MA 01432

Date of Public Hearing: Wednesday July 14, 2021

Time of Public Hearing: 6:05 PM

Location of Public Hearing: First Floor Meeting Room
Ayer Town Hall, 1 Main Street, Ayer, MA 01432

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



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

RECEIVED

JUN 21 2021

TOWN OF AYER
 OFFICE OF THE SELECT BOARD

8:15am

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="\$12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

We are a full service Family Style Restaurant. We offer a family friendly menu as well as full bar.

Is this license application pursuant to special legislation? Yes No Chapter Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name FEIN

DBA Manager of Record

Street Address

Phone Email

Alternative Phone Website

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

3588 Sq Feet : Kitchen, Bar, Dining Room, Patio Space, Basement storage and upstairs storage and office space.

Total Square Footage:	<input type="text" value="3588"/>	Number of Entrances:	<input type="text" value="3"/>	Seating Capacity:	<input type="text" value="110"/>
Number of Floors	<input type="text" value="2"/>	Number of Exits:	<input type="text" value="4"/>	Occupancy Number:	<input type="text"/>

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name: Phone:

Title: Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	LLC	Date of Incorporation	4/21/2021
State of Incorporation	Massachusetts	Is the Corporation publicly traded?	<input type="radio"/> Yes <input checked="" type="radio"/> No

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Derek Bobola	668 W. Hollis St Nashua NH	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Owner	50	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Kimberly Prunty	91 Taylor St Nashua NH	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Owner	50	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? Yes No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. Yes No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Derek Bobola , Kimberly Prunty	On premise	Bobolas Family Restaurant Dracut M	Dracut MA
Derek Bobola	On Premise	Bobolas Restaurant	Nashua NH
Derek Bobola , Kimberly Prunty	On Premise	Frankies Diner/Stonecutters Pun	Milford NH

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Lease

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales? Yes No

APPLICATION FOR A NEW LICENSE

8. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	
B. Purchase Price for Business Assets	
C. Other * (Please specify below)	
D. Total Cost	

*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):"

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total	20,634

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
No FINANCING			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

The initial start up cost is minimal and coming from personal funding. We have a security deposit for \$5,634.12 and we have terms with our current vendors for start up inventory. We have \$15,000 in business account for upcoming rent and inventory

9. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? Yes No

Please indicate what you are seeking to pledge (check all that apply) License Stock Inventory

To whom is the pledge being made?

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
03/2018	Current	Owner/Chef	Bobolas Restuarant Nashua NH	Self

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

Yes No

If yes, please fill out section 11.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

N/A

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does **not** pertain to a liquor license manager that is employed directly by the entity.*

11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone
<input type="text"/>	<input type="text"/>	<input type="text"/>

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

Yes No

If yes, attach an affidavit providing the details of any and all convictions.

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 11A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 11A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Has any of the disclosed licenses listed in questions in section 11B, 11C, 11D ever been suspended, revoked or cancelled?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

11F. TERMS OF AGREEMENT

a. Does the agreement provide for termination by the licensee? Yes No

b. Will the licensee retain control of the business finances? Yes No

c. Does the management entity handle the payroll for the business? Yes No

d. Management Term Begin Date e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

\$ per month/year (indicate amount)

% of alcohol sales (indicate percentage)

% of overall sales (indicate percentage)

other (please explain)

ABCC Licensee Officer/LLC Manager

Management Agreement Entity Officer/LLC Manager

Signature:

Signature:

Title:

Title:

Date:

Date:

APPLICANT'S STATEMENT

I, Derek Bobola the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of 7 KD Ayer LLC
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: 

Date: 6/15/21

Title: OWNER



The Commonwealth of Massachusetts
William Francis Galvin

Minimum Fee: \$500.00

Secretary of the Commonwealth, Corporations Division
 One Ashburton Place, 17th floor
 Boston, MA 02108-1512
 Telephone: (617) 727-9640

Certificate of Organization

(General Laws, Chapter)

Identification Number: 001503964

1. The exact name of the limited liability company is: 7KD AYER LLC

2a. Location of its principal office:

No. and Street: 7 DEPOT SQUARE
 City or Town: AYER State: MA Zip: 01432 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 7 DEPOT SQUARE
 City or Town: AYER State: MA Zip: 01432 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:
FULL SERVICE RESTAURANT AND BAR.

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: DEREK BOBOLA
 No. and Street: 7 DEPOT SQUARE
 City or Town: AYER State: MA Zip: 01432 Country: USA

I, DEREK BOBOLA resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
SOC SIGNATORY	DEREK BOBOLA	7 DEPOT SQUARE AYER, MA 01432 USA
SOC SIGNATORY	JAMES KELLY ESQ.	16 BROAD STREET

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	DEREK BOBOLA	7 DEPOT SQUARE AYER, MA 01432

9. Additional matters:

SIGNED UNDER THE PENALTIES OF PERJURY, this 26 Day of April, 2021,
JAMES KELLY

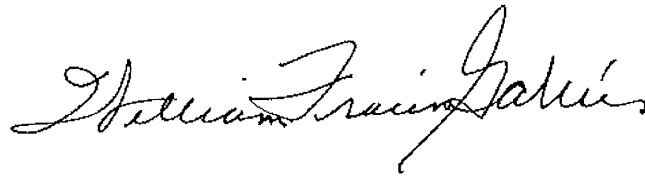
(The certificate must be signed by the person forming the LLC.)

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

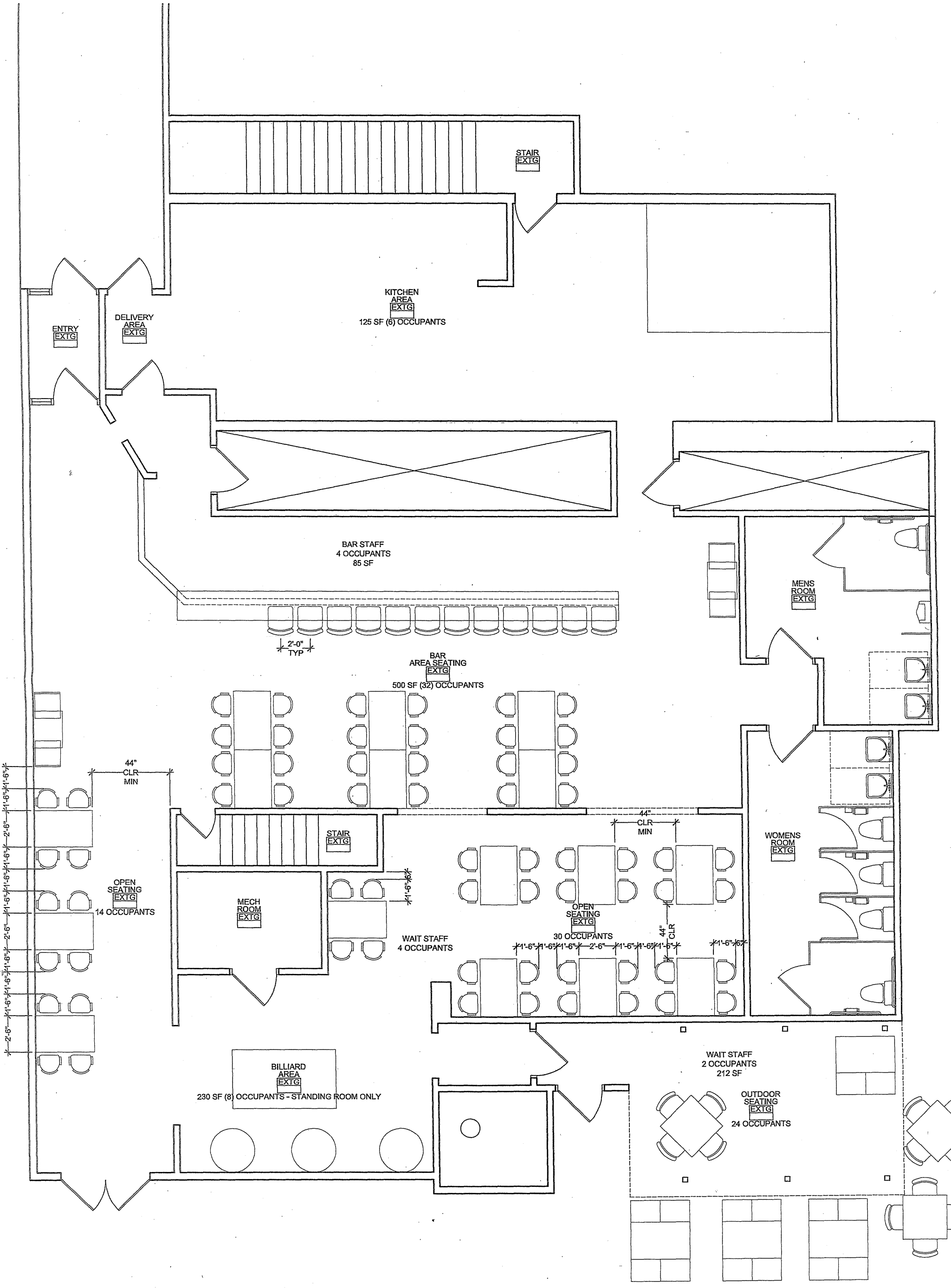
deemed to have been filed with me on:

April 26, 2021 05:58 PM

A handwritten signature in black ink, reading "William Francis Galvin". The signature is written in a cursive style with a large, prominent initial "W".

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth



SEATING OPTION 3 - 124 OCCUPANTS 1
SCALE: 1/4"=1'-0"



OFFICE OF THE SELECT BOARD
TOWN OF AYER, MA

APPLICATION FOR COMMON VICTUALLER'S LICENSE

Application is hereby made for a Common Victualler's License

NAME OF APPLICANT: Derek Boboda
 COMPANY NAME: TKDAyer.LLC DBA The Next Step Pub & Grill
 COMPANY ADDRESS: 7 Depot Square
 TYPE OF BUSINESS: Restaurant
 NAME OF PARTNERS: Derek Boboda & Kimberly Prunty

DESCRIPTION OF PREMISE: (Use back side if necessary)

Family Style Restaurant & Pub - There is a full bar area w/ 2 small dining rooms & outside patio.

APPLICANT'S SIGNATURE: [Signature] DATE: 6/1/21

ADDRESS: 668 W. Hollis St. Nashua NH

TELEPHONE #: 603-305-0425
HOME BUSINESS CELL PHONE

Selectmen's Meeting Date: 7-14-21

FEE: \$50.00 Cash, Check or Money Order Payable to the Town of Ayer

6/21/21
Date Fee Received

check - 292
Payment Type

FOOD PROTECTION MANAGER LICENSE: Please attach copy

14012342 | 20670224
License Number

8/17/16 | 6/11/2021
Date of Issue

TAX COLLECTOR:

I certify that applicant is current on all local taxes, assessments, betterments or any other municipal charges.

Treasurer/Tax Collector

Date

RECEIVED
JUN 21 2021
TOWN OF AYER
OFFICE OF THE SELECT BOARD

ServSafe
National Restaurant Association

ServSafe® CERTIFICATION

KIMBERLY PRUNTY

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI)–Conference for Food Protection (CFP).

20670224

CERTIFICATE NUMBER

6/11/2021

DATE OF EXAMINATION

Local laws apply. Check with your local regulatory agency for recertification requirements.

10752

EXAM FORM NUMBER

6/11/2026

DATE OF EXPIRATION



#0655

Sherman Brown
Executive Vice President, National Restaurant Association Solutions



In accordance with Maritime Labour Convention 2006, Resolution AEM N.668-2015 (Regulation 3.2, Standard A3.2).

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773-12811

Contact us with questions at 233 S. Wacker Drive, Suite 3600, Chicago, IL 60606-6383 or ServSafe@restaurant.org.

ServSafe
National Restaurant Association

ServSafe® CERTIFICATION

DEREK BLBOLA

for successfully completing the standards set forth for the ServSafe® Food Protection Manager Certification Examination, which is accredited by the American National Standards Institute (ANSI)–Conference for Food Protection (CFP).

14012342

CERTIFICATE NUMBER

5186

EXAM FORM NUMBER

8/17/2016

DATE OF EXAMINATION

8/17/2021

DATE OF EXPIRATION

Local laws apply. Check with your local regulatory agency for recertification requirements.



#0655

Sherman Brown
SVP, National Restaurant Association Solutions



In accordance with Maritime Labour Convention 2014, Resolution ADM N 068-2013 (Regulation 3.2, Standard 43.2)

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This document cannot be reproduced or altered.
1-800-221-2297

1401

Contact us with questions at 175 W Jackson Blvd, Ste 1500, Chicago, IL 60604 or ServSafe@restaurant.org.

Town of Ayer
Select Board's Office
Transmittal Form - Department Head Review



Board of Health
 Department of Public Works
 Police Department
 Fire Department
 Building Inspector/Zoning Enforcement Officer
 Conservation Committee
 Treasurer/Tax Collector
 Town Clerk
 Assessor's Office
 Town Planner
 Economic & Community Development Office

Review Deadline Date July 7, 2021
Public Hearing Date July 14, 2021

Permit Sought G.L. c.138, sec. 12 All Alcohol On Premise Liquor License
Description former Carlin's.
There is a large amount of confidential information in this application, I can make it available to you by request. I have just included the basics in this review package. This is the new tenant at the

Submitted by 7 KD Ayer, LLC. Derek Bobola and Kimberly Prunty

Address 7 Depot Square Telephone 603-305-0425

This plan is submitted for your review, comments, and recommendations. Please return to the Select Board's Office by the Review Deadline Date so that the SB can consider your recommendation.

Comments:

Applicant has applied for a food service permit - BOH still needs to do final inspection

Signed *Michelle Prunty*

Title *Health Agent*

Date *8/29/2021*

Town of Ayer
Select Board's Office
Transmittal Form - Department Head Review



- Board of Health
- Department of Public Works
- Police Department
- Fire Department
- Building Inspector/Zoning Enforcement Officer
- Conservation Committee
- Treasurer/Tax Collector
- Town Clerk
- Assessor's Office
- Town Planner
- Economic & Community Development Office

Review Deadline Date July 7, 2021

Public Hearing Date July 14, 2021



Permit Sought G.L. c.138, sec. 12 All Alcohol On Premise Liquor License

Description There is a large amount of confidential information in this application, I can make it available to you by request. I have just included the basics in this review package. This is the new tenant at the former Carlin's.

Submitted by 7 KD Ayer, LLC. Derek Bobola and Kimberly Prunty

Address 7 Depot Square

Telephone 603-305-0425

This plan is submitted for your review, comments, and recommendations. Please return to the Select Board's Office by the Review Deadline Date so that the SB can consider your recommendation.

Comments:

None at this time

Signed *Willie*

Title *Dep. Chief of Police*

Date *6/18/21*

Town of Ayer
Select Board's Office
Transmittal Form - Department Head Review



Board of Health
 Department of Public Works
 Police Department
 Fire Department
 Building Inspector/Zoning Enforcement Officer
 Conservation Committee
 Treasurer/Tax Collector
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Review Deadline Date July 7, 2021
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Submitted by 7 KD Ayer, LLC. Derek Bobola and Kimberly Prunty

Address 7 Depot Square Telephone 603-305-0425

This plan is submitted for your review, comments, and recommendations. Please return to the Select Board's Office by the Review Deadline Date so that the SB can consider your recommendation.

Comments:

Will require a A.B.C.C. inspection, NO other issues noted.

Signed

Derek P. Bobola

Title

Fire Chief

Date

6/23/21

Town of Ayer
Select Board's Office
Transmittal Form - Department Head Review



- | | |
|---|--|
| <input type="checkbox"/> Board of Health | Review Deadline Date <u>July 7, 2021</u> |
| <input type="checkbox"/> Department of Public Works | |
| <input type="checkbox"/> Police Department | Public Hearing Date <u>July 14, 2021</u> |
| <input type="checkbox"/> Fire Department | |
| <input checked="" type="checkbox"/> Building Inspector/Zoning Enforcement Officer | |
| <input type="checkbox"/> Conservation Committee | |
| <input type="checkbox"/> Treasurer/Tax Collector | |
| <input type="checkbox"/> Town Clerk | |
| <input type="checkbox"/> Assessor's Office | |
| <input type="checkbox"/> Town Planner | |
| <input type="checkbox"/> Economic & Community Development Office | |

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Submitted by 7 KD Ayer, LLC. Derek Bobola and Kimberly Prunty

Address 7 Depot Square Telephone 603-305-0425

This plan is submitted for your review, comments, and recommendations. Please return to the Select Board's Office by the Review Deadline Date so that the SB can consider your recommendation.

Comments: NO ISSUES

Signed [Signature]

Title Building Commissioner

Date 7/2/21

Town of Ayer
Select Board's Office
Transmittal Form - Department Head Review



Board of Health
 Department of Public Works
 Police Department
 Fire Department
 Building Inspector/Zoning Enforcement Officer
 Conservation Committee
 Treasurer/Tax Collector
 Town Clerk
 Assessor's Office
 Town Planner
 Economic & Community Development Office

Review Deadline Date July 7, 2021
Public Hearing Date July 14, 2021

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Description There is a large amount of confidential information in this application, I can make it available to you by request. I have just included the basics in this review package. This is the new tenant at the former Carlin's.

Submitted by 7 KD Ayer, LLC. Derek Bobola and Kimberly Prunty

Address 7 Depot Square Telephone 603-305-0425

This plan is submitted for your review, comments, and recommendations. Please return to the Select Board's Office by the Review Deadline Date so that the SB can consider your recommendation.

Comments:

conservation has no concerns with this application.

Signed *J. Prunty*

Title *conservation administrator*

Date *6/24/21*

Town of Ayer
Select Board's Office
Transmittal Form - Department Head Review



Board of Health
 Department of Public Works
 Police Department
 Fire Department
 Building Inspector/Zoning Enforcement Officer
 Conservation Committee
 Treasurer/Tax Collector
 Town Clerk
 Assessor's Office
 Town Planner
 Economic & Community Development Office

Review Deadline Date July 7, 2021
Public Hearing Date July 14, 2021

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Submitted by 7 KD Ayer, LLC. Derek Bobola and Kimberly Prunty

Address 7 Depot Square Telephone 603-305-0425

This plan is submitted for your review, comments, and recommendations. Please return to the Select Board's Office by the Review Deadline Date so that the SB can consider your recommendation.

Comments:
No issues. pd in full

Signed Barbara Tierney

Title Treasurer / Tax Collector

Date 6/22/2021

Town of Ayer
Select Board's Office
Transmittal Form – Department Head Review



Board of Health
 Department of Public Works
 Police Department
 Fire Department
 Building Inspector/Zoning Enforcement Officer
 Conservation Committee
 Treasurer/Tax Collector
 Town Clerk
 Assessor's Office
 Town Planner
 Economic & Community Development Office

Review Deadline Date July 7, 2021
Public Hearing Date July 14, 2021

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Submitted by 7 KD Ayer, LLC. Derek Bobola and Kimberly Prunty

Address 7 Depot Square Telephone 603-305-0425

This plan is submitted for your review, comments, and recommendations. Please return to the Select Board's Office by the Review Deadline Date so that the SB can consider your recommendation.

Comments:

No Issues

Signed

Simon E. Popelund

Title

Town Clerk

Date

June 22, 2021

Town of Ayer
Select Board's Office
Transmittal Form - Department Head Review



Board of Health
 Department of Public Works
 Police Department
 Fire Department
 Building Inspector/Zoning Enforcement Officer
 Conservation Committee
 Treasurer/Tax Collector
 Town Clerk
 Assessor's Office
 Town Planner
 Economic & Community Development Office

Review Deadline Date July 7, 2021
Public Hearing Date July 14, 2021

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Submitted by 7 KD Ayer, LLC. Derek Bobola and Kimberly Prunty

Address 7 Depot Square Telephone 603-305-0425

This plan is submitted for your review, comments, and recommendations. Please return to the Select Board's Office by the Review Deadline Date so that the SB can consider your recommendation.

Comments:

Signed Thomas Hogan
Date 6/24/21

Title Assessing Administrator

Town of Ayer
Select Board's Office
Transmittal Form - Department Head Review



_____ Board of Health
_____ Department of Public Works
_____ Police Department
_____ Fire Department
_____ Building Inspector/Zoning Enforcement Officer
_____ Conservation Committee
_____ Treasurer/Tax Collector
_____ Town Clerk
 Assessor's Office
 Town Planner
_____ Economic & Community Development Office

Review Deadline Date July 7, 2021
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Submitted by 7 KD Ayer, LLC. Derek Bobola and Kimberly Prunty

Address 7 Depot Square Telephone 603-305-0425

This plan is submitted for your review, comments, and recommendations. Please return to the Select Board's Office by the Review Deadline Date so that the SB can consider your recommendation.

Comments: I have no objections to the granting of a liquor license for this business.

Signed [Signature]

Title Town Planner

Date 7-07-2021

RECEIVED

JUN 25 2021

TOWN OF AYER
OFFICE OF THE SELECT BOARD

Town of Ayer
Select Board's Office

Transmittal Form - Department Head Review



- Board of Health
- Department of Public Works
- Police Department
- Fire Department
- Building Inspector/Zoning Enforcement Officer
- Conservation Committee
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Submitted by 7 KD Ayer, LLC. Derek Bobola and Kimberly Prunty

Address 7 Depot Square Telephone 603-305-0425

This plan is submitted for your review, comments, and recommendations. Please return to the Select Board's Office by the Review Deadline Date so that the SB can consider your recommendation.

Comments: RECOMMEND APPROVAL

Signed [Signature]

Title Dir. AOCED

Date 6/24/21



Mark L. Wetzel, P.E., Director
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: July 2, 2021
To: Select Board
From: Mark Wetzel, P.E., Director of Public Works
Dan Van Schalkwyk, P.E., Town Engineer
Subject: **Agenda Items for July 14, 2021, Select Board Meeting**

- 1. Approval of Bottled Water Rebate Program** – While the Ayer DPW has made tremendous progress in eliminating PFAS from the Town’s drinking water, until the Spectacle Pond treatment facility is constructed, we will be in violation of the Massachusetts Drinking Water standard of 20 ppt. The MassDEP is requesting that we develop a program to provide alternative water supply to the “sensitive populations”. After reviewing the options, we are proposing offering a rebate on the water bills based on the average daily drinking/ cooking water consumption and the cost of bottled water for that volume. Attached is the proposed application to qualify for the rebate. I have submitted this plan to the MassDEP for their approval. I recommend that the Select Board approve this program and I will then post it on the Town website and Facebook sites.



BOTTLED WATER REBATE FORM

Per- and polyfluoroalkyl substances (PFAS) are a family of chemicals used since the 1950s to manufacture stain-resistant, water-resistant, and non-stick products. PFAS are widely used in common consumer products as coatings, on food packaging, outdoor clothing, carpets, leather goods, ski and snowboard waxes, and more. Certain types of firefighting foam—historically used by the U.S. military, local fire departments, and airports to fight oil and gasoline fires—may contain PFAS.

PFAS in drinking water is an important emerging issue nationwide. Because PFAS are water soluble, over time PFAS from some firefighting foam, manufacturing sites, landfills, spills, air deposition from factories and other releases can seep into surface soils. From there, PFAS can leach into groundwater or surface water, and can contaminate drinking water.

Our water system recently received notification of PFAS6 results showing that our system exceeded the 20 parts per trillion (ppt) PFAS6 Maximum Contaminant Level (MCL) drinking water standard during the January – March 2021 compliance period with a quarterly average of 26 ppt. Ayer has installed PFAS treatment to remove PFAS at one of our supplies and are constructing a PFAS treatment system at the other water supply location, which should be completed at the end of this year.

The MassDEP has stated that consumers in sensitive subgroups (pregnant or nursing women, infants and people diagnosed by their health care provider to have a compromised immune system) should consider using bottled water when the level of the six PFAS substances, individually or in combination, is above 20 parts-per-trillion (ppt).

The Ayer DPW and Select Board have decided to offer rebates to our customers in the sensitive subgroup. **A credit will be added to your water bill each billing cycle, if you qualify. Credits will be as follows:**

- **\$21 per infant less than one year old in home**
- **\$57 per pregnant or nursing mother / immune-compromised**

This rebate program is valid until all Ayer wells are treated to remove PFAS. This rebate program is not intended to operate as a guarantee regarding any exposure to PFAS and does not purport to limit exposure to PFAS from any source. The Ayer DPW strongly recommends that customers review information on bottled water that has been tested, published by the Commonwealth at <https://www.mass.gov/info-details/per-and-polyfluoroalkyl-substances-pfas>. If you have additional questions, please contact Mark Wetzel at mwetzel@ayer.ma.us (978) 772-8240.

*Infant is defined by the American Medical Association and Centers for Disease Control as being under the age of 1 years old.

(Application form follows on next page.)

TOWN OF AYER
DEPARTMENT OF PUBLIC WORKS
BOTTLED WATER REBATE PROGRAM APPLICATION

Return completed for to:
Ayer Department of Public Works
25 Brook Street
Ayer, MA 01867
DPW@ayer.ma.us

First Name: _____ Last Name: _____

Account Number: _____

Address: _____

Town: _____

Mailing address (if different): _____

Phone Number: Home- _____ Cell- _____

E-Mail address: _____

For Internal Use Only:

Billing Cycle: _____

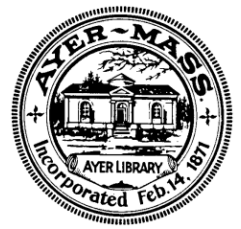
Number of Bills Covered Under this Application: _____

Notes:

By signing this document, I am certifying under the pains and penalties of perjury that either I, or a member of my household covered by the above-reference account is a member of a sensitive subgroup (pregnant, nursing and/or infant(s) less than one year old in home) and that the information I am providing is true and accurate. I acknowledge that I will be receiving a credit on my water bill until Ayer DPW determines that the rebate program is no longer applicable. I understand and acknowledge that participation in Bottled Water Rebate Program is voluntary, does not guarantee that I will not be exposed to PFAS from any sources and is not required by law or regulation. If I should no longer need bottled water, I agree to contact Ayer DPW immediately to remove me from the Bottled Water Rebate Program.

Signature _____ Date _____

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: July 9, 2021

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Town Manager's Report for the July 14, 2021, Select Board Meeting

Dear Honorable Select Board Members,

I am pleased to transmit to you the following Town Manager's Report for the July 14, 2021, Select Board meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

Administrative Update/Review of Town Warrant(s):

- At the meeting, I will provide a brief Administrative Update to the Select Board on the various activities, initiatives, and projects of the Town since the Select Board last met on June 15, 2021.
- I have reviewed, approved and signed the following Town Warrants since the Select Board last met on June 15, 2021:

Payroll Warrant #21-25 in the amount of \$371,621.31 was reviewed, approved and signed on June 15, 2021.

Accounts Payable Warrant #21-25 in the amount of \$768,973.17 was reviewed, approved and signed on June 22, 2021.

Payroll Warrant #21-26 in the amount of \$370,258.87 was reviewed, approved and signed on June 29, 2021.

Accounts Payable Warrant #21-26 in the amount of \$434,275.91 was reviewed, approved, and signed on July 6, 2021.

Approval of Reclassification of Fire Department Administrative Assistant:

- A reclassification request for the position of Fire Department Administrative Assistant was received on May 13, 2021, from Fire Chief Johnston (see attached). A reclassification analysis was conducted using the Human Resources Services, Inc. Municipal Classification and Rating Manual. The analysis was conducted by the Assistant Town Manager, Fire Chief, Deputy Fire Chief, and Benefits and Payroll Manager.

- The reclassification analysis recommends a reclassification of the position from Grade 8, Step 7 to that of Grade 10, Step 3 on the FY 2022 Non-Union Pay Grid (see attached). Considering the incumbent's seven (7) years of dedicated experience and service in the position, I am respectfully recommending Grade 10, Step 4.
- I respectfully request that the Select Board vote to approve the reclassification of the Fire Department Administrative Assistant Position to Grade 10, Step 4 effective as of July 1, 2021.
- Please note that the funding for this reclassification is within the FY 2022 Fire Department Budget. Chief Johnston and I as well as member of the reclassification panel will be present to answer any questions the Select Board may have.

Ratification of MassWorks MOA for West Main Street Project:

- I am respectfully requesting that the Select Board vote to ratify the attached Memorandum of Agreement (MOA) between the Town of Ayer and MassDevelopment for the West Main Street Project which is a MassWorks Grant Project (see attached).
- Under Section 5 "Apportionment of Costs" of the MOA, MassDevelopment's portion of the local match for the MassWorks Grant is \$275,000 (\$75,000 for Construction and \$200,000 for Design/Engineering/Permitting).
- Due to the end of the fiscal year time constraints and in keeping with the project schedule, in order for MassDevelopment to release their funding for this fiscal year, the MOA needed to be executed prior to July 9, 2021, by the Town of Ayer and MassDevelopment in order for MassDevelopment's funds to be released. Therefore, the MOA was signed by the Town Manager subject to ratification by the Select Board at their next meeting (July 14, 2021). Please note that the MOA was drafted by the Town of Ayer and that MassDevelopment's payment in the amount of \$275,000 was received on July 9, 2021, by the Town.

Final Vote of Approval of the Town of Ayer's ADA Transition Plan:

- I am respectfully requesting that the Select Board vote to approve the FINAL Town of Ayer ADA Transition Plan (see attached). Please see the attached Memo from Alan Manoian, Director of Community & Economic Development who will be present to answer any questions the Select Board may have. Thank you.

Vote of Approval – Historic Preservation Restriction – 14 Washington Street, Historic Fire Station:

- I am respectfully requesting that the Select Board vote to approve and sign the attached Historic Preservation Restriction for 14 Washington Street, Historic Fire Station (see attached). This document was a stipulation of the purchase and sales agreement between the Town of Ayer and Mr. Calvin Moore. The Ayer Historic Commission has reviewed the document and will meet to vote to approve the week of July 12, 2021.

Vote to Open the Fall Special Town Meeting Warrant:

- I am respectfully recommending that the Select Board vote to officially open the warrant for the Fall Special Town Meeting to take place on Monday, October 25, 2021, at 7pm in the Auditorium of the Ayer Shirley Regional High School. The deadline for all Warrant Articles will be Friday, October 1, 2021, at 12pm. The deadline for all Citizens Petitions to be filed with the Town Clerk's Office will be Friday, October 1, 2021, at 12pm. The Select Board will vote to finalize and approve the Fall Special Town Meeting at their meeting on Tuesday, October 5, 2021, and the warrant will be posted and sent to printing and mailing on Friday, October 8, 2021.

Thank you.

Attachments: Fire Department Administrative Assistant Position Reclassification Memo from Kevin Johnston, Benefits & Payroll Manager (July 8, 2021)

Request for Reclassification of the Fire Department Administrative Assistant Position from Fire Chief Timothy Johnston (May 13, 2021)

Memorandum of Agreement Between the Town of Ayer and MassDevelopment for the West Main Street Improvement Project

Memorandum from Alan Manoian, Director of Community & Economic Development regarding the FINAL Town of Ayer ADA Transition Plan (July 8, 2021)

FINAL Town of Ayer ADA Transition Plan

Historic Preservation Restriction for 14 Washington Street, Historic Fire Station

Town of Ayer

Benefits and Payroll Department



1 Main Street – Ayer, Massachusetts - 01432
Kevin A. Johnston, Benefits and Payroll Manager

Tel: (978) 772-8220, x104
Fax: (978) 772-3017

Memorandum

Date: July 8, 2021

To: Robert Pontbriand, Town Manager

From: Kevin A. Johnston *KAS*

Subject: Fire Department Administrative Assistant Position Re-classification

In conjunction with the request from the Fire Chief to re-classify the position of Administrative Assistant to the Fire Chief to Office Manager at the Fire Department, a grade for the proposed Office Manager position was determined using the Human Resources Services, Inc. (HRS) Municipal Position Classification and Rating Manual.

The Assistant Town Manager, Fire Chief, Deputy Fire Chief, and Benefits and Payroll Manager individually graded the proposed Office Manager position using the Office Manager job description with the HRS Classification and Rating Manual. Following completion of the individual grading process, we met on two occasions to discuss our individual rating results, the changes made to the Office Manager job description and the responsibilities, job tasks and job skills required of the Office Manager position that are unique to the Fire Department operations.

The group unanimously agreed to recommend the Office Manager position at the Fire Department be classified at Grade 10 on the Town of Ayer Non-Union Classification Table and the position be placed at Grade 10, Step 3 on the FY 2022 Non-Union Pay Grid.

Please let me know if there are any questions or if any addition information is required.

Thank you.

cc: Assistant Town Administrator
Fire Chief
Deputy Fire Chief

AYER FIRE DEPARTMENT

Timothy P. Johnston
Chief

1 West Main Street
Ayer, Massachusetts 01432
Tel. (978) 772-8231
Fax (978) 772-8230



Date: May 13, 2021

To: Robert A. Pontbriand
Town Manager

From: Chief Timothy Johnston

Subject: Reclassification

Dear Robert ,

I am requesting that the position of Administrative Assistant with the Fire Department be reclassified to Office Manager. The position has changed from being a clerical position to an office manager position due to the additional job responsibilities. The position mirrors that of the Police Department with the same responsibilities for confidentiality with the department. The position presently is a Grade 8, and I would like to request that it be moved to a Grade 10 Step 4, which is where the Office Manager of the Police Department currently is placed. The incumbent is currently Grade 8 Step 7. The salary will be \$47,283.60 annually based on 30 hours with the option of working up to 35 hours weekly with an annually salary of \$55,164.20.

Sincerely,

Timothy P. Johnston
Fire Chief

MEMORANDUM OF AGREEMENT

By and Between

TOWN OF AYER, MASSACHUSETTS

And

MASSACHUSETTS DEVELOPMENT FINANCE AGENCY

FOR

WEST MAIN STREET IMPROVEMENT PROJECT

THIS AGREEMENT, made and entered into as of this 30th day of June, 2021, and executed in duplicate (each executed copy constituting an original) by the Town of Ayer (hereinafter referred to as "AYER"), a Massachusetts municipal corporation with a principal place of business at the Town Hall, 1 Main Street, Ayer, MA 01432, acting by and through its Board of Selectmen; and the Massachusetts Development Finance Agency (hereinafter referred to as "MASSDEVELOPMENT"), a body politic and corporate with a principal place of business at 99 High Street, Boston, MA 02110.

1. RECITALS

WHEREAS, AYER and MASSDEVELOPMENT jointly prepared a grant application for a MassWorks Infrastructure Grant for improvements to the West Main Street Corridor as a regional infrastructure project (hereinafter referred to as the "PROJECT"); and

WHEREAS, the objective of the PROJECT is to create sustainable, safe, mixed-use, multi-modal transit-oriented development for Ayer's West Main Street Corridor & Devens Regional Enterprise Zone ("Devens").

WHEREAS, AYER was awarded a MassWorks Infrastructure Grant for the PROJECT in the amount of \$3,164,000; and

WHEREAS, in accordance with the applicable procedures for the MassWorks Infrastructure Program, AYER has executed a Commonwealth of Massachusetts Standard Contract with the Executive Office of Housing and Economic Development concerning the grant funds; and

WHEREAS, AYER and MASSDEVELOPMENT will each provide a specific amount of funds for the Project; and

WHEREAS, the PROJECT includes:

- 3,465 linear ft. of water-line construction;
- 4,094 linear ft. of a new ADA-compliant sidewalk system connecting the downtown Ayer MBTA Commuter Rail Station (CRS) and Devens at the intersection of Grant Road with W. Main Street;
- An improved roadway storm water collection/management system, including green infrastructure components;

- Installation of granite curbing and a reduction of curb cuts/ driveways;
- Reclaimed roadway repaving with on-street parking and bicycle lanes;
- 35 sidewalk trees and an improved streetscape;
- Re-alignment of the Devens Verbeck Gate Intersection including modifications to the existing historic Verbeck Gate wing walls; and
- Construction of a Devens Regional Bus Shuttle Waiting Station.

WHEREAS, the parties are authorized by Chapter 40, Section 4 and 4A of the General Laws and Section 12 of Chapter 498 of the Acts of 1998 (as amended) to enter into an Agreement for the purpose of delineating the Project responsibilities, costs, and payment methods.

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree as follows:

2. PROJECT MANAGEMENT:

There is hereby created a West Main Street Project Workgroup (hereinafter referred to as the "WORKGROUP") to manage and control activities required in the designing, permitting and construction of the PROJECT. The WORKGROUP shall consist of six people, three selected from each party. Any two members of the WORKGROUP may call a meeting of the WORKGROUP with reasonable advance notice given. Official actions of the WORKGROUP shall require a majority vote of a quorum of voting members. The WORKGROUP members shall serve for the life of this AGREEMENT and shall be named by and replaced at the pleasure of the _____ for the WORKGROUP members selected by AYER and by the Executive Vice President, Devens for the WORKGROUP members selected by MASSDEVELOPMENT.

3. ACCESS TO RECORDS:

The WORKGROUP and AYER, as lead community, shall keep a written, permanent record of its official proceedings, shall at all times keep full and accurate financial records which shall be open at appropriate times to inspection by both parties and by auditor(s) duly designated by either party and by the Commonwealth.

4. CONTRACTS:

AYER will be responsible for procuring and executing professional services agreements and construction contracts required for the completion of the PROJECT. Procurement will be in

accordance with Massachusetts General Laws.

5. APPORTIONMENT OF COSTS:

Financial commitments made by each party prior to the date of this AGREEMENT as specified in the Grant Application shall be a part of this AGREEMENT. Financial Commitments are as follows:

Category	MassWorks Funds Requested	Match / Other Funding	Total Project Budget	Source of Match / Other Funds
Design / Engineering / Permitting	\$0	\$125,000	\$125,000	Ayer- \$50,000 MassDevelopment \$75,000
Bidding	\$0	\$25,000	\$25,000	Ayer- \$25,000
Construction	\$2,914,201	\$500,000	\$3,414,201	Ayer- \$300,000 MassDevelopment \$200,000
Construction Administration	\$250,000	\$0	\$250,000	
TOTAL	\$3,164,201	\$650,000	\$3,814,201	

6. PAYMENT:

Within a 14 days of the full execution of this Memorandum of Agreement, MASSDEVELOPMENT shall disburse to AYER Two Hundred Seventy Five Thousand and 00/100 Dollars (\$275,000.00) in full satisfaction of its Financial Commitments for the PROJECT. AYER shall be responsible for payment of all invoices related to the PROJECT, and agrees to do so in a timely manner and such that no mechanics or materialman's liens shall attach to any property owned by MASSDEVELOPMENT. MASSDEVELOPMENT shall have the right to review invoices and all work product generated in connection with the Design, Engineering, Permitting and Construction.

By entering into this Agreement the parties hereto intend to be the sole and exclusive beneficiaries of the Agreement, subject to the terms and limits of this Agreement and of applicable state and federal law. This Agreement shall not take effect until it has been executed by both parties.

7. TERM:

The term of this Agreement shall be for a period of 2 years from the date first above-written or completion of construction, whichever occurs later, unless sooner terminated or extended, as herein provided.

This agreement may be terminated by either party hereto or either party may withdraw upon sixty (60) days written notice to the remaining members and through no fault of the terminating party pursuant to Massachusetts General Laws Chapter 40, Section 4A, as amended. To the extent applicable, the remaining party shall be reimbursed for all services and expenses rendered to the date of termination plus reasonable termination charges.

8. AMENDMENT:

No officer, official, agent, or employee of either party shall have the power to amend, modify or alter this AGREEMENT or waive any of its provisions or to bind either of the parties hereto by making any promise or representation not contained herein, except by an authorized written amendment hereto. Said amendment shall be executed in the same manner as this AGREEMENT is executed.

Neither party may rely on any conduct, statements, action, inaction or course of conduct of the employees, agents or officers of any other party as having changed, modified or amended this AGREEMENT.

Neither party shall be construed as waiving any provision of the Agreement unless the waiver is executed in writing as an amendment to this Agreement. No waiver by either party of any default or breach shall constitute a waiver of any subsequent default or breach. Forbearance or indulgence in any form or manner by any unit shall not be construed as waiver of any term or condition hereto nor shall it limit the legal or equitable remedies available to that party.

9. ASSIGNMENT:

This Agreement shall not be assigned or transferred by either party, without the express written consent of the other party given with the same formalities as are required for the execution of this AGREEMENT.

10. FORCE MAJEURE:

No failure or delay in performance shall be deemed to be a breach of this Agreement when such

failure or delay is occasioned by or due to any act of God, strike, war, riot, epidemic, explosion, sabotage, the binding order of any court or government authority provided such order shall not be as the result of the neglect or conduct of either party, or any other cause whether of the kind herein enumerated or otherwise not within the reasonable control of the party against whom a breach is alleged. Both parties agree to exercise diligent and good faith efforts to remedy such failure or delay at the earliest possible time.

11. REPORTS AND RECORDS:

During the first week of each month, until grant close-out, the WORKGROUP shall prepare a project progress report and financial statement of transactions occurring during the immediately preceding three (3) months, including but not limited to, services performed and costs recorded. Each party shall notify the other in writing and keep the other party informed of the changed names and titles of its members of the WORKGROUP and official or officials responsible for the implementation of the terms of this AGREEMENT.

12. REMEDIES:

In addition to the remedies, powers and authorities each party has at law or under its ordinances or by-laws, the following remedies apply:

Both parties reserve the right, either in law or equity, by suit, and complaint in the nature of specific performance, or other proceeding, to enforce or compel performance of any or all covenants herein.

If any administrative board, commission or division of the state or federal government or any court materially impairs, alters, restricts or limits, directly or indirectly party's rights, powers or authority to perform under this AGREEMENT, and such action was not the result of any omission or action by that party, it may suspend its participation in this AGREEMENT by giving sixty (60) days written notice to the other party. Any suspension under this clause shall not release said party from its obligation to pay any sums due and all bills owed under this AGREEMENT unless to do so would be in violation of a final administrative or judicial decree, order or ruling. The notice of suspension shall be given within five (5) business days after the party receives written notice of the action of decision of such agency, board, commission, division or court.

The remedies set forth in this AGREEMENT are separate and cumulative. The election of one does not preclude use of another.

13. FINANCING ARRANGEMENTS:

AYER will provide MASSDEVELOPMENT with any information available to it as such is necessary to enable MASSDEVELOPMENT to borrow, appropriate or disburse the funds needed to meet any obligations under this AGREEMENT, and to take any other actions required to provide timely financing of any project related costs.

14. SEVERABILITY:

If any provision, section, phrase or word contained herein is determined by a court of competent jurisdiction to be unenforceable, for any reason, or beyond the scope of the statutory provisions of Chapter 40, Section 4, and then it is the intention of the parties that, for public good purposes, the remaining provisions hereof continue in full force and effect.

15. SIGNATORIES:

The responsibilities taken on by AYER and MASSDEVELOPMENT under this AGREEMENT are for the common goals of the Project and in no way does this agreement relieve AYER and MASSDEVELOPMENT from their individual and joint legal obligations under Massachusetts General Laws or other laws or regulations as may be applicable.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the AYER and MASSDEVELOPMENT have caused their duly authorized representatives to execute this AGREEMENT as of the day and year first above written:

TOWN OF AYER
By its Town Manager


Robert A. Pontbriand, Town Manager

MASSACHUSETTS DEVELOPMENT FINANCE AGENCY
By its Executive Vice President, Devens



APPROVED AS TO FORM:


MassDevelopment Counsel

[Signature page for Memorandum of Agreement By and Between Town of Ayer, Massachusetts and Massachusetts Development Finance Agency For West Main Street Improvement Project]

Town of Ayer

Office of Community & Economic Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8206 ♦ Fax: 978-772-8208



To: Robert Pontbriand, Town Manager
From: Alan S. Manoian, Dir. AOCED
Date: 7/8/2021
Re: Request Placement on July 14th Ayer Select Board Agenda seeking Vote of Approval on Final Town of Ayer ADA Self-Evaluation & Transition Plan

The AOCED requests placement on the July 14th Ayer Select Board Meeting to present and seek a vote of approval for the Final Town of Ayer ADA Self-Evaluation & Transition Plan.

(Please see attached) Final Town of Ayer ADA Self-Evaluation & Transition Plan.

This item should take no more than 3-5 minutes.

Town of Ayer (2021)

ADA Self-Evaluation & Transition Plan



*Prepared by
Ayer Office of Community & Economic Development (AOCED) &
Montachusett Regional Planning Commission (MRPC)*



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Executive Summary – Part A

Evaluation of Ayer Municipal Non-Discriminatory Policies & Practices in Programs, Services & Activities

Introduction

The Town of Ayer Massachusetts is undertaking a comprehensive assessment of its municipal principles, policies, practices, and procedures, as well as its facilities, to better understand and determine compliance with the requirements of the Americans with Disabilities Act (ADA). The evaluation and recommendations provided in the updated Town of Ayer ADA Self-Evaluation & Transition Plan are inclusive of both a built-form/architectural ADA compliance assessment section, as well as, recommendations which would result in greater awareness and measurable improvements to current policies and daily practices that would result in more accessible, aware, inclusive, and accommodating programs, services and activities for the residents, visitors, employees, and customers within the Town of Ayer.

The approach to improved municipal ADA compliance through corrective action includes recommendations based on Title II of the ADA, as well as, recommended ‘best practices’ for each aspect requiring such corrective action. The assessment includes non-discrimination in policies, practices and procedures for all Town of Ayer municipal programs, services, and activities, including those related to effective communication and policies, practices, and procedures relative to full-public accessibility/engagement, as well as, to municipal employment.

Compliance-based corrective action is strongly recommended for the review, formulation/re-formulation, and deployment of municipal ADA policies and procedures to develop, formulate, and deploy written policies ensuring the Town of Ayer’s compliance with applicable laws. Of increasing importance, the Town will require a clear organizational commitment to providing a more accessible municipal website to address the various issues identified in the assessment process. A more completely accessible municipal website would expand the functional availability for Town of Ayer site visitors who require the use of assistive technology such as screen readers, as well as, for website visitors living with a range of other functional limitations. The municipal website also serves as a most effective tool/platform in communicating the Town of Ayer’s commitment to equal opportunity for people with disabilities through a clear statement of purpose and contact information for the municipal ADA Coordinator. Also, to improve information sharing on how best to easily access and connect with the full range of municipal programs, services and activities including public meetings, as well as, requesting enhanced municipal communication platforms and/or municipal ADA policy modification.

This report summarizes findings of ADA Title II compliance. The content and data which informs and populates the Town of Ayer Self-Evaluation & Transition Plan was gathered through an on-line municipal inter-departmental survey document, face-to-face municipal department head interviews, interviews/review forums with the newly appointed members of the Ayer Commission on Disabilities, an on-line general public survey document, a Public Review/Input Forum, an Ayer Select Board presentation, the municipal website, and the Town of Ayer's Personnel Manual. This diverse mix of sources constitutes the basis for this ADA compliance Self-Evaluation process. The Town of Ayer acknowledges a comprehensive understanding of its civic and legal obligations under Title II of the ADA however, additional steps are necessary to ensure that persons with disabilities enjoy equal opportunities to participate in its programs, services and activities as those Ayer residents, visitors, employees, and customers living without disabilities.

Executive Summary – Part B

Evaluation of Ayer Municipal Public Facilities for ADA Title II Compliance

Introduction

In Spring 2020, the Town of Ayer contracted with the Montachusett Regional Planning Commission (MRPC) through the Commonwealth of Massachusetts' District Local Technical Assistance (DLTA) Program for a comprehensive evaluation of municipal public facilities' compliance under Title II of the American Disabilities Act (ADA), which prohibits discrimination on the basis of disability. Specifically, Title II requires that:

No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity [35 CFR Part 35.130 (a)].

MRPC assessed all Town-owned facilities to determine their accessibility to people with disabilities. Like many communities in Massachusetts, the Town of Ayer is faced with municipal buildings and facilities that may pose obstacles to residents with disabilities. The cost and work that is required to remove these barriers and bring them into compliance can be overwhelming for many communities. This ADA Self-Evaluation and accompanying recommendations makes this daunting task a bit easier by identifying the issues, prioritizing them, and sorting out the high-cost actions from the simpler, less expensive tasks.

Americans With Disabilities Act

Title II of the ADA sets administrative requirements on state and local governments, and requires that all Town programs, services, and activities be accessible to people with disabilities.

Background

Signed on July 26, 1990, the Americans with Disabilities Act (ADA) was the world's first comprehensive civil rights law for people with disabilities.

President George H. W. Bush signed the Americans with Disabilities Act (ADA) in a ceremony on the South Lawn of the White House. He was surrounded by Evan Kemp, Chairman of the Equal Employment Opportunity Commission, Justin Dart, Chairman of the President's Committee on Employment of People with Disabilities; Rev. Harold Wilke, and Swift Parrino, Chairperson, National Council on Disability.

Much of the ADA legislation was built upon legislation that had already been in place for a number of years including the Civil Rights act of 1964 and the Rehabilitation Act of 1973 which regulates employment practices in the federal government and by federal contractors, establishes architectural and transportation accessibility standards and guarantees equal access to entities that receive federal funds. Under the ADA, civil rights are guaranteed to individuals who experience discrimination because they; 1) have a physical or mental impairment that substantially limits a major life activity, 2) have a record of such an impairment, and 3) are regarded as having such an impairment. Interpretation of the law and its enforcement was intended to be carried out on a case-by-case basis through the nation's legal system. Specific complaints of individuals may be filed with numerous federal agencies including the Equal Employment Opportunity Commission (Title I), the United States Department of Justice (Titles II and III), the United States Department of Transportation (Titles II and III), and the Federal Communications Commission (Title IV).

The ADA is divided into five titles or sections:

Title I: Employment

Title II: State and Local Government and Public Transportation

Title III: Public Accommodations and Services Operated by Private Entities

Title IV: Telecommunications

Title V: Miscellaneous Provisions

The Town of Ayer is bound specifically by Titles I and II.

There is a basic process for complying with the Americans with Disabilities Act:

- Reviewing & understanding the requirements of the ADA and how it applies to a municipal facility, policy, program, service, etc.
- Conducting an inspection survey to identify physical & policy/programmatic barriers.

- Producing a list of proposed modifications for barrier removal, including changes to municipal policies, facilities, and cost estimates.
- Mitigation/Removal of identified existing municipal barriers.

Discrimination on the basis of disability in all services, programs, and activities provided by small local governments (*ex. towns*) is prohibited by the ADA. An equal opportunity to participate in and benefit from a town's services, programs, and activities must be provided to persons with disabilities. The ADA sets requirements for municipal facilities, for new construction and alterations, communication with the public and policies/procedures governing municipal programs, services, and activities to achieve the required town ADA goals. All municipalities must perform a Self-Evaluation of its policies, practices, programs, procedures, services, including communication, to determine compliance under the ADA. Municipalities must make reasonable modifications to these policies, programs, services, etc. to avoid discrimination against individuals with disabilities unless such modification would result in a fundamental alteration in the nature of that program or service. Although the ADA only requires local governments with 50 or more employees to take additional, specific measures, it is strongly encouraged that even smaller municipalities with less than 50 employees follow the same process to ensure overall compliance with the ADA.

These additional measures include:

- 1) Designation of an individual to coordinate municipal ADA compliance.
- 2) Development of a municipal Transition Plan.
- 3) Development of a municipal ADA Grievance Procedure.

The 2008 Amendments to the ADA broadened the definition of "disability", thereby extending the ADA's protections to a greater number of people. The 2008 Amendments provided examples which limit "major life activities" including, but not limited to, "caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working" as well as the operation of several specified major bodily functions. The Amendments also stated that when determining whether one qualifies as disabled, one cannot take into account the mitigating effects of assistive devices, auxiliary aids, accommodations, medical therapies, and supplies. To be protected under the ADA, an individual with a disability must also be qualified to perform the essential functions of a job with or without a reasonable accommodation.

In 2010, the Department of Justice's revised regulations for Title II and Title III of the ADA of 1990. These regulations adopted revised, enforceable accessibility standards called the 2010 ADA Standards for Accessible Design. On March 15, 2012, compliance with the 2010 Standards

was required for new construction and alterations under Titles II and III. March 15, 2012 is also the compliance date for using the 2010 Standards for program accessibility and barrier removal. The 1991 ADA Standards for Accessible Design could be used for new construction and alterations under Titles II and III until March 14, 2012.

Title I

Equal Employment Opportunity

The ADA guarantees equal employment opportunities to people with disabilities who are qualified for a job. The ADA specifically prohibits discrimination in all activities relating to employment. This includes hiring, termination, compensation, recruitment, tenure, job training, advancement and promotion, layoff, fringe benefits, and any other employment-related benefits or activities. Employers, including municipal governments, should carefully review their employment policies and procedures to eliminate discriminatory practices. In many cases, discrimination is unintentional, due to a lack of knowledge and awareness of the employer. The ADA covers all aspects of “employment” including the application and interview process, hiring, promotion, termination, compensation and benefits, and training.

Reasonable Accommodations

Qualified applicants for municipal employment are entitled to “reasonable accommodation” during the hiring process and as part of their employment. The term reasonable accommodation can mean many different things depending on the circumstance and what is “reasonable” under that circumstance. It may mean modifying an existing facility so that a person with a disability can perform their job (*ex. replace a door handle with a lever, lower a counter-top, etc.*), changing the way things are customarily done (*office policy, work hours, etc.*) or restructuring a job. It is the responsibility of the employer to provide a reasonable accommodation unless it would impose an “undue hardship” on the employer or detract from the essential functions of a position. Once the proposed accommodation becomes too difficult or expensive, it can be deemed as no longer reasonable and therefore, not required.

Title II

Program Accessibility

The ADA guarantees people with disabilities equal opportunity to participate in all programs, services, and activities of state and local government. Accessibility standards must be followed for new construction as well as accommodations. These standards are based on the ADA Accessibility Guidelines (ADAAG) as developed by the U.S. Access Board provide guidance to the ADA Standards for Accessible Design as enforced by the U.S. Department of Justice (DOJ), U.S. Department of Transportation (DOT), and the federal courts and apply nationwide. The ADAAG involves a distinction between public or common use area and employee work areas.

Public/common use areas must be fully accessible. Employee work areas may be addressed through Title I and "reasonable accommodations" made when the need arises. A higher level of expectation is anticipated for governmental entities than that of the private sector. Regardless of receipt of federal aid, all local governments and their boards, departments, commissions, and districts are subject to the provisions of the ADA. Access to services is a critical aspect and basic premise of the ADA. Governmental sponsored programs, services and activities must be available to all, regardless of disability. If structural changes to buildings are required, a transition plan is also usually required. New construction and/or additions to local governmental buildings must be fully compliant and accessible to those with disabilities. Alterations to space used by the public as well as employee work areas must also be ADA compliant unless it is "technically infeasible" to do so (*ex. involves structural, physical, or site constraints*). If technically infeasible, the alteration must comply "to the maximum extent feasible". Existing buildings require that the services or programs offered in that facility are readily accessible.

When programs, services, or activities located in facilities that existed prior to January 26, 1992, the effective date of Title II of the ADA, towns must make sure that they are also available to persons with disabilities. If, however, it requires that these programs, services, or activities are substantially altered to provide access or results in undue financial or administrative burden, then reasonable alternatives or accommodations may be allowed. When a service, program, or activity located in a building that is not accessible, Title II of the ADA allows a "small" local government to achieve program accessibility in several ways.

This can include:

- Relocating the program, service, or activity to an accessible facility.
- Providing the program, service, or activity in another manner that meets ADA requirements.
- Undertaking modifications to the building or facility itself to provide accessibility.

Thus, to achieve program accessibility, a small municipality need not make every existing facility accessible. It can relocate some programs to accessible facilities and modify other facilities, avoiding expensive physical modifications of all municipal facilities.

Effective Communication

Local municipal governments must ensure effective communication with individuals with disabilities. Where necessary to ensure that communications with individuals with hearing, vision, or speech impairments are as effective as communications with others, municipal governments must provide appropriate auxiliary aids. The type of auxiliary aid or service necessary to ensure effective communication will vary according to the type of communication

involved and the needs of the individual. "Auxiliary aids" include such services or devices as sign language interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for deaf persons (TDD's), videotext displays, readers, taped texts, Brailled materials, computer disks, audio recordings, and large print materials.

In addition, telephone emergency services, including 911 services, must provide direct access to individuals with speech or hearing impairments. Municipal governments are not required to provide auxiliary aids or take any actions that would result in a fundamental alteration in the nature of a service, program, or activity or that will result in undue financial and administrative burdens. However, alternative auxiliary aids that do not result in a fundamental alteration or undue burden must be provided. For example, it is not necessary to provide sign language interpreters for all interactions with persons who are deaf or hard of hearing. Daily interaction may suffice through written notes or similar exchanges. However, public meetings, interrogations by local police officers, or similar technical interactions will most likely require interpreters or assistive listening systems. It is required that alternative auxiliary aids be available that do not result in financial or administrative burdens yet meet the needs of the disabled individual.

Title III

Title III of the Americans with Disabilities Act requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. It is intended that all individuals have the opportunity to benefit from businesses and services of a place of public accommodation. The regulations require that architectural and communication barriers that are structural must be removed in public areas of existing facilities when their removal is readily achievable. Public accommodations that must meet the barrier removal requirement include a broad range of establishments (*both for- and non-profit*) such as inns, hotels, motels, restaurants, bars, theaters, concert halls, stadiums, museums, auditoriums, retail stores, grocery stores, bakeries, laundromats, banks, barber and beauty shops, gas stations, professional offices, medical offices, private schools, health spas, bowling alleys and other places that serve the public. Private entities that own, lease, lease out, or operate places of public accommodation in existing buildings are responsible for complying with the barrier removal requirement. Private clubs and religious organizations, including places of worship, are exempt from the ADA public accommodation requirements.

Title IV

Title IV requires common carriers engaged in interstate communications by wire or radio to provide telecommunications relay services for both hearing- and speech-impaired individuals. Regulations developed to implement this provision require that these services operate 24 hours

a day. It is the intention to give those persons with hearing and speech impairments the opportunity to communicate with any other individual. This is to be achieved in a manner such that the users are not paying greater rates than those for equivalent services used by persons without hearing or speech impairments. In addition, any televised public service announcements provided or funded in whole or in part by any federal agency or instrument of the federal government must include closed captioning of the verbal content of such announcement.

Title V

Title V consists of various miscellaneous provisions of the ADA including a requirement for the development of technical assistance manuals by the appropriate regulatory federal agency, a report on the ADA and wilderness areas, a description of the responsibility of the United States Congress, religious organizations, and enforcement and dispute resolution. Definition of Commonly Used Terms Disability – “a physical or mental impairment that substantially limits a major life activity, such as walking, seeing, hearing, learning, breathing, caring for oneself, or working”. To be protected under the ADA, a person must have, have a record of, or be regarded as having a record of, a substantial impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself, learning or working. Individuals who have successfully completed or are currently enrolled in a drug or alcohol rehabilitation program are also considered to be persons with disabilities.

The ADA protects three classes of people with disabilities:

- Those who have a disability.
- Those who have a record of having a disability.
- Those who are regarded as having a disability, whether or not they actually have one.

Qualified Individual with a Disability - An employee or job applicant who meets legitimate skill, experience, education, or other requirements of an employment position that he or she holds or seeks. The person must also be able to perform the "essential" (*as opposed to marginal or incidental*) functions of the position either with or without reasonable accommodation. Job requirements that screen out or tend to screen out people with disabilities are legitimate only if they are job-related and consistent with business necessity.

Reasonable Accommodation - Any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example,

reasonable accommodations may include acquiring or modifying equipment or devices, job restructuring, modifying work hours, making the workplace structurally accessible to individuals with disabilities, reassigning an employee with a disability to an equivalent position as soon as one becomes vacant, providing qualified readers for the blind or interpreters for the deaf, and/or appropriately adjusting or modifying examinations, training materials, or policies. Essential Functions – the basic job duties that an employee must perform, with or without reasonable accommodation.

Readily Achievable - The removal of physical barriers which are easily accomplishable without much difficulty or expense. The "readily achievable" requirement is based on the size and resources available. For example, a larger business with more resources is expected to take a more active role in removing barriers than smaller businesses. The ADA also recognizes that economic conditions vary. When a business has resources to remove barriers, it is expected to do so; but when profits are down, barrier removal may be reduced or delayed. Barrier removal is an ongoing obligation, thus physical barriers must be removed as resources become available in the future.

Undue Hardship - An action or accommodation which requires significant difficulty or expense for an entity. Criteria for making such a determination include the nature and cost of the accommodation, the financial resources of the employer, or the impact of such accommodations on the financial resources of the employer.

Programmatic Access – Programmatic access requires that a public entity shall operate each service, program, or activity so that the service, program, or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. Program Accessibility Under Title II of the ADA, the Town of Ayer must ensure that when “viewed in entirety”, all programs, services, and activities that are offered must be equally available to persons with disabilities. The Town is not necessarily required to remove architectural barriers from a building or site, but rather, must make sure that its programs are accessible.

Non-structural methods to achieve program accessibility include:

- Relocating a program or service to an accessible location in the existing building or facility.
- Relocation of a program or service to a different building or facility.
- Providing short-term or intermediate modifications to ensure program access until a permanent or structural solution is achieved.

Other Federal Accessibility Regulations

Architectural Barriers Act (ABA) - 1968 The Architectural Barriers Act requires access to facilities designed, built, or altered with Federal funds or leased by Federal agencies. The law covers a wide range of facilities, including post offices, social security offices, prisons, and national parks. It also applies to non-government facilities that have received Federal funding, such as certain schools, public housing, and mass transit systems. Passed in 1968, the ABA is the first measure by Congress to ensure access to the built environment. Facilities that predate the law generally are not covered, but alterations or leases undertaken after the law took effect can trigger coverage. Building construction changes made under this law, must meet the Uniform Federal Accessibility Standards (UFAS). Special provisions are included in the UFAS for historic buildings that would be threatened or destroyed by meeting full accessibility requirements.

Rehabilitation Act - 1973 The Rehabilitation Act requires recipients of federal financial assistance to make their programs and activities accessible to everyone. Recipients are allowed to make their properties accessible by altering buildings, by moving programs and activities to accessible spaces, or by making other accommodations. It also protects the rights of Federal employees with disabilities. The law also requires electronic and information technology procured by Federal agencies to be accessible according to certain established standards.

Voting Accessibility for the Elderly and Handicapped Act - 1984 The Voting Accessibility for the Elderly and Handicapped Act of 1984 generally requires polling places across the United States to be physically accessible to people with disabilities for federal elections. Where no accessible location is available to serve as a polling place, a political subdivision must provide an alternate means of casting a ballot on the day of the election. This law also requires states to make registration and voting aids available for disabled and elderly voters, including information by telecommunications devices for the deaf (TDDs), which are also known as teletypewriters (TTYs).

Telecommunications Act - 1996 The Telecommunications Act of 1996 requires telecommunications products and services to be accessible according to guidelines developed by the Access Board. It covers a broad range of products, including telephones, cellular phones, pagers, and fax machines. The Federal Communications Commission (FCC) enforces requirements of the law.

Help America Vote Act – 2002 Each polling place must have at least one accessible voting machine by January 1, 2006 under the Help Vote America Act. The Act (Public Law 107-252),

which was signed by President Bush on October 29, 2002 also requires each piece of voting equipment bought with federal money on or after January 1, 2007 to be accessible.

521 Code of Massachusetts Regulations Architectural Access Board

Section 521 of the Code of Massachusetts Regulations, "521 CMR: Architectural Access Board" is a specialized section of the State Building Code which provides the actual construction standards and specifications which must be adhered to for work performed on "public" buildings (*see definition of public building in 521 CMR*) in the Commonwealth of Massachusetts. The purpose of 521 CMR is to make public buildings and facilities accessible to, functional for, and safe for use by persons with disabilities. It is the intent of 521 CMR to provide persons with disabilities full, free and safe use of all buildings and facilities so that all such persons may have the educational, living and recreational opportunities necessary to be as self-sufficient as possible and to assume full responsibilities as citizens.

The Massachusetts Architectural Access Board (MAAB) is a regulatory agency whose mandate, as established under M.G.L. c.22 S13A, is to develop and enforce regulations pertaining to public access. The MAAB also decides on variance requests, issues advisory opinions, and makes decisions on complaints. Local building inspectors are responsible for enforcement of the provisions of 521 CMR.

Jurisdiction of 521 CMR

All additions to, reconstruction, remodeling, and alterations or repairs of existing public buildings, which require a building permit, or which are so defined by a state or local inspector, shall be governed by those applicable sections of 521CMR.

If the work being performed amounts to less than 30% of the full and fair cash value of the building and: a) the work costs less than \$100,000, then only the work being performed is required to comply with 521 CMR; or b) the work costs \$100,000 or more, then the work being performed is required to comply and an accessible entrance, toilet, telephone and drinking fountain (if toilets, telephones and drinking fountains are provided) are also required.

If the work performed amounts to 30% or more of the full and fair cash value of the building, the entire building is required to comply with 521 CMR. Where the cost of constructing an addition to a building amount to 30% or more of the full and fair cash value of the existing building, both the addition and the existing building must be fully accessible.

A historic building or facility that is listed or is eligible for listing in the National or State Register of Historic Places or is designated as historic under appropriate state or local bylaws may be granted a variance by the MAAB to allow alternate accessibility.

The MAAB Regulations also address various circumstances involving change in use, work performed over a period of time, multiple uses of one building, outdoor facilities, temporary structures, security structures and non-occupiable spaces. For more information on these areas, the administrative process (*variances, complaints, hearings*) as well as specific architectural requirements, reference to 521 CMR should be made.

Alterations to Historic Properties (ADA 2010 Standards)

There are exceptions for alterations to qualified historic buildings and facilities for accessible routes (*206.2.1 Exception 1 and 206.2.3 Exception 7*); entrances (*206.4 Exception 2*); and toilet facilities (*213.2 Exception 2*). When an entity believes that compliance with the requirements for any of these elements would threaten or destroy the historic significance of the building or facility, the entity should consult with the State Historic Preservation Officer. If the State Historic Preservation Officer agrees that compliance with the requirements for a specific element would threaten or destroy the historic significance of the building or facility, use of the exception is permitted. Public entities have an additional obligation to achieve program accessibility under the Department of Justice ADA regulations (*See 28 CFR 35.150*). These regulations require public entities that operate historic preservation programs to give priority to methods that provide physical access to individuals with disabilities. If alterations to a qualified historic building or facility to achieve program accessibility would threaten or destroy the historic significance of the building or facility, fundamentally alter the program, or result in undue financial or administrative burdens, the Department of Justice ADA regulations allow alternative methods to be used to achieve program accessibility. In the case of historic preservation programs, such as an historic house museum, alternative methods include using audio-visual materials to depict portions of the house that cannot otherwise be made accessible. In the case of other qualified historic properties, such as an historic government office building, alternative methods include relocating programs and services to accessible locations. The Department of Justice ADA regulations also allow public entities to use alternative methods when altering qualified historic buildings or facilities in the rare situations where the State Historic Preservation Officer determines that it is not feasible to provide physical access using the exceptions permitted in Section 202.5 without threatening or destroying the historic significance of the building or facility. See 28 CFR 35.151(d).

Massachusetts 521 CMR

A historic building or facility that is listed or is eligible for listing in the National or State Register of Historic Places or is designated as historic under appropriate state or local laws may be granted a variance by the Architectural Access Board to allow alternate accessibility. If a variance is requested based upon historical significance, then consultation with the Massachusetts Historical Commission is required in order to determine whether a building or facility is eligible for listing or listed in the National or State Register of Historic Places. The Massachusetts Historical Commission may request a copy of the proposed variance request and supporting documentation to substantiate the variance request and its effect on historic resources. A written statement from the Massachusetts Historical Commission is required with the application for variance.

ADA SELF-EVALUATION

All municipalities must perform a Self-Evaluation of its policies, practices, programs, procedures, services, including communication, to determine compliance under the ADA. Municipalities must make reasonable modifications to these policies, programs, services, etc. to avoid discrimination against individuals with disabilities unless such modification would result in a fundamental alteration of that program or service. Although the ADA only requires local governments with 50 or more employees to take additional, specific measures, it is strongly encouraged that even smaller municipalities with less than 50 employees follow the same process to ensure overall compliance with the ADA.

These additional measures include:

- 1) Designation of an individual to coordinate ADA compliance
- 2) Development of a Transition Plan
- 3) Development of an ADA Grievance Procedure

All local governmental entities were required to complete a Self-Evaluation of their facilities, programs, policies, and practices by January 26, 1993. The Self-Evaluation identifies and corrects those policies and practices that are inconsistent with Title II's requirements. Self-Evaluations should consider the full range of a municipality's programs, activities, and services, as well as the policies and practices that it has put in place to implement its various programs and services.

Remedial measures necessary to bring the programs, policies, and services into compliance with Title II should be specified - including, but not limited to:

- 1) Relocation of programs to accessible facilities
- 2) Offering programs in an alternative accessible manner
- 3) Structural changes to provide program access

- 4) Policy modifications to ensure nondiscrimination
- 5) Auxiliary aids needed to provide effective communication

Under Title II of the ADA a municipality is required to:

- 1) Designate a responsible employee as ADA Coordinator
- 2) Adopt and distribute a Public Notice on the municipality's ADA policies and procedures
- 3) Adopt, distribute and/or post an ADA Grievance Procedure
- 4) Modify, maintain, and update policies, procedures, and practices, including job descriptions and hiring practices, as required
- 5) Provide Reasonable Accommodations to qualified individuals with disabilities
- 6) Maintain and upkeep accessible features
- 7) Provide auxiliary aids and services to ensure effective communications to those with disabilities

It is also recommended under the provisions of MGL C40 s8J that municipalities establish a 5 to 13-member Commission on Disability. This can be achieved through acceptance of "the provisions of Massachusetts General Laws Chapter 40, Section 8J relative to the establishment of the municipal Commission on Disability".

A Self-Evaluation of those Ayer municipal departments which offer programs or provides services to the general public was issued and completed. The Town of Ayer municipal department Survey Monkey Form (*See Attachment A*) was distributed to all departments identified as either providing a service or program to town residents, customers, visitors, users, etc. Information from each survey response, along with supplemental department information was fully integrated into the formulation and production process of the Town of Ayer ADA Self-Evaluation document. Combined with the municipal building and facilities Structural Inspection/Assessment by the Montachusett Regional Planning Commission (MRPC) and associated policy recommendations, a manageable Accessibility Compliance Plan for the Town of Ayer is effectively advanced and prospectively achieved.

- Municipal Dept. Survey Monkey Form (*Attachment A*)
- General Public Survey Monkey Form (*Attachment B*)
- Template "ADA Municipal Reasonable Accommodation Policy" (*Attachment C*)
- Template "ADA Municipal Reasonable Accommodation Policy Request Form" (*Attachment D*)

Commission on Disability (MGL C40 s8J)

Massachusetts General Law Chapter 40 Section 8J gives municipalities the authority to establish commissions.

The function of a municipal Commission on Disabilities is to:

- Advise and assist municipal officials in ensuring compliance with federal and state disability laws.
- Review policies and activities of municipal departments and boards as they affect persons with disabilities.
- Provide information, referral, advocacy and technical assistance to individuals, businesses and organizations in all matters pertaining to disability.
- Coordinate the activities of other local groups organized to meet the needs of persons with disabilities.

Commissions consist of no less than five (5) and no more than nine (9) members chosen by the Select Board or Town Manager/Administrator (*in a town*) and the Mayor or City Manager (*in a city*). The majority must be persons with disabilities, and one may be a member of the immediate family of a person with a disability. In addition, one member must be an elected or appointed municipal official.

Findings & Recommendations

Following a period of in-activity the Town of Ayer Commission on Disabilities has been fully re-engaged and re-constituted with four (4) new commission appointees, including two (2) Ayer residents that are practicing private sector ADA Compliance professionals.

The municipal Commission on Disabilities will be required escalate its direct and active involvement and partnership with various municipal boards, commissions, departments, local event organizers, etc.; especially establishing a renewed strong working relationship with the municipal ADA Coordinator.

The recently re-established Town of Ayer Commission on Disabilities should have a more pronounced presence on the municipal website and the Ayer Commission on Disabilities webpage should be substantially enhanced and more fully populated with content, resources, connectivity, awareness, etc.

ADA Coordinator (ADA Title II - 28 CFR Part 35.107 (a))

The role of the municipal ADA Coordinator is extensive and includes:

- Ensuring overall compliance with the ADA
- Notification and outreach
- Addressing grievances as filed under the town's established grievance policy
- Insuring timely implementation of the town's transition plan
- On-going assessment of programs and services

- Serving as a technical advisor and resource on accessibility matters.

Effective and beneficial municipal compliance with the intent of the ADA requires the municipal ADA Coordinator be actively engaged in performing his or her duties. The duties and obligations of the municipal ADA Coordinator go well beyond serving as the decision-making authority under the Town of Ayer’s ADA Grievance Procedure. The ADA Coordinator must monitor daily and long-term compliance with the town's ADA policies, procedures, and plans. This includes ADA compliance and assurance pertaining to postings, employment practices, education, dissemination of literature to the public and private businesses, daily activities and practices of town government, ensuring that facilities are properly maintained, serving as a town-wide resource on accessibility matters and issues, and staying current on changes in state and federal law, regulations, programs, policies, interpretations, and decisions which affect persons with disabilities.

Findings & Recommendations

Town Manager, Robert A. Pontbriand serves as the municipal ADA Coordinator through an Ayer Select Board vote and confirmation on 9/11/2018. Identification of Town Manager Pontbriand as the municipal ADA Coordinator is located on the Office of the Town Manager page of the municipal website under the “Americans with Disabilities Act” tab and then “ADA Coordinator Designation Form”.

All submitted municipal department ADA Survey Monkey Forms accurately responded to the survey question, “Do you know who is the designated ADA Coordinator for the Town of Ayer?” – with the response Town Manager Robert Pontbriand. This (100%) internal municipal department knowledge of the Town Manager as ADA Coordinator is noteworthy and evidences the Ayer Town Manager’s continual commitment to his role/responsibilities as ADA Coordinator.

However, to benefit the general public it is recommended that recognition/identification of the Town Manager as the municipal ADA Coordinator be presented in a more pronounced manner on the Office of the Town Manager’s webpage, as well as on a new and updated Ayer Commission on Disabilities webpage, and, on various additional departmental webpages, annual town reports, public hearing/meeting/forum notices, and posted in Ayer Town Hall directory.

Public Notice (ADA Title II - 35 CFR Part 35.106)

Title II of the ADA requires that public entities notify participants of its non-discrimination policies. Similarly, there should also be notification of non-discrimination policies relative to

persons with disabilities in brochures and other materials provided to the public and on a town's website. All Notices should also include the ADA Coordinator's name and contact information.

Findings & Recommendations

The responses to several questions included in the Ayer Municipal Departmental ADA Survey evidence and inform the need for enhanced public notification of non-discrimination policies in all Town of Ayer facilities, departments, meeting/conference spaces, and website.

The municipal departmental survey yields a noteworthy 100% knowledge/recognition of Town Manager, Robert Pontbriand, as the designated ADA Coordinator, however, it is recommended that all municipal departments make every effort to consistently inform/notify the general public of the municipal ADA Coordinator's name and contact information on all municipal content/material/posts/communications/promotions/etc.

ADA Grievance Procedure (ADA Title II - 35 CFR Part 35.107 (b))

The ADA Title II regulations require that all municipalities with 50 or more employees (*regional school systems must prorate the number of employees for each member community*) adopt and publish grievance procedures. The purpose is to encourage local resolution of complaints concerning employment, services, programs, and activities. It is important to note that complainants are not required to exhaust the municipality's procedures before filing a federal complaint or taking court action.

The regulations do not stipulate time frames or procedures for the grievance procedure; however, the following are recommended:

- A detailed description of the procedures for submitting a complaint.
- A two-step review process which allows for appeal.
- Reasonable timeframes for review and resolution of the complaint.
- Good record keeping for all complaints submitted and documentation of steps taken toward resolution.

Findings & Recommendations

The Town of Ayer has an adopted (9/11/2018) municipal "Grievance Procedure Under the Americans with Disabilities Act". (*See Attachment C*). The Town of Ayer "Grievance Procedure Under the ADA" document is located on the Office of the Town Manager webpage of the municipal website under the "Americans with Disabilities Act" tab and then "Grievance Procedure".

It is recommended that the “Americans with Disabilities Act” tab on the Office of the Town Manager’s webpage, and the “Ayer Commission on Disabilities” webpage, all municipal Boards & Commissions webpages, as well as all municipal public hearing/meeting agendas, include the following language.

“If you need auxiliary aids and services for effective communication (such as sign language interpreter, an assistive listening device or print material in digital format) or a reasonable modification in programs, services or activities contact the ADA Coordinator as soon as possible preferably fifteen (15) days before the activity or event.”

Policies/Procedures/Practices (ADA Title II - 35 CFR Part 35.130 (b)(7))

A public entity must make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the public entity can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. A municipality should have formal separate policies and procedures pertaining to the ADA and program accessibility, grievances, communications, equal opportunity and non-discrimination when it comes to employment opportunities. A municipality should also include non-discrimination language in its employment postings and/or forms.

Findings & Recommendations

On the municipal Office of the Town Manager webpage under “Americans with Disabilities Act” and “Public Notice – ADA Approved 9/11/2018” the first listed item is “Employment” and reads as follows: “The Town of Ayer does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA.”

On the municipal Office of the Town Manager webpage under “Policies” and then under the “Personnel Policies” section which lists a number of municipal policies, however, does not list ADA policies such as a future “Reasonable Accommodation Policy”, and the current “Grievance Procedure Under the Americans with Disabilities Act”, and/or additional ADA Title II policies relative to municipal employment.

Benefits & Payroll Department webpage is the “Employee Policies” section which lists a number of municipal policies, however, does not list ADA policies such as a proposed “Reasonable Accommodation Policy”, and the current “Grievance Procedure Under the Americans with Disabilities Act”, and/or additional ADA Title II policies relative to municipal employment.

Under “About Ayer” then to “Employment Opportunities”. It does read “The Town of Ayer is an Equal Opportunity Employer”. At the top of the job application form, it reads “An Equal Opportunity Employer - The Town of Ayer is an equal opportunity employer and does not discriminate against any applicant because of race, color, religion, sex, marital status, national origin, age, disability, sexual orientation or any other class protected by federal, state or local law.”

It is recommended that the Town of Ayer consider enhancing/expanding its non-discrimination statement to read, for example: “It is the policy of the Town of Ayer that qualified individuals with disabilities not be discriminated against because of their disabilities in regard to job application procedures, hiring, and other terms and conditions of employment. It is further the policy of the Town of Ayer to provide reasonable accommodations to qualified individuals with disabilities in all aspects of the employment process. The Town of Ayer is prepared to modify or adjust the job application process or the job or work environment to make reasonable accommodations to the known physical or mental limitations of the applicant or employee to enable the applicant or employee to be considered for the position he or she desires, to perform the essential functions of the position in question, or to enjoy equal benefits and privileges of employment as are enjoyed by other similarly situated employees without disabilities, unless the accommodation will impose an undue hardship. If reasonable accommodation is needed, please contact [*include name and/or department, telephone, and e-mail address*].”

Reasonable Accommodations (ADA Title II - 35 CFR Part 35.140 (a))

Under the ADA, a person is considered a qualified individual with a disability if they can perform essential functions of the job with or without a reasonable accommodation. Although the ADA does not require an employer to have job descriptions, they can be used as evidence of the essential functions of the job. Job descriptions should be up-to-date and should differentiate between the essential and the marginal duties of the position.

Physical Requirements/Work Location: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The job descriptions include language on the work environment, and also on ADA special requirements including - physical ability, sensory requirements, and environmental factors. The job descriptions also contain the essential functions required to do the job but typically do not list marginal duties, which should be included. It should also be noted that if a medical examination is required, it must be required of all entering employees of the same position. Medical examinations are prohibited until after

a job offer has been made to the applicant. Employment can be conditioned on the results of the applicant's post-offer medical examination.

Job Descriptions: Job descriptions should use clear, concise, non-technical language. In defining essential functions, the description should focus on the outcome and not the process to achieve that outcome. For example, if a position requires lifting supplies onto a truck, the description should read, "the ability to lift supplies weighing up to 35 lbs. to a height of 4 feet and into a truck bed" and not "the ability to manually lift supplies weighing 35 lbs." It is also better to use words that describe the job requirements as opposed to words that focus on specific abilities (*ex. hearing, speaking, walking*).

The following provides preferred wording that does not restrict the physical requirements of positions.

Physical Requirements Suggested Wording:

- Instead of "stand or sit", use "stationary position"
- Instead of "walk", use "move, traverse"
- Instead of "use hands and fingers", use "operate, use"
- Instead of "climb Stairs or ladders", use "ascend, descend"
- Instead of "see", use "detect, determine, identify recognize, observe"
- Instead of "taste/smell", use "detect, distinguish, determine"
- Instead of "carry/lift", use "move, transport, position"

The Town of Ayer's "Reasonable Accommodation Policy" should be developed and formulated by and through reviewing/updating the current Town of Ayer Personnel Manual – the following are selected excerpts from the Town of Ayer Personnel Manual that may be critiqued.

Excerpts from the Town of Ayer Personnel Manual

The word/term "handicap" is used only once in the entire 69-page Personnel Manual; the words/terms "ADA", "American with Disabilities Act", "Disability/Disabilities" are not used in the entire Personnel Manual.

The Manual last updated in April 2011 is significantly overdue for "review" (*every 3-years*), as well as, updated (*every 5-years*). The Town of Ayer Self-Evaluation & Transition Plan process provides a favorable opportunity to update the Personnel Manual with full ADA awareness/advancement/compliance integration.

The following are excerpt sections from the Town of Ayer Personnel Manual that are applicable to and provide opportunity for greater ADA (*content*) awareness, improvement, and enhancement.

“This manual shall be reviewed at least every three (3) years and updated at least every five (5) years or more frequently as circumstances dictate.” (April 2011)

“Department heads shall ensure that the Town is in compliance with the Town's Equal Employment Opportunity and Affirmative Action policies.” (1.4 Department Heads)

“All town employees shall share joint responsibility with their supervisors for adherence to the Town's Equal Employment Opportunity Policy.” (1.5 Town Employees)

“Each appointed position shall have a written description, written by the supervisor and approved by the appointing authority. The position description shall consist of a statement describing the nature of the work, examples of typical duties, the required minimum knowledge, skills, training, abilities, experience, and necessary special qualifications, as well as a determination if the position is exempt or non-exempt. (5.1.1 Position Descriptions)

“Position descriptions are intended to be representative of the positions in a class and provide illustrations of the type of work performed, and do not necessarily include all duties performed. Position descriptions are not intended to be restrictive. Qualification statements in each position description establish desirable minimum requirements that should be met by a person before appointment, transfer, or promotion to a position in the class.” (5.1.2 Position Descriptions)

“Every person applying for employment in the Town will receive equal treatment. Persons shall be recruited from a geographic area as wide as necessary to assure that qualified candidates apply for various positions. The recruitment, selection and promotion of candidates and employees shall be based solely on job related criteria as established in the position descriptions and in accordance with proper personnel practices.” (6.0 Recruitment & Selection)

“The Town Administrator and the department supervisor shall establish any one or a combination of selection procedures in order to determine the candidates' ability to perform in the position:

- *Written Examination*
- *Interview*
- *Practical (or performance) Test*
- *Evaluation of Experience and Training*

The methods of selection used shall be developed in a manner so as to not discriminate against the applicant.” (6.2 Selection)

“Persons selected for employment with the Town, after receipt of notice of such appointment and prior to the starting date of employment, may be required to undergo a medical examination, which may include drug testing and/or psychological examination, if the position for which the person being hired requires a fitness for duty examination for all new employees. The examination shall be at the expense of the Town by a physician designated by the Board of Selectmen. The examining physician shall advise as to the applicant's fitness for duty.” (6.2.7 Medical Examinations)

“Manage employees fairly and equitably, communicating expectations of performance, recognizing and rewarding acceptable work and discussing actions needed to improve performance when needed.” (9.3 Supervisors Code)

“Provide a comfortable, non-threatening work environment; respect individual diversity among employees.” (9.3 Supervisors Code)

“The Town of Ayer depends upon a work environment of tolerance and respect for the achievement of its Town goals. The Town is committed to providing a working environment that is free of all forms of gender, race, sexual or religious abuse or harassment. The Town recognizes the right of all employees to be treated with respect and dignity.” (10.1.1 Harassment)

Complaints by an employee relating to his/her employment which include, but are not necessarily limited to, are the following:

- *Disciplinary actions of any kind.*
- *Actions resulting from the performance review.*
- *Concerns regarding the application, meaning or interpretation of personnel policies, procedures, rules, and regulations.*
- *Acts of reprisal as the result of utilization of the grievance procedure.*
- *Complaints of discrimination on the basis of race, color, creed, national origin, sex, age, handicap or political affiliation.*
- *Complaints of personal harassment by fellow personnel.*
- *Assignment of significant duties on a regular and recurring basis outside the employees posted job descriptions.*
- *Actions resulting from job reclassifications.*

(12.1 Valid Complaints)

“In order to provide a high level of service to our citizens and customers, employees continually need to improve existing skills and develop new ones, acquire new knowledge, and increase

their overall competence. Accordingly, the Town shall foster and promote programs of training for employees for the purpose of improving the quality of services provided by the Town.”
(14.0 Training & Education)

Findings & Recommendations

The Town of Ayer has not fully formulated and adopted a municipal “Reasonable Accommodation Policy” document for current and/or future municipal employees. Under Title II of the ADA, reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions of their job. A sample Reasonable Accommodations Policy and Request Form for adoption by the Ayer Select Board is provided as (*Attachments D & E*).

In 2018, with the adoption of the Town Manager form of local government (*from the previous Town Administrator form*/(Chapter 79 of the Acts of 2018)) the Town of Ayer Personnel Board was retired, and personnel administration duties were placed with the Office of the Town Manager with the assistance of the Benefits & Payroll Dept.

The word/term “handicap” is used only once in the entire 69-page Personnel Manual; the words/terms “ADA”, “American with Disabilities Act”, “Disability/Disabilities” are not used in the entire Personnel Manual.

The Manual last updated in April 2011 is significantly overdue for “review” (*every 3-years*), as well as, updated (*every 5-years*). The Town of Ayer Self-Evaluation & Transition Plan process provides a favorable opportunity to update the Personnel Manual with full ADA awareness/advancement/compliance integration.

Maintenance (ADA Title II – 28 CFR Part 35.133 (a))

A municipality is required maintain in operable functioning condition the infrastructure necessary to provide public access to municipal services, programs, and activities. This includes door openers/closers, sidewalks, ramps, and parking space signage/stripping, among various additional municipal property accessibility amenities. To accommodate routine/scheduled maintenance or repairs, isolated or temporary interruptions in service or access are permitted. However, this is deemed as short-term and not of a semi-permanent or seasonal nature. When weather conditions such as snow and ice limit or prevent access to services, programs, and activities to or within a facility, access must be maintained to ensure that those programs are accessible. Maintenance of accessible features includes the removal of snow from accessible parking spaces, curb ramps, accessible routes of travel, and building entrances. Although temporary interruptions in services due to bad weather are expected, alternate services must be provided if snow and ice cannot be cleared in a timely manner. Snow removal and removal

of other obstructions within the accessible route of travel must be done to a minimum width of 42". Similarly, if an elevator, lift or similar accessible-related device is not working properly and is denying access, repairs must be made in a timely manner. In the interim, alternative services must be provided.

Findings and Recommendations

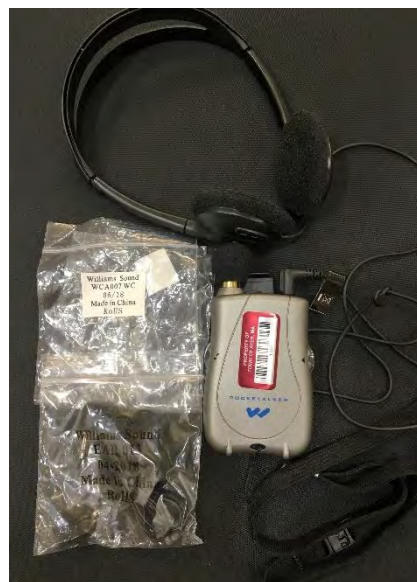
The Town of Ayer Director of Building Facilities & Maintenance is responsible for ensuring that all municipal buildings, facilities, amenities, approaches, devices, signage, etc. are fully-accessible and ADA compliant-operational when adversely impacted by harsh New England weather conditions, and/or when temporarily obstructed, interrupted, altered, etc. as a result of construction, repair, modification.

It is recommended that the Dir. of Building Facilities & Maintenance contact, notify and coordinate with the municipal ADA Coordinator, as well as the Ayer Commission on Disabilities when planning and engaging in any and all municipal maintenance activities that directly or indirectly affects ADA compliance measures.

Effective Communication, Auxiliary Aids and Services (ADA Title II – 28 CFR Part 35.160)

Municipalities are required to provide and ensure practical/functional communication with persons living with disabilities. To assure that communications with individuals who have hearing, vision or speech impairments are accommodated, municipal governments must provide appropriate auxiliary aids. The type of auxiliary aids or services necessary for the provision of effective communication will vary according to the type of communication involved and the needs of the individual. Auxiliary aids include such services or devices as American Sign Language (ASL) interpreters, assistive listening headsets, television captioning and decoders, telecommunications devices for people who are deaf such as TDD's or video phones, use of 711 Telecommunications Relay Service, readers, Brailled materials, documents on electronic format, audio recordings and large print materials. In addition, telephone emergency services including 911 must provide direct access to individuals with speech and hearing impairments. Municipal governments are not required to provide auxiliary aids or take any actions that would result in a fundamental alteration in the nature of a service, program, or activity or that will result in undue financial and administrative burdens. However, alternative auxiliary aids that do not result in a fundamental alteration or undue burden must be provided. For example, it is not necessary to provide sign language interpreters for all interactions with persons who are deaf or hard of hearing. Daily interaction may suffice through written notes or similar exchanges. However, public meetings, interrogations by local police officers, or similar technical interactions will most likely require interpreters or assistive listening systems. It is required that alternative auxiliary aids be available that does not result in financial or administrative burdens yet meet the needs of the disabled individual.

Located on the Town Manager Webpage, under “Americans with Disabilities Act, and under “Public Notice ADA Approved 9/18/2018 by Town Manager” - an excerpt from Town of Ayer Public Notice – Americans with Disabilities Act “Effective Communication: The Town of Ayer will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in Town of Ayer programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.”



(Town of Ayer “Pocket Talker” Assistive Listening Headset Device at Ayer Town Hall 1st Floor Select Board Meeting Room)



(Town of Ayer Department Signage in Braille in Ayer Town Hall 1st Floor)



(Town of Ayer Emergency Route/Exit Diagram & Directory which could be better designed for those with visual disabilities in Ayer Town Hall, 2nd Floor at Elevation & Stairway)

Findings and Recommendations

The Town of Ayer does currently provide basic Effective Communication/Auxiliary Aids & Services to persons with disabilities, however a review of current platforms, services, devices, signage, and the results of the ADA Municipal Department Survey & ADA General Public Survey evidence the need for enhanced training, additional devices, improved procedures, and heightened awareness.

Currently, the Town of Ayer provides only one (1) Assistive Listening Headset Device at Ayer Town Hall. This single device is located in the 1st Fl. Select Board Meeting Room (*see picture*).

Through the town ADA survey - 43.75% of Ayer municipal departments report that they do not offer auxiliary aids to persons with disabilities.

The Ayer Police Station Building, the Ayer Fire Station, the Ayer Public Works Building, and the Ayer Parks & Recreation Building all report that they currently do not provide auxiliary aids for persons with disabilities.

The results of Question 18. of the Ayer municipal department survey: "Are Assistive listening devices or systems available for public meetings?" Yes: 50%, No: 31.25%, Do not know: 18.75%.

The Town of Ayer has a long and noteworthy record of providing a sign language interpreter at Annual & Special Town Meeting for local residents.

A number of municipal departments report that they do provide effective communication, auxiliary aids & services to persons with disabilities – including the Ayer Council on Aging which issues a monthly newsletter formatted with (*large print*); the Town Clerk which reports providing braille, large print, and electronic copy for use with screen reader; and the Office of the Town Manager which reports providing large print, electronic copy, American sign language interpreters, assistive listening devices & communication access real-time translation (CART).

It is recommended that the Town of Ayer acquire 1-2 additional assistive listening devices for Ayer Town Hall, and to further investigate the need to provide assistive listening devices for the Ayer Police Station, Ayer Fire Station, Ayer Public Works Building and Ayer Parks & Recreation Building.

It is further recommended that both the Ayer Commission on Disabilities webpage and the municipal ADA Coordinators webpage be enhanced by providing a clear and complete list (*with associated descriptions/contacts*) of the various communication/auxiliary aids that are available to persons with disabilities in the Town of Ayer.

Website Accessibility (Web Content Accessibility Guidelines 2.0 AA or Section 508 Standards).

Title II of the Americans with Disabilities Act requires that local governments ensure that, when viewed in their entirety, the programs, services, and activities offered are equally available to people with disabilities. Websites of local governments are considered to be a “program” and should be accessible to the standards of the Web Content Accessibility Guidelines 2.0 AA or Section 508 Standards. Many people with disabilities use assistive technology that enables them to use computers. Some assistive technology involves separate computer programs or devices such as screen readers, text enlargement software, and computer programs that enable people to control the computer with their voice. Other assistive technology is built into computer operating systems. For example, basic accessibility features in computer operating systems enable some people with low vision to see computer displays by simply adjusting color schemes, contrast settings, and font sizes. Operating systems enable people with limited manual dexterity to move the mouse pointer using key strokes instead of a standard mouse. Poorly designed websites can create unnecessary barriers for people with disabilities. The following are common problems and solutions in website accessibility: Images Without Text Equivalents. Persons with low vision often use screen readers and refreshable Braille displays to access information on a web page. These technologies read text; however, they cannot translate “images” into speech or Braille. Images include photographs, charts, color-coded information or other graphic elements on a web page. The solution to this problem would be to add a line of HTML code to provide text for each image and graphic so that the user can understand what the image is.

Documents Are Not Posted in an Accessible Format. Municipalities will often post documents on their websites using Portable Document Format (PDF). However, PDF documents, or those in other image-based formats, are often not accessible to blind people who use screen readers and people with low vision who use text enlargement programs or different color and font settings to read computer displays. The solution would be to always provide documents in an alternative text-based format, such as HTML or RTF (Rich Text Format), in addition to PDF. Text-based formats are the most compatible with assistive technologies.

Specifying Colors and Font Sizes. Websites are often designed in a manner such that everything is exactly the same color, size and layout. But because of one’s disability, a person with low vision does not see web pages the same as other people. Some see only small portions of a computer display at one time. Others cannot see text or images that are too small. Still others can only see website content if it appears in specific colors. For these reasons, many people with low vision use specific color and font settings when they access the Internet – settings that are often very different from those most people use. For example, many people with low vision need to use high contrast settings, such as bold white or yellow letters on a black background. Others need just the opposite – bold black text on a white or yellow background. And many must use softer, more subtle color combinations. Users need to be able to manipulate color and font settings in their web browsers and operating systems in order to make pages readable.

Some web pages, however, are designed so that changing the color and font settings is impossible. The solution is to design websites so they can be viewed with the color and font sizes set in users' web browsers and operating systems. Users with low vision must be able to specify the text and background colors as well as the font sizes needed to see web page content.

Videos and Other Multimedia Lack Accessible Features. Due to increasing bandwidth and connection speeds, videos and other multimedia are becoming more common on the websites of local governments. Today, some government entities use their websites to post training videos for their employees, feature automated slide shows of recent public events, and offer video tours of local attractions. These and other types of multimedia can present two distinct problems for people with different disabilities. People who are deaf or hard of hearing can generally see the information presented on web pages. However, a deaf person or someone who is hard of hearing may not be able to hear the audio track of a video. On the other hand, persons who are blind or have low vision are frequently unable to see the video images but can hear the audio track. The solution is to incorporate features that make them accessible to everyone. Provide audio descriptions of images (*including changes in setting, gestures, and other details*) to make videos accessible to people who are blind or have low vision. Provide text captions synchronized with the video images to make videos and audio tracks accessible to people who are deaf or hard-of-hearing.

Other considerations when developing websites include:

- Include a "skip navigation" link at the top of web pages that allows people who use screen readers to ignore navigation links and skip directly to web page content.
- Minimize blinking, flashing, or other distracting features.
- If they must be included, ensure that moving, blinking, or auto-updating objects or pages may be paused or stopped.
- Design online forms to include descriptive HTML tags that provide persons with disabilities the information they need to complete and submit the forms.
- Include visual notification and transcripts if sounds automatically play.
- Provide a second, static copy of pages that are auto-refreshing or that require a timed response.
- Use titles, context, and other heading structures to help users navigate complex pages or elements (*such as web pages that use frames*).

The Town of Ayer's Municipal Website is administered on the CivicPlus governmental platform. CivicPlus ADA Section 508 Compliance provisions include:

Upon entering the Town of Ayer municipal website, users are provided with options contained in a block banner at the bottom of the main page, which includes, "Accessibility Standards" (*see image below*):

Town of Ayer • 1 Main Street • Ayer, MA 01432 • [\(978\) 772-8220](tel:(978)772-8220)

The Town of Ayer is an Equal Opportunity Provider and Employer.

[Public Records Access Officer - Robert A Pontbriand](#)

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When a user clicks the “Accessibility Standards” the user is brought to the “Accessibility Standards” descriptive page (*see image below*), which includes the following links:

- Commonwealth Enterprise Standards
- Section 508 Website
- Federal Access Board Website
- Latest Accessibility Guidelines
- Adobe Website

For those unfamiliar with accessibility issues pertaining to Web page design, consider that many users may be operating in contexts very different from your own:

- *They may not be able to see, hear, move, or may not be able to process some types of information easily or at all.*
- *They may have difficulty reading or comprehending text.*
- *They may not have or be able to use a keyboard or mouse.*
- *They may have a text-only screen, a small screen, or a slow Internet connection.*
- *They may not speak or understand fluently the language in which the document is written.*
- *They may be in a situation where their eyes, ears, or hands are busy or interfered with (e.g., driving to work, working in a loud environment, etc.).*
- *They may have an early version of a browser, a different browser entirely, a voice browser, or a different operating system.*

(Source: W3C - Web Content Accessibility Guidelines, superseded 2021)

Accessibility Standards

The Town of Ayer is committed to achieving meaningful accessibility to this online environment for all users, including users with disabilities. We follow specific Commonwealth enterprise standards designed to meet the needs of our citizens with disabilities. The Commonwealth enterprise standards are generally based on standards used by the Federal government for technology accessibility for people with disabilities, and web content accessibility guidelines developed by the World Wide Web Consortium (W3C). For more information about the Federal standards, please visit the [Section 508 web site](#) or the [Federal Access Board web site](#). For more information about the W3C guidelines, please visit their web site for the [latest accessibility guidelines](#). The Town of Ayer web site is regularly tested using leading web accessibility technologies and reviewed by users to verify that this web site is compliant with applicable standards.

About Portable Document Format (PDF)

Some documents on this web site are produced in Portable Document Format (PDF). Efforts are currently underway to ensure that all files are produced using the latest version of Acrobat (file conversion software for PDFs), which is the most accessible technology currently available for these types of files. In order to improve viewing of these files, please download the latest version of Adobe Reader, which is available for free at the [Adobe web site](#).

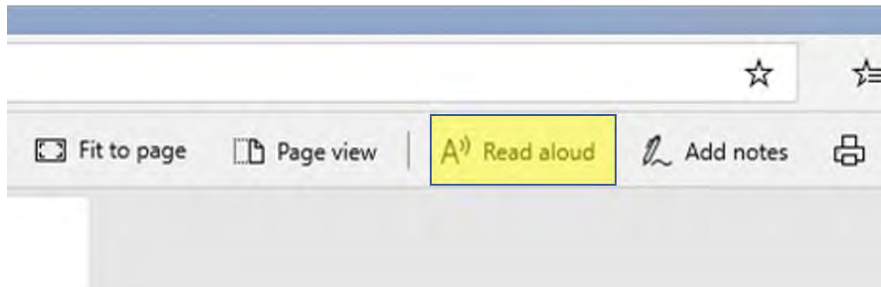
However, recognizing that even this version does not always work for all users, alternative accessible formats are provided wherever possible, most commonly through a text or an HTML file.

If any file format prevents you from accessing the information, please contact us for assistance. In order to respond in a manner most helpful to you, please note the nature of your accessibility concern, the format in which you prefer to receive the material, the web page address of the requested material, and the best way to contact you.

We also welcome your questions about this accessibility statement and comments on how to improve the site's accessibility.

Please contact us at 1 Main Street Ayer MA 01432, [978-772-8220](tel:978-772-8220), or email the Town of Ayer [Webmaster](#).

The Town of Ayer Website currently offers “Read Aloud” capability and accessibility for PDF documents, and also “Read Aloud” capability is available on the Town of Ayer Outlook for all municipal Email communications. When a user opens a PDF document on the Town of Ayer website the “Read Aloud” option is available and can be found at the top right of the webpage screen (see image below):



The Town of Ayer municipal website does provide an “Ayer Commission on Disabilities Webpage”. This page contains exceedingly limited Public ADA Accessibility information, guidance, and resource connectivity. The current option only includes “General Information”, which provides basic template information/descriptive of Commonwealth of Massachusetts Commissions on Disabilities, Articles of Organization for Municipal Commissions on Disabilities, and a Goals Statement for Commissions on Disabilities. The Town of Ayer “Commission on Disabilities Webpage” requires substantial enhancement that should include options such as:

- Notice of ADA (Title I & Title II/Section 504) Rights
- Federal Section 508
- Massachusetts G.L. 151B
- Town of Ayer “Grievance Procedure Under the ADA”

- Town of Ayer “Reasonable Accommodation” Policy
- Town of Ayer “Request for Reasonable Accommodation Form”
- “911 Disability Indicator” Program
- Town of Ayer “Bring Me Home” Program
- Town of Ayer OnSolve “CODE-RED” Program
- Massachusetts “211” Program
- “SafeLink Wireless” Program
- Town of Ayer Voting/Polling Place Accessibility
- Massachusetts “Blind Tax Exemption” Program
- Massachusetts “Disabled Plate & Placard” Program
- Disabled American Veterans Resources
- Inclusive Municipal Parks & Recreation Policy Statement
- Handicapped Parking Regulations (MOD)
- Etc.

Capture from Town of Ayer Website – “Policies” under “Personnel Policies”. At this location there are not any listed ADA Policies such as “Grievance Procedure Under ADA Act”, “Reasonable Accommodation Policy”, etc.

Personnel Policies

- [CORI Policy](#)
- [Credit Card Use Policy](#)
- [Domestic Violence Leave Policy](#)
- [Electronic Communication Policy](#)
- [Social Media Policy](#)
- [Information Technology Acquisition Policy](#)
- [Internship Program Administration Policy](#)
- [OML: 940 CMR 29.10: Remote Participation for Public Meetings](#)
- [Personnel Policies Manual](#)
- [Policy Against Sexual and Unlawful Harassment](#)
- [Portable Storage Devices Policy](#)
- [Pregnancy and Pregnancy-Related Conditions Policy](#)
- [Recycled Product Procurement Policy](#)
- [Town Hall After-Hours Access Security Policy](#)
- [Written Information Security Policy \[WISP\]](#)

“Alt Text”

At the upper right corner on each municipal department’s main webpage a rolling picture or image block/space is provided to present visual content. This image space/block provides “Alt Text”, which is hidden text used to describe an image to visually impaired persons. Most Ayer municipal departments have inserted proper “Alt Text” which appears when clicking/hovering over the image, however there are numerous examples of “Alt Text” that should be

enhanced/improved. Also, most municipal webpages have various visual images/photographs placed at various locations on their webpages that do not provide “Alt Text”; all images on the Town of Ayer Website should provide “Alt Text” accessibility.

“In order to be useful, the text must convey the same function or purpose as the image. For example, consider a text equivalent for a photographic image of the Earth as seen from outer space. If the purpose of the image is mostly that of decoration, then the text “Photograph of the Earth as seen from outer space” might fulfill the necessary function. If the purpose of the photograph is to illustrate specific information about world geography, then the text equivalent should convey that information. If the photograph has been designed to tell the user to select the image (e.g., by clicking on it) for information about the earth, equivalent text would be “Information about the Earth”. Thus, if the text conveys the same function or purpose for the user with a disability as the image does for other users, then it can be considered a text equivalent.” (Source: W3C – Web Content Accessibility Guidelines)

“Text is considered accessible to almost all users since it may be handled by screen readers, non-visual browsers, and braille readers. It may be displayed visually, magnified, synchronized with a video to create a caption, etc. As you design a document containing non-textual information (images, applets, sounds, multimedia presentations, etc.), supplement that information with textual equivalents wherever possible.”

Findings and Recommendations

The Town of Ayer municipal website currently provides fundamental, satisfactory and compliant accessibility for persons with disabilities, however, the insight and awareness gained from departmental interviews, website/department webpage review meetings, review of comparable municipal websites, the municipal department survey, and the general public survey it is clear that there is opportunity and need for substantially enhanced, pronounced and most importantly unified/fully-integrated ADA Accessibility content and connectivity on the Town of Ayer municipal website.

The municipal ADA Coordinator’s section on the Office of the Town Manager’s webpage would benefit from content/design enhancement.

The Town of Ayer Commission on Disabilities webpage requires substantial content/design enhancement.

Emergency Preparedness, Evacuation Plans, and Emergency Shelters (ADA Title II)

The Department of Justice views emergency preparedness plans as key components of a municipality’s responsibility to accessibility compliance. These plans and facilities should be adapted to address the needs of those with a disability and/or who require a reasonable

accommodation or any other functional need. Contained in the (2020) Town of Ayer Municipal Vulnerability Report (MVP)/Community Resiliency Building Workshop Report recommends, 4.1.2 High Priorities - “Develop programs and tools to increase civic engagement by community members”, “Develop a New Resident Orientation program, including information on emergency preparedness”, “Foster formation and engagement with Neighborhood Associations”. In addition, the Report recommends, 4.1.3 Medium Priority Actions - The following actions were deemed medium priority during the CRB workshop – “Study capacity of Emergency Shelters in event of regional emergency and improve community awareness of emergency response procedures”.

Findings and Recommendations

The Town of Ayer provides an emergency shelter facility located at the Ayer-Shirley Regional Middle School Building at 1 Hospital Rd., Shirley MA. However, adequate awareness, notice, understanding, and information on this municipal Emergency Shelter is limited with the general public. As this municipal Emergency Shelter is a public school building/facility, it is ADA compliant.

It is recommended to act upon and implement the Town of Ayer MVP Plan goals/objectives with regard to 4.1.2 High Priority item addressing “engagement”, “orientation”, “information”, as well as, 4.1.3 Medium Priority regarding “Study capacity of Emergency Shelters” and “awareness”.

It is recommended that information on the Ayer Shirley Regional Middle School “Emergency Shelter” be enhanced/improved to include clear information and contact assistance regarding the accommodation of persons with disabilities at the Emergency Shelter.

The Town of Ayer Commission on Disabilities to work in partnership with municipal and regional first responders/public safety officials to inspect, assess, and make recommendations to increase/ensure ADA accessibility of municipal/regional Emergency Shelters.

Polling Places

Under the ADA, Help America Vote Act, Voting Accessibility for the Elderly and Handicapped Act, and Massachusetts General Laws, polling places are required to be accessible to persons with disabilities. This includes site access, parking, entrances, interior access, and voting equipment. In addition, registration and voting aids for the disabled and elderly are required, including information by alternative accessible means. The Elections Division of the Secretary of the Commonwealth of Massachusetts (*Elections Division*) office works with each municipal clerk to ensure polling places are accessible by meeting state and federal regulations. All polling locations in Massachusetts are required to be accessible and must provide access on a permanent or temporary basis on an Election Day. Voting assistance and absentee voting offer

options that persons with disabilities may use to vote, but are not considered substitutes to actual accessibility to the voting location. Both federal law and state requirements mandate that voting systems be equipped for voters with disabilities allowing such voters to have the same opportunity to vote privately and independently. It is required that every precinct must have at least one accessible voting machine available. According to the Elections Division, there is at least one accessible marking unit in every polling place in Massachusetts. The “AutoMARK Voter Assist Terminals” are marking devices that use audio cue capacity for visually impaired voters. The AutoMARK also has a feature that will greatly magnify the ballot or display the ballot in high-contrast for voters that have a limited visual impairment. The AutoMARK can also produce an oral report to the voter as the choices selected prior to the voter printing the ballot.



(Town of Ayer – 2nd Floor Great Hall at Ayer Town Hall set-up for Voting Day with handicap accessible voting booths/stations & accessible by handicap accessible elevator)



(Town of Ayer – 2nd Floor Great Hall at Ayer Town Hall set-up for Voting Day with handicap accessible voting booths/stations)



(Town of Ayer – AutoMark Voting Machine to assist persons with sight and hearing disabilities)



(Town of Ayer – Close-up control panel with Braille of the municipal AutoMark Voting Machine)

Findings and Recommendations

The Town of Ayer's polling/voting place located in the Great Hall at Ayer Town Hall provides full-accessibility for persons with disabilities.

It is recommended that the Ayer Commission on Disabilities work more directly and consistently with the Office of the Ayer Town Clerk to increase and expand the awareness and understanding of the high-level of accessibility at Ayer's municipal polling/voting location, so as to encourage more persons with disabilities to participate in on-site voting.

It is further recommended that the Office of the Ayer Town Clerk work with the Ayer IT Dept. to further enhance the Town Clerk's webpage Voting section on the municipal website with regard to ADA accessibility of voting whether on-site at Ayer Town Hall or by means of alternative off-site voting methods.

Town of Ayer MA Complete Streets Prioritization Plan (2017)

Excerpts from "Evaluation and Recommendations Report"

2.2 Field Data Collection Program

To establish a baseline assessment of gaps in the Town's pedestrian and bicycle networks, public roadways in the Town were inspected to collect relevant sidewalk, wheelchair ramp, and crosswalk data. A point feature was created for each wheelchair ramp and a line feature was created for crosswalks and sidewalks, respectively. These features were created in ArcMap using a field laptop; spatially located using the base mapping as a reference. The attribute data collected includes:

Sidewalks (Line Feature)

- Length and Width
- Material (*Concrete, Asphalt, Brick, Mix*)
- Condition (*Good, Fair, Poor*)

Ramps (Point Feature)

- Street and Intersecting Street
- Types (*Parallel, Perpendicular*)
- Condition (*Good, Fair, Poor*)
- Material (*Concrete, Bituminous, Brick*)
- Obstructions
- Ramp Opening Width (*In.*)
- Ramp Slope (%)
- Transition Length (*In.*)
- Transition Slope (%)

- Top Landing (*In.*)
- Bottom Landing (*In.*)
- Detectable Warning Panel
- Number of Crosswalks
- Priority Type and Location (*School, Church, High Volume, Etc.*)
- ADA Compliant (*Yes, No, Retrofit*)

Crosswalks (Line Feature)

- Length and Width
- Striping Width
- Striping Color and Inside Color
- Control type and details (*Signalized, Stop Sign, Yield Sign, Ped. Sign, None*)
- Crosswalk type (*Continental, Parallel, Ladder*)
- Marking Type and Condition
- Roadway Condition (*Good, Fair, Poor*)
- Obstructions

Physical inspection and measurements aided in the determination of sidewalk and crosswalk conditions, including ADA compliance (Table 1).

3.0 Summary of Findings

The sidewalk, crosswalk, and ramp databases created provide key information regarding the unique identity and conditions of individual elements that will be useful to the Town of Ayer moving forward to Tier 3 (*Project Construction Funding*) of the Complete Streets Funding Program. The information gathered will assist the Town create a roadmap for future infrastructure improvement projects. While the Town’s goal of this current program is to receive funding to implement Complete Streets projects, the data collection and analysis completed (*using Mass DOT Construction Standard details – Table 3*) in this phase of the program will serve as a useful tool as the Town seeks to implement many of the improvements identified to enhance the livability of the community now and in the future. Detailed inventory reports are included in Appendix C.

3.1 General Findings

3.1.1 Sidewalks

Sidewalks are provided along a total of 15.2 (42%) miles of roadways under Town of Ayer jurisdiction. Of these, the total mileage of roadway with sidewalk on both sides is 6.2 miles, and an additional 8.9 miles of roadway have sidewalks on one side only (Figure 1).

Of the Sidewalks analyzed 13% are found to be in excellent or good condition, 51% in fair condition and 36% in poor condition. Figure 2 Summary of the condition of sidewalk analyzed. Pedestrians network gaps were identified based on the lack of existing sidewalk or existing sidewalks which are in poor condition. There are numerous roadway segments that have sidewalk network gaps, which will be addressed in the project recommendation.

3.1.2 Wheelchair Ramps

There is a total of 228 ramps in the town, 5 (2%) of which are ADA compliant, 223 (98%) are non-compliant. 138 (61%) ramps are parallel type while 90 (39%) are perpendicular; five are apex ramps, and 223 (98%) are tangent ramps.

Material classification shows that 154 (68%) ramps are bituminous concrete (asphalt) while 74 (32%) are cement concrete. For priority locations, only four ramps (*non-ADA compliant*) were located near community centers, 24 (*non-ADA compliant*) at high volume areas, 12 (*non-ADA compliant*) in school areas, and 2 (*non-ADA compliant*) were located near Senior Housing. Forty (40) of the ramps are aligned with crosswalk. Three ramps were found to be obstructed by vertical curb; one ramp is obstructed by a catch basin; 2 ramps have manhole castings within the limits of the ramps; 7 ramps are obstructed by utility poles. The remaining 215 ramps are not obstructed.

3.1.3 Crosswalks

Field verification of crosswalks show a total of 53 marked crosswalks in the town; 47 (88%) are parallel, 3 (6%) are continental, and 3 (6%) are ladder type (Table 4); the crosswalk line is generally white and width varying from 6 to 12 inches. The inside color is either red, white, or yellow; crosswalk width varies from 5' to 7'.

With respect to traffic control at crosswalks, 1 crosswalk (2%) is controlled by a flashing sign, 15 (28%) have pedestrian warning signs, and 16 (30%) are stop-sign controlled. 21 crosswalks (40%) were found to be in poor condition, 23 (43%) in fair condition and 9 (17%) in good condition. Roadway condition is good at 21 crosswalks (40%), fair at 31 crosswalks (58%) and poor at 1 crosswalk (2%). There are no obstructions on 45 (85%) crosswalks, catch basins in 2 (4%) crosswalks, manhole and water gate castings in 5 (9%) crosswalks. One crosswalk (2%) is near a senior housing facility, 5 crosswalks (9%) are located near schools, and 21 crosswalks (40%) are in other areas with high pedestrian volumes.

4.0 Recommendations

Analysis of Town of Ayer Complete Streets field data identifies streets with poor pedestrian and bicycle accommodation which includes:

- Sidewalk Network Gaps

- Poor Crosswalk Condition
- ADA accessibility

The combination of priority streets identified by the Town of Ayer, analysis of field data, and information acquired from MAPC Local Access tool resulted in the following recommendations for Complete Street Infrastructure projects. These projects are summarized in the “Town of Ayer Complete Streets Prioritization Plan” submitted to MassDOT included in (Appendix A) of the municipal Complete Streets Report. Order of magnitude cost estimates for each project may be found in (Appendix B).

**PROW (Public Right of Way) Self-Surveys Data Collection App/ArcGIS Survey 123App
Municipal Training Session with MRPC**

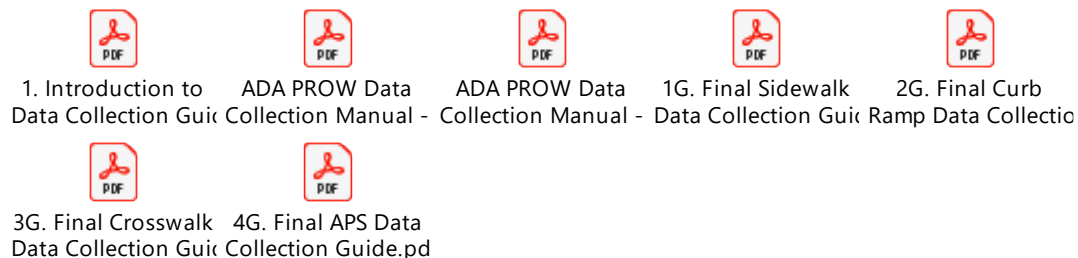
On May 20, 2021 Montachusett Regional Planning Commission (MRPC) Principal Transportation Planner, George Snow and GIS/IT Director, Jason Stanton, conducted a municipal review and training session on the PROW Self-Surveys Data Collection App and the ArcGIS Survey 123App platforms for the Town of Ayer. The PROW Self-Survey App provides the following capabilities:

Purpose of Pedestrian Facility PROW Data Collection

- To conduct field data collection on the existing conditions of the existing sidewalks, curb ramps, crosswalks, and APS systems within the PROW for further ADA planning activities.

Purpose of the Manual

- To provide step by step instructions on how to install the ArcGIS Survey123 app onto a tablet (Android or Apple), how to download the Surveys into the app and how to operate the ADA PROW Surveys Data Collection app while in the field conducting the Surveys.



The Town of Ayer with the Department of Public Works in the lead, working in coordination with the Town of Ayer Commission on Disabilities and municipal ADA Coordinator will deploy the PROW Self-Survey App platform to more cost-effectively and efficiently address, correct and bring the Town of Ayer’s public rights of way into full ADA compliance.

ADA TRANSITION PLAN

In accordance with the ADA Standards and MA 521 CMR, an assessment of the Town of Ayer's public facilities inclusive of public buildings, as well as, active and passive recreation facilities was conducted by the Montachusett Regional Planning Commission (MRPC) to identify physical barriers to programs and services. This assessment or "transition plan" includes the following elements, which fulfill the requirements for the preparation of a Transition Plan:

- Identification of physical obstacles in the building or facility that limit the accessibility of its programs or activities to persons with disabilities, and
- 2010 ADAAG and MAAB 521 CMR citation.
- Description of methods or type of action to be taken to eliminate identified obstacles.
- Priority of removal of barrier.
- Feasibility of removal of barrier.
- Establishment of a recommended completion date to achieve accessibility.
- General cost parameters for each action to be taken.
- Responsible party for implementation.

Limitations of the Transition Plan and Compliance

The primary obligation under Title II of the ADA is to ensure that programs and services are equally available to persons with disabilities. Municipalities are required to adhere to the 2010 Standards for Accessible Design in new construction and alterations. Programs must be relocated or access provided in inaccessible existing facilities as of the effective date of the ADA or January 26, 1992. When existing facilities comply with the 1991 Standards, there is no requirement to update to the current 2010 Standards. However, if conditions in existing facilities do not adhere to the original Standards, then the 2010 Standards must be followed.

ADA Safe Harbor: Elements in facilities built or altered before March 15, 2012 that comply with the 1991 ADA Standards for Accessible Design (1991 Standards) are not required to be modified to specifications in the 2010 Standards. For example, the 1991 Standards allow the maximum side reach of a control or dispenser to be 54 inches. The 2010 Standards lowered that side reach range to 48 inches maximum. If a control or dispenser was installed prior to March 15, 2012 with its highest operating part at 54 inches, that control or dispenser does not need to be lowered to 48 inches. Since the dispenser complies with the 1991 Standards, that Standard provides a "safe harbor".

Tolerances: Both the 2010 ADA Standards and 521 CMR allow for "tolerances" as follows: 2010 ADA Standards All dimensions are subject to conventional industry tolerances except where the requirement is stated as a range with specific minimum and maximum end points.

521 CMR

- Dimensions between zero and two inches, (0" and 2") inclusive, shall have a maximum tolerance of plus or minus one-eighth inch (1/8").
 - Dimensions more than two inches and less than 36 inches (>2" and <36") shall have a maximum tolerance of plus or minus one-half inch (1/2").
 - Dimensions 36 inches or greater (36" or >) shall have a maximum tolerance of plus or minus one inch (1")
 - Slopes may not exceed maximums. Slopes shall be measured in two-foot increments.
- Tolerances do not apply to minimums or maximums.

For the purposes of this plan, unless specifically noted, facility assessments are based on the 2010 ADA Standards and 521 CMR (Massachusetts Architectural Access Board MGL. C. 22 s13A), whichever is more stringent.

The plan does not address what is accessible, but rather obstructions to mobility. Inspection (fieldwork) of Ayer municipal facilities was performed by the Montachusett Regional Planning Commission (MRPC) staff consultants in July and August, 2020. Although general recommendations are made as corrective actions to eliminate identified obstacles, it is expected that the Town of Ayer will be solely responsible for designing the specific construction solution in accordance with 521 CMR: Architectural Access Board Regulations or the 2010 ADA Standards for Accessible Design, whichever is appropriate.

As part of the Transition Plan assessment, deficiencies or limitations to access were identified at each location. The actions noted in this plan to be taken in removing obstacles to mobility are descriptive and are not intended to be construction specifications. The specific construction action can vary substantially depending on desirability and type of materials. In addition, historically significant properties, including the (1876) Ayer Town Hall Building and (1893) Ayer Library Building, can result in additional cost due to more architecturally sensitive construction alternatives (historic properties discussed elsewhere in this Plan). As a result, the costs can vary accordingly. The party responsible for implementing the identified action will be responsible for working with the town's building commissioner and a design professional, if necessary, so as to ensure compliance with 521 CMR and/or the ADA Standards. Where appropriate, due to historic considerations, building configuration, or extent of use, a combination of programmatic solutions and construction alternatives are provided. Such measures are in full compliance with Title II of the ADA. In circumstances where there are differences in the compliance requirements between 521 CMR and the ADAAG, the stricter or more encompassing standard shall apply.

The Department of Justice issued 1991 Standards for Accessible Design to address physical barriers to facilities and transportation. There were technical amendments to these standards in 1994 followed by more substantive amendments in 2010 (*2010 ADA Standards for Accessible Design*). These 2010 Standards revised policy requirements for certain areas such as service animals. The 2010 Standards also addressed certain physical components including assembly seating, the establishment of construction tolerances for certain items and formalized standards for docks, fields, pools, and other recreational facilities.

As is the circumstance with 521 CMR of the Massachusetts State Building Code, under the Federal ADA, construction modifications for accessibility compliance is not required unless triggered by renovation and/or new construction. Municipalities must still ensure that individuals are not excluded from programs and services because buildings or facilities are inaccessible. This can be accomplished through relocating a program or service to an accessible location or other means of reasonable accommodation. For the purposes of this Transition Plan, the higher standard of compliance will be used for the purpose of identifying obstacles and determining cost, however, descriptive alternatives will also be provided in the narrative. Use of the Transition Plan This plan is intended to be a working document. If a barrier was over-looked it can easily be added to the plan. Programs and services can be modified and adapted over time as needed. Similarly, policies and procedures can be modified and adopted to reflect current legislative requirements. Actual construction methods to arrive at a solution for an identified problem may vary depending on final plans and specifications. The town should use this plan as a guide for compliance and modify it as needed without altering its initial intent and efforts of compliance. In addition, the inventory of barriers can be used in concert with the town's capital budget process to assist in the determination of how and when to proceed with the many suggested improvements. The plan provides a description of the obstacle which limits mobility or access, 2010 ADA Standards citation reference, MA 521 CMR citation reference, the type of action required to be taken for compliance, the priority for the action, the feasibility of undertaking the action, the timeframe for completion, a representative photo, and a general parameter of cost.

Priority (P): Each architectural barrier has also been ranked according to the priority of removal based upon the type of access that is affected. The priority rankings (#1 being the highest priority and #4 being the lesser priority) are determined by the ADA and are defined as follows:

Priority Description

1. Accessible approach and entrance
2. Access to goods and services
3. Access to public toilet rooms
4. Access to other items (ex. – water fountains, public telephones, etc.)

Feasibility (F): Each architectural barrier has been ranked according to the feasibility of removing that particular barrier. The feasibility rankings are somewhat subjective and are based on a perceived degree of difficulty or skill level required to remove an architectural barrier. These rankings are as follows:

Ranking Description

1. Can be easily undertaken (*ex. move furniture, put sign on a wall*)
2. Can be undertaken by maintenance staff, DPW, etc. (*ex. install post and sign, move dispensers, adjust door closer, change door hardware*)
3. Minor modifications which require skilled or specialized work (*build ramp, alarm installation, sink/toilet installation, etc.*)
4. Major modifications which require skilled or specialized work (*structural changes, building additions, elevators/lifts, etc.*)

Time Frame (TF): A recommended time frame for removing the architectural barrier is provided as follows:

Time-frame Description

- (I) Immediate Term (2021-2022)
- (N) Near Term (2023-2026)
- (L) Long Term (2027-2030)

Costs: Cost estimates are based on recent projects of similar nature, unit quantity pricing (*where appropriate*), and R.S. Means Company, Inc. ADA Compliance Pricing Guide 2nd Edition and updated for current pricing. Cost estimates are also based on the type and complexity of work. It is being assumed that simple changes (*Feasibility ranking of 1 or 2*) will be made through the use of town personnel (*custodial, DPW, etc.*). More complex construction or those projects requiring specialized skills (*Feasibility ranking of 3 or 4*), would involve private contractors and include labor, overhead, and profit.

Abbreviations:

- a.f.f. (above finish floor)
- c.f.s (clear floor space s/b should be)
- r.s (running slope > greater than)
- c.s. (cross slope <)

Facilities

Ayer Town Hall

Description of Obstacles

Parking

The one accessible parking space should be van accessible; minimum width is 11' for van parking space.



Entrance

The main entrance and alternative entrance are not accessible. One entrance must be accessible, and a sign must be placed at other entrance indicating where the accessible entrance is located. The door handle should be between 34 and 48 inches above the ground. The door to the vestibule must be at least 48" from the other door when opened into the vestibule space. Carpet or mat edges should be secure to avoid tripping.



Interior Accessible Routes

The front, main entrance foyer and elevator are inaccessible as they can only be accessed by using stairs. All carpeting along interior routes should be securely attached along the edges.



Bathrooms

Coat hooks inside bathroom and bathroom stalls should be no more than 48" above the floor. At least one lavatory should have clear space for a forward approach at least 48" long. The sidewall grab bar should extend at least 54 inches from the rear wall.



Drinking Fountains

The front of the fountain should protrude no more than 4 inches into the circulation path.



Transition Matrix

General Description of Obstacle	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The parking area must have at least one van accessible parking space.	502	23.4	Reconfigure existing area and add proper signage	1	1	I	\$1,000.00
Entrance: One entrance must be accessible, and a sign must be placed at other entrance indicating where the accessible entrance is located.	502	23	Add directional sign to front of building to indicate accessible entrance.	1	1	I	\$250.00
The door handle should be between 34 and 48 inches above the ground.	404	26.11.2	Change out handle.	1	1	I	\$600.00
The distance between the vestibule doors must be at least 48 inches plus the width of the doors when swinging into the space.	404.2.4	26.7	Reconfigure doors.	1	3	N	\$3200.00
Carpet or mat edges should be secure to avoid tripping.	302	29.3.2	Remove or secure.	1	1	I	\$25.00
Interior Accessible Routes: The front, main entrance foyer and elevator are inaccessible as they can only be accessed by using stairs.	402	20.5	Add Signage to direct traffic to accessible entrance.	1	1	I	\$200.00
Carpet or mat edges should be secure to avoid tripping.	302	29.3.2	Remove or secure	1	1	I	\$25.00
Bathrooms: Coat hooks inside bathroom and bathroom stalls should be no more than 48" above the floor.	603.4	30.6.1 d	Adjust height.	1	1	I	\$100.00
One lavatory should have a clear floor space for a forward approach at least 30 inches wide and 48 inches long.	305.3	30.5	Reconfigure existing area to meet code.	3	3	N	\$2000.00
The sidewall grab bar should extend at least 54 inches from the rear wall.	604.5	30.6	Add new grab bar.	1	1	I	\$150.00
Drinking Fountains: The front of the fountain should protrude no more than 4 inches into the circulation path.	602	20.6	Relocate or recess fountain to meet code.	4	3	N	\$1800.00

Ayer Public Library

Description of Obstacles

Parking

The slope of the accessible parking spaces and access aisles should be no steeper than 1:48 in all directions; the access aisle and the right accessible spot are too steep. The bottom of the sign for the accessible spaces should be at least 60" above the ground. The van accessible space should have a sign stating, "van accessible".





Entrance

The entrance threshold should be no more than $\frac{1}{4}$ " high. The vestibule should have a distance between the doors of at least 48 inches plus the width of the doors when swinging into the space.

Bathrooms

The sidewall grab bar should extend at least 54 inches from the rear wall. The toilet paper dispenser should be located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser.



Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
<p>Parking: The slope of the accessible parking spaces and access aisles should be no steeper than 1:48 in all directions.</p>	403	22	Rework existing area to meet code.	1	4	L	\$25,000.00
<p>The bottom of the sign for the accessible spaces should be at least 60" above the ground.</p>	502.6	23.6.4	Replace existing sign to comply with height requirement and add language "van accessible".	1	1	I	\$400.00
<p>The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".</p>	502.6	23.4.7	See Above.				
<p>Entrance: The entrance threshold should be no more than ¼" high.</p>	303.2	29.2.1	Change out threshold.	1	1	I	\$350.00
<p>The distance between the vestibule doors must be at least 48 inches plus the width of the doors when swinging into the space.</p>	404.2.4	26.7	Reconfigure doors to comply.	1	3	N	\$4,500.00
<p>Bathrooms: The sidewall grab bar should extend at least 54 inches from the rear wall.</p>	604.5	30.6	Change out grab bar.	1	1	I	\$150.00

The toilet paper dispenser should be located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser and no greater than 9 inches from the front of the water closet to the centerline of the dispenser.	604.7	30.7.6	Rehang dispenser to comply	1	1	1	\$150.00 Above
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Ayer Council on Aging

Description of Obstacles

Parking

At least one accessible space must be a van accessible space and all accessible spaces must have an accessible aisle. The accessible space should have a sign with universal accessibility symbol.



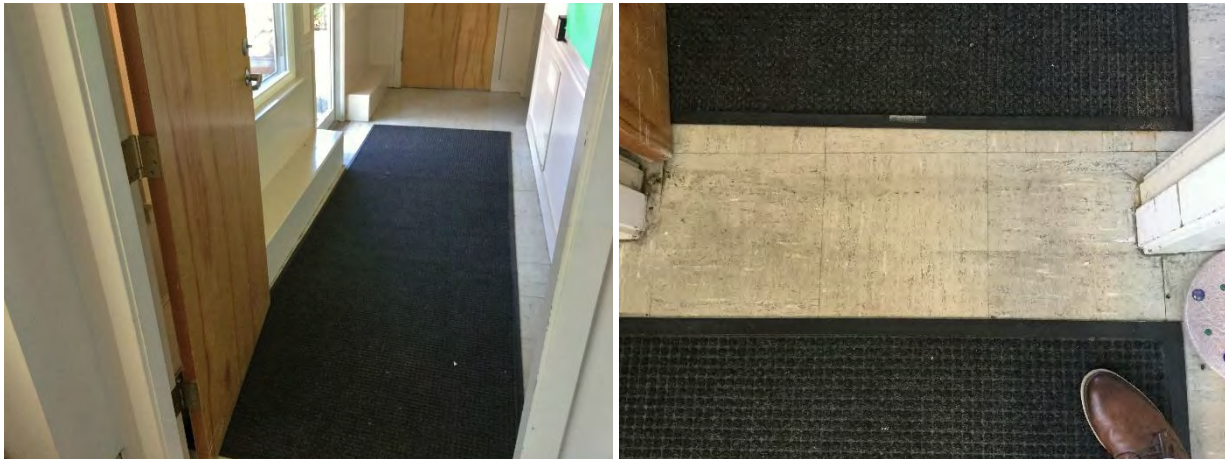
Exterior Accessible Routes

The accessible route should be closest to the accessible entrance. The exterior accessible route should be stable, firm and slip-resistant, and at least 36" wide.



Entrance

At least one entrance must be accessible and have a sign indicating it is accessible. The entrance threshold should be no more than ¼" high. Entrance area carpet should be securely attached at the edge.



Interior Accessible Routes

The interior accessible route should have a passing area at least 60"x60" if the route is less than 60" wide and more than 200' long. All carpet along the route should be securely attached at the edges. Any controls (*light switches, security alarm, etc.*) should have forward approach at least 30" wide by 48" long.



Assembly Spaces

All interior assembly spaces (*rooms, theatres, etc.*) should have adequate number of wheelchair accessible spaces per the total number of seats.

Bathrooms

The signs outside the bathroom must meet code: raised braille, located on latch side, and the lowest characters should be at least 48" above the ground and less than 60" above the ground. The door closer should take at least 5 seconds to reach 12 degrees from the latch. Clear path to fixtures like lavatory or hand dryer should be at least 36" wide. Bathroom should have 60" clear floor space to enable wheelchair turnaround. Bathroom coat hook should be no more than 48" above the ground. The lavatory should have at least 27" of clearance in front from ground. Soap dispenser and hand dryer should be no more than 48" above the floor. Side wall grab bar should be at least 42" long, should be no less than 12" from rear wall, should be mounted between 33" and 36" above floor, should be no more than 1.5" from wall, and should extend at least 54" from rear wall. The flush control should be on open side of toilet area. Toilet paper dispenser should be located between 7 and 9" from centerline of toilet. Doors should be self-closing with handles on both sides that do not require tight gripping.



Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The parking area must have at least one van accessible parking space.	502	23.4.7					
All accessible spaces must have an accessible aisle.	502.2	23.4.6	Moving existing space to the area directly	1	1	I	\$2000.00
The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".	502.6	23.4.7.6	In front of the accessible door, install new signage, ensure new space meets criteria for a Van space.				
Exterior Accessible Routes: The accessible route should be closest to the accessible entrance.	403	23.3	See Above.				
The exterior accessible route should be stable, firm and slip-resistant, and at least 36" wide.	403.5.1	29.1	Repave the area in disrepair to comply.	1	3	I	\$4,500.00
Entrance: At least one entrance must be accessible and have a sign indicating it is accessible.	502	23.4.7	Add signage.	1	1	I	\$200.00
The entrance threshold should be no more than ¼" high.	303.2	29.2.1	Change out threshold.	1	1	I	\$350.00
Carpet or mat edges should be secure to avoid tripping.	302	29.3.2	Remove or secure	1	1	I	\$25.00
Interior Accessible Routes: The interior accessible route should have a passing area at least 60"x60" if the route is less	403.5.3	20.5	Redesign interior area to bring it into compliance.	1,3	4	L	\$50,000.00

<p>than 60" wide and more than 200' long. ***</p> <p>Carpet or mat edges should be secure to avoid tripping.</p> <p>All controls (light switches, security alarm, etc.) should have forward approach at least 30" wide by 48" long.</p>	<p>302</p> <p>305</p>	<p>29.3.2</p> <p>6.4.1</p>	<p>Remove or secure.</p> <p>Correct during redesign phase/construction.</p>	<p>1</p> <p>1</p>	<p>1</p> <p>4</p>	<p>I</p> <p>L</p>	
<p>Assembly Spaces: All interior assembly spaces (rooms, theatres, etc.) should have adequate number of wheelchair accessible spaces per the total number of seats.</p>	221.2.1	35.1	Currently there are 24 seats. Needs 5% accessible to be compliant. Reconfigure existing space.	1	1	I	\$0.00
<p>Bathrooms: The signs outside the bathroom must meet code: raised braille, located on latch side, and the lowest characters should be at least 48" above the ground and less than 60" above the ground.</p> <p>The entrance door closer should take at least 5 seconds to reach 12 degrees from the latch.</p> <p>Clear path to fixtures like lavatory or hand dryer should be at least 36" wide.</p> <p>Bathroom should have 60" clear floor space to enable wheelchair turnaround.</p> <p>Coat hooks inside bathroom and bathroom stalls should be no more than 48" above the floor.</p> <p>The lavatory should have at least 27" of clearance in front from ground.</p> <p>Soap dispenser and hand dryer should be no more than 48" above the floor.</p> <p>Sidewall grab bar should be at least 42" long, should be no less than 12" from rear wall, should be mounted between 33" and 36" above floor, should be no more</p>	<p>703.3.1</p> <p>402.2.8.1</p> <p>305.7.1</p> <p>404.2.4</p> <p>603.4</p> <p>306.3</p> <p>604.7</p> <p>604.5</p>	<p>41.1</p> <p>26.8</p> <p>30.6</p> <p>30.6</p> <p>30.6.1 d</p> <p>30.9.2</p> <p>30.12</p> <p>30.6</p>	<p>REMODEL EXISTING BATHROOMS TO BRING INTO COMPLIANCE.</p>	<p>3</p>	<p>4</p>	<p>L</p>	<p>\$150,000.00</p>

than 1.5" from wall, and should extend at least 54" from rear wall.						
The flush control should be on open side of toilet area.	604.6	30.7.5				
The toilet paper dispenser should be located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser.	604.7	30.12				
The stall door should be self-closing with handles on both sides that do not require tight gripping.	604.8.1.2	30.6.1 b	SEE ABOVE.			ABOVE

Ayer Police Station

Description of Obstacles

Parking

The van accessible space and aisle should each be at least 8' wide. The bottom of the accessible space sign should be at least 60" from the ground. Signs for van accessible space should be installed.



Entrance

Inaccessible entrance should have a sign and direction to accessible entrance.



Bathrooms

Inaccessible bathrooms should have sign and direction to accessible bathrooms. The clearance provided around the toilet should measure at least 60 inches from the side wall and at least 56 inches from the rear wall. Side-wall grab bar should extend at least 54" from rear wall. There should be at least 12" clearance between rear-wall grab bar and any protruding object above the bar. The toilet paper dispenser should be between 7 and 9" from the toilet centerline.



Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The van accessible space and aisle should each be at least 8' wide.	502	23.4	Reconfigure existing space to bring into compliance.	1	1	I	\$600.00
The bottom of the sign for the accessible spaces should be at least 60" above the ground.	502.6	23.6.4	Change out sign to correct height and add van accessible.	1	1	I	\$200.00
The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".	502.6	23.4	See Above	1	1	I	
Entrance: Inaccessible entrance should have a sign and direction to accessible entrance.	703	25.6	Add signage.	1	1	I	\$200.00
Bathrooms: Inaccessible bathrooms should have sign and direction to accessible bathrooms.	703	41.1.3	Add signage.	1	1	I	\$200.00
The clearance provided around the toilet should measure at least 60 inches from the side wall and at least 56 inches from the rear wall.	404.2.4	30.6.1	Relocate/move existing stall to meet dimensions.	1	3	N	\$1,200.00
Side-wall grab bar should extend at least 54" from rear wall.	604.5	30.6	Install new grab bar.	1	1	I	\$200.00
There should be at least 12" clearance between rear-wall grab bar and any protruding object above the bar.	307	30.6	Remove protruding object.	1	1	I	\$150.00
The toilet paper dispenser should be located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser.	604.7	30.7.6	Relocate dispenser.	1	1	I	\$150.00

Ayer Public Works Building

Description of Obstacles

Parking

The building should have at least one van accessible space and aisle. The accessible space should be at least 8' wide. The bottom of the accessible space sign should be at least 60" above the ground.

Entrance

Entrance threshold should be no more than ¼" high. All entrance area carpeting should have edges secured to avoid trip hazard.

Interior Accessible Routes

Carpet edges should be securely fastened.

Assembly Rooms

Signs for interior assembly rooms should have braille. Signs should be mounted so bottom of text is at least 48" above ground and no more than 60" above ground.

Bathrooms

There should be at least 12 inches clearance between the sidewall grab bar and protruding objects above. The stall door should be self-closing.

Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The parking area must have at least one van accessible parking space. The accessible space should be at least 8' wide. The bottom of the sign for the accessible spaces should be at least 60" above the ground. The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".	502 502 502.6 502.6	23.4 23.4 23.6.4 23.4.7	RELINE EXISTING AREA AND CHANGE SIGNAGE T BRING INTO COMPLIANCE.	1	1	I	\$1,200.00
Entrance: Entrance threshold should be no more than ¼" high.	303.2	29.2.1	Replace threshold.	1	1	I	\$200.00

Carpet or mat edges should be secure to avoid tripping.	302	29.3.2	Remove or secure.				\$25.00
Interior Accessible Routes: Carpet or mat edges should be secure to avoid tripping.	303.2	29.3.2	Remove or secure.	1	1	1	\$25.00
Assembly Rooms: Signs for interior assembly rooms should have braille.	703	41.5	CHANGE OUT SIGN AND MOUNT AT CORRECT HEIGHT.	1	1	1	\$200.00
Signs should be mounted so bottom of text is at least 48" above ground and no more than 60" above ground.	703.3.1	41.1					
Bathrooms: There should be at least 12" clearance between rear-wall grab bar and any protruding object above the bar.	604.5	30.6	Relocate protruding object.	1	1	1	\$200.00
The stall door should be self-closing.	604.8.1.2	30.6.1 b	Add self-closing service to door.	1	1	1	\$750.00

Ayer Fire Station

Description of Obstacles

Parking

No route exists from arrival points to entrance without using steps. No accessible spaces meet regulations, but enough area exists to make accessible spaces, van spaces, and aisles. The accessible parking sign must be at least 60" above the ground. The van accessible space must have a sign.



Exterior Accessible Routes

The inaccessible entrances should have signs indicating the location of the nearest accessible entrance and the accessible entrance should have a sign indicating this.

Entrance

The vestibule doors should have a distance between the doors at least 48 inches plus the width of the doors when swinging into the space.

Bathrooms

The inaccessible bathrooms should have direction sign to accessible bathroom and the accessible bathroom should have a sign indicating it is the accessible bathroom. The two doors in a series, e.g. vestibule, should have a distance between the doors at least 48 inches plus the width of the doors when swinging into the space. Bathroom hand dryer must meet code. The clearance provided around the toilet should measure at least 60 inches from the side wall and at least 56 inches from the rear wall. The side grab bar must extend at least 54" from rear wall. Any protruding objects from rear wall should have at least 12" clearance from rear wall grab bar. The toilet paper dispenser should be between 7 and 9" from centerline of the toilet.



Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: No route exists from arrival points to entrance without using steps.	_____	_____	NOTE THIS AREA IS FOR EMERGENCY VEHICLES ONLY.	-	-	-	_____
Parking area car and van accessible spaces and aisles must meet minimum width.	502	23.4	Reline existing area to code.	1	1	I	\$800.00
The bottom of the sign for the accessible spaces should be at least 60" above the ground.	502.6		Replace sign to meet code.	1	1	I	\$200.00
The van accessible space should have a sign with universal	502.6		Add to new sign.	1	1	I	\$200.00

accessibility symbol and stating, "van accessible".							
Exterior Accessible Routes: Inaccessible entrance should have a sign and direction to accessible entrance.	502	41.1.3	Add signage.	1	1	I	\$200.00
The accessible entrance should have a sign with universal accessibility symbol.	502	41.1.2	Add signage.	1	1	I	\$200.00
Entrance: The distance between the vestibule doors must be at least 48 inches plus the width of the doors when swinging into the space.	404.2	26.7	Reconfigure to meet code.	1	3	N	\$1800.00
Bathrooms: The inaccessible bathrooms should have direction sign to accessible bathroom and the accessible bathroom should have a sign indicating it is the accessible bathroom.	703	41.1.3	Add signage.	1	1	I	\$200.00
The distance between the vestibule doors must be at least 48 inches plus the width of the doors when swinging into the space.	404.2.4	26.7	Reconfigure to meet code.	1	1	N	\$1200.00
Bathroom hand dryer must meet code.	308	30.12	Change out dryer to meet code.	1	1	I	\$300.00
The clearance provided around the toilet should measure at least 60 inches from the side wall and at least 56 inches from the rear wall.	604.3.1	30.6.1	Reconfigure area to meet code.	1	1	I	\$500.00
The sidewall grab bar should extend at least 54 inches from the rear wall.	604.5	30.6	Replace to meet code.	1	1	I	\$200.00
There should be at least 12" clearance between rear-wall grab bar and any protruding object above the bar.	604.5	30.6	Move protruding object.	1	1	I	\$250.00
The toilet paper dispenser should be located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser.	604.7	30.7.6	Move dispenser to meet code.	1	1	I	\$150.00

Ayer Parks and Recreation Building

Description of Obstacles

Parking

The van accessible aisle must be at least 8' wide. The accessible space parking sign must be at least 60" above the ground.



Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The van accessible aisle must be at least 8' wide.	502	23.4	Reline existing area to code.	1	1	I	\$800.00
The bottom of the sign for the accessible spaces should be at least 60" above the ground.	502.6	23.6.4	Replace sign.	1	1	I	\$200.00

Ayer Transfer Station

Description of Obstacles

Parking

At least one accessible space must be a van accessible space including accessible aisle. All accessible spaces must have a sign.

Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
Parking: The parking area must have at least one van accessible parking space.	502	23.4	Reline existing area to meet code.	1	1	I	\$800.00
The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".	502.6	23.4.7	Add signage.	1	1	I	\$200.00

Parks

Sandy Pond Beach & Building

Description of Obstacles

Bathroom

Bathroom signs should include braille, be located on latch side, and be between 48 and 60" above the ground. The door opening should be at least 32" wide. The front approach to the pull side of the door should have at least 18 inches of maneuvering clearance beyond the latch side plus 60 inches clear depth. Door hardware should be mounted between 34 and 48" above the floor. The privacy wall should have at least 24 inches of maneuvering clearance beyond the door latch side and 42 inches to the privacy wall. There should be a clear path at least 36" wide to each bathroom fixture (*hand dryer, soap dispenser, etc.*). The clearance provided around the toilet should measure at least 60 inches from the side wall and at least 56 inches from the rear wall. The flush control should be on open side of toilet. The toilet paper dispenser should be mounted between 7 and 9" from the toilet centerline. The door pulls on both sides of the door, and lock on inside, should be operable with one hand and not require tight grasping pinching or twisting of the wrist. The stall area should be at least 60" wide and at least 59" deep beyond the stall door when swung into the area.

Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF
Bathrooms: Bathroom signs should include braille, be located on latch side, and be between 48 and 60" above the ground.	703.3.1	30.	COMPLETE REMODEL OF THE EXISTING BATH HOUSE TO BRING IT INTO COMPLIANCE.	3	4	L
The entrance door opening should be at least 32" wide.	404.2.3					
The front approach to the pull side of the entrance door should have at least	404					

18 inches of maneuvering clearance beyond the latch side plus 60 inches clear depth.						
Door hardware should be mounted between 34" and 48" above the floor.	404.2.7					
The privacy wall should have at least 24 inches of maneuvering clearance beyond the door latch side and 42 inches to the privacy wall.	404					
There should be a clear path at least 36" wide to each bathroom fixture (hand dryer, soap dispenser, etc).	305.7.1	30.				
The clearance provided around the toilet should measure at least 60 inches from the side wall and at least 56 inches from the rear wall.	604.3.1					
The flush control should be on open side of toilet.						
The toilet paper dispenser should be located no less than 7 inches and no greater than 9 inches from the front of the water closet to the centerline of the dispenser.	604.6					
	604.7					
The door pulls on both sides of the stall door, and lock on inside, should be operable with one hand and not require tight grasping pinching or twisting of the wrist.	404.2.7	30.		COMPLETE REMODEL OF THE EXISTING BATH HOUSE TO BRING IT INTO COMPLIANCE.	3	4 L
The stall area should be at least 60" wide.						
The minimum required compartment area provided beyond the swing of the stall door is 59 inches for floor mounted toilet.	604.3					
	404					

Dog Park

Description of Obstacles

Parking

The parking area must have at least one van accessible parking space. All accessible spaces should have a sign.

Transition Matrix

General Description of Deficiency	2010 ADAAG	MAAB 521 CMR	Type of Action to be Taken	P	F	TF	Cost
<p>Parking: The parking area must have at least one van accessible parking space.</p>	502	23.4	Reline existing area to code.	1	1	I	\$800.00
<p>The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".</p>	502	23.4	Replace signage.	1	1	I	\$200.00

ATTACHMENTS

Attachment A:

Ayer Municipal Department Survey Monkey Response Excerpts & Forms

Excerpts:

Question 4.) "Do you know who is the designated ADA Coordinator for the Town of Ayer?"

- Yes: 100%
- No: 0%

Question 5.) "Have you received training or information regarding the requirements of the Americans with Disabilities Act (ADA)?"

- Yes, I have received both training & information: 25%
- Yes, I have received training only: 6.25%
- Yes, I have received information only: 37.5%
- No: 31.25%

Question 6.) "Have you received training on providing services or activities for persons with disabilities?"

- Yes: 18.75%
- No: 81.25%

Question 7.) "Have you received, or are you aware of any specific concerns, complaints, or problems regarding access for persons with disabilities to any of the programs, services, activities or facilities provided by the Town of Ayer?"

- Yes: 43.75%
- No: 56.25%

Question 9.) "Is there a policy in place for responding to requests from the public for accommodations to the program allowing persons with disabilities?"

- Yes: 25%
- No: 6.25%
- Do not know: 62.50%
- Not applicable: 6.25%

Question 11.) "Does your department track accommodation requests?"

- Yes: 12.5%
- No: 56.25%
- Do not know: 12.5%
- Not applicable: 18.75%

Question 12.) "Does your department offer any programs, services, activities, or events specifically for persons with disabilities?"

- Yes: 25%
- No: 75%

- Do not know: 0%
- Not applicable: 0%

Question 13.) “Is a “Notice Under the Americans with Disabilities Act” or a nondiscrimination statement available and posted in your department for program participants who may be persons with disabilities?”

- Yes: 6.25%
- No: 68.75%
- Do not know: 12.5%
- Not applicable: 12.5%

Question 14.) “Are you familiar with the Town of Ayer’s grievance or complaint procedures for persons with disabilities?”

- Yes: 25%
- No: 68.75%
- Do not know: 6.25%
- Not applicable: 0%

Question 17.) “Does your department require that public meetings and conferences be held in accessible locations?”

- Yes: 68.75%
- No: 12.5%
- Do not know: 6.25%
- Not applicable: 6.25%
- Blank: 6.25%

Question 18.) “Are Assistive listening devices or systems available for public meetings?”

- Yes: 50%
- No: 31.25%
- Do not know: 18.75%

Attachment B.

Link to - Ayer General Public ADA Survey Responses

<https://www.surveymonkey.com/results/SM-YFXQ77579/>

Q4 (by day)

Chart Type

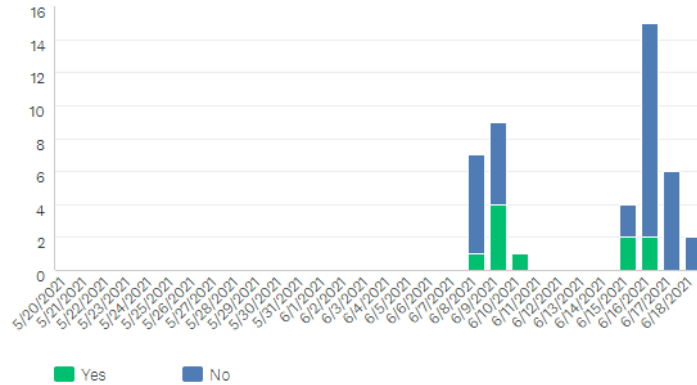
Display Options

Trend by...

Zoom

Do you know who to contact if you need ADA assistance, have a concern or complaint, or need an accommodation to access a facility, service, or event?

Answered: 44 Skipped: 0 First: 6/8/2021 Zoom: 5/20/2021 to 6/18/2021



Q5 (by day)

Chart Type

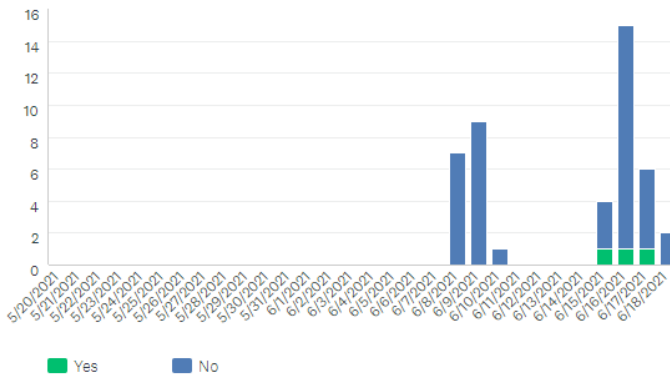
Display Options

Trend by...

Zoom

Have you ever requested an ADA accommodation for a disability from the Town of Ayer?

Answered: 44 Skipped: 0 First: 6/8/2021 Zoom: 5/20/2021 to 6/18/2021



Q6 (by day)

Chart Type

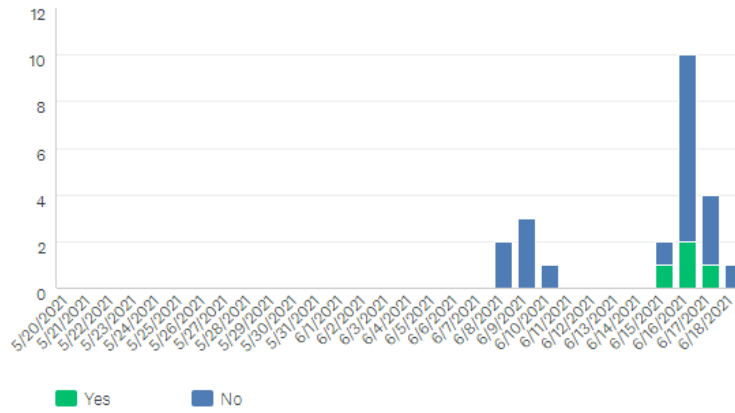
Display Options

Trend by...

Zoom

Was your accommodation provided?

Answered: 29 Skipped: 15 First: 6/8/2021 Zoom: 5/20/2021 to 6/18/2021



Q7 (by day)

Chart Type

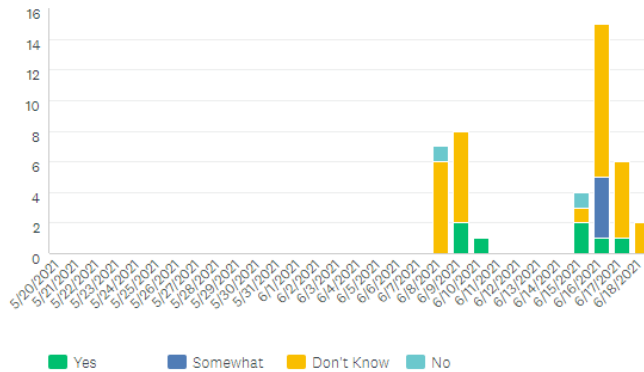
Display Options

Trend by...

Zoom

Is the responsiveness of Town of Ayer staff towards persons with disabilities generally helpful, supportive, positive, and proactive in solving accessibility issues?

Answered: 44 Skipped: 0 First: 6/8/2021 Zoom: 5/20/2021 to 6/18/2021

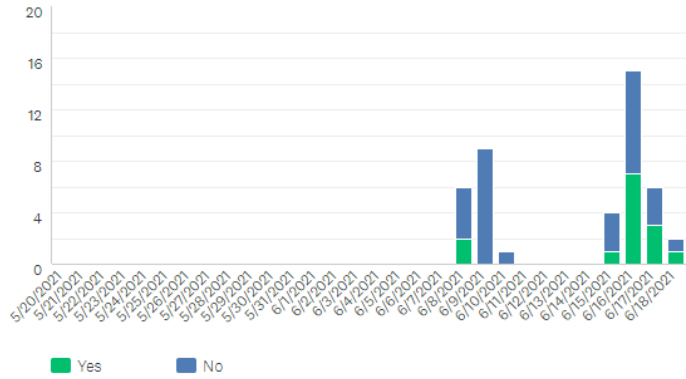


Q8 (by day)

Chart Type Display Options Trend by... Zoom

Are you aware of any specific concerns, complaints, or problems regarding access for persons with disabilities to any of the programs, services, or activities provided by the Town of Ayer?

Answered: 43 Skipped: 1 First: 6/8/2021 Zoom: 5/20/2021 to 6/18/2021

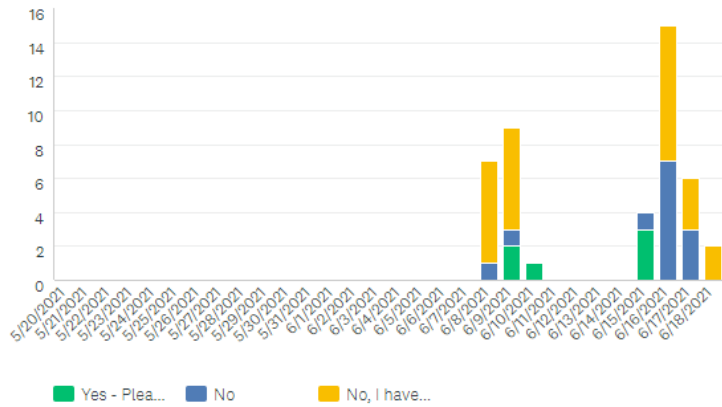


Q9 (by day)

Chart Type Display Options Trend by... Zoom

Do you know who is the designated ADA Coordinator for the Town of Ayer?

Answered: 44 Skipped: 0 First: 6/8/2021 Zoom: 5/20/2021 to 6/18/2021



Attachment C.

Office of the Board of Selectmen
Office of the Town Manager



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

TOWN OF AYER

GRIEVANCE PROCEDURE UNDER THE AMERICANS WITH DISABILITIES ACT

- This Grievance Procedure is established to meet the requirements of the Americans with Disabilities Act of 1990 ("ADA"). This may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in the provision of services, activities, programs, or benefits by the Town of Ayer
- The Town of Ayer's Personnel Policy governs employment-related complaints of disability discrimination. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities upon request. The complaint should be submitted by the grievant and/or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation to: Charles Schultz, Building Commissioner, One Main Street, Ayer, MA 01432.
- Within 15 calendar days after receipt of the complaint, the Building Commissioner or their designee will meet with the complainant to discuss the complaint and the possible resolutions.
- Within 15 calendar days of the meeting, the Building Commissioner or their designee will respond in writing, and where appropriate, in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the Town of Ayer and offer options for substantive resolution of the complaint.
- If the response by the Building Commissioner or their designee does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision within 15 calendar days after receipt of the response to the Town Manager or their designee.
- Within 15 calendar days after receipt of the appeal, the Town Manager or their designee will meet with the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the Town Manager or their designee will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- All written complaints received by the Building Commissioner or their designee, appeals to the Town Manager or their designee, and responses from these two offices will be retained by the Town Clerk for at least three years.

Adopted by the Board of Selectmen – September 11, 2018

Attachment D.



Town of Ayer, Massachusetts

Reasonable Accommodation Policy

In accordance with the Americans with Disabilities Act, the Town of Ayer has adopted the following policy to address requests for reasonable accommodations made by people with disabilities in its employment, services, activities, policies, procedures, rules, and regulations.

Citizens, employees, or applicants for employment of the Town of Ayer with qualified disabilities should address any requests for accommodation to the Town's ADA Coordinator using the "**Reasonable Accommodation Request Form**" available on the town's website or from the Office of the Town Manager.

Written requests should be sent to: *(Note: Alternative means of filing a request such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing).*

Ayer ADA Coordinator

c/o Office of the Town Manager,
Ayer Town Hall
One Main Street, Ayer, MA 01432
978.772.8220
tm@ayer.ma.us

If the Town of Ayer can grant the accommodation, the requestor will be notified within two weeks of receipt of the request and no further action will be required by the requestor. The request will then be implemented by the appropriate Town Department.

If the Town of Ayer cannot grant the accommodation request, the requestor will be notified in writing of the decision, along with notification of the right to file a grievance under the Town's Grievance Procedure.

Associated Links to "Accommodation" Resources:

Link to: Enforcement Guidance on Reasonable Accommodation and Undue Hardship under the ADA – US Equal Employment Opportunity Commission

<https://www.eeoc.gov/laws/guidance/enforcement-guidance-reasonable-accommodation-and-undue-hardship-under-ada>

Link to: Disability Rights in Employment – MA Office on Disability

<https://www.mass.gov/info-details/disability-rights-in-employment#reasonable-accommodations-in-employment->

Link to: Employment Rights of People with Disabilities – MA Office of the Attorney General

<https://www.mass.gov/service-details/employment-rights-of-people-with-disabilities>

Attachment E.

Town of Ayer, Massachusetts

Request for Reasonable Accommodation Form

The Town of Ayer requests the completion of this form to assist it in assessing your request for a reasonable accommodation. This initial information will be part of an interactive process with you as we explore your request. This form will be kept separate from your personnel file. The responses may generate the need for additional medical information.

TO BE COMPLETED BY REQUESTOR

Print Name _____ Date _____
Phone (work) _____ (home) _____
Dept/Div. _____ Job Title _____

City Employee Applicant for Employment Other (please explain) _____

A. What limitation(s) is interfering with your job application process?

B. How does your limitation(s) interfere with your ability to participate in your job application process?

C. Describe any suggested accommodation(s) that you believe will assist you in addressing the above referenced limitation(s):

D. Explain how the requested accommodations(s) will assist you:

E. If applicable, identify the source and/or cost (if known) for providing the accommodation(s):

EMPLOYEE

F. What limitation(s) is interfering with your job performance or accessing a benefit of employment?

G. What job function(s) or benefit(s) of employment are you having difficulty performing or accessing because of that limitation(s)?

H. How does your limitation(s) interfere with your ability to perform your job function(s) or access a benefit of employment?

I. Describe any suggested accommodation(s) that you believe will assist you in addressing the above referenced limitation(s):

J. If applicable, identify the source and/or cost (if known) for providing the accommodation(s):

Requestor's Signature _____

Date _____

RETURN THIS FORM TO THE TOWN OF AYER ADA COORDINATOR

Attachment F.

(2019) Town of Ayer Open Space & Recreation Plan (OSRP) – ADA Accessibility

<https://www.ayer.ma.us/conservation-commission/files/open-space-recreation-plan>

PART II: PROGRAM ACCESSIBILITY

1. Facility Inventory and Transition Plan: This evaluation covers open space and recreation properties that are under the jurisdiction of the Conservation Commission. Maintenance on most of these properties is minimal and/or occasional, relying primarily on volunteer efforts. Factors such as uneven terrain and primitive trail conditions preclude the use and enjoyment of many conservation properties by individuals with disabilities. Such factors also render it practically infeasible to devise and implement a transition plan for greater accessibility on these properties.

PIRONE PARK – Bligh Street Ayer, MA. Managed by Town of Ayer Parks Department Size: ~15 acres Facilities: 4 Baseball diamonds; 2 Basketball Courts; 2 Soccer Fields; “Kiddie Junction” Playlot; Batting Cage; numerous picnic tables; Restrooms; Concession Stand.

Existing Conditions: There are six “Handicapped Parking” spaces and signage on posts with approximately 70 total spaces in good repair on a paved surface that is located in the center of the park, conveniently located between all onsite facilities. Fully accessible handicapped restrooms and a water fountain are available and conveniently located at concession stand. There is a newly-installed three-foot wide, level, handicapped accessible paved path in perfect condition that encircles the entire park for nearly ½ mile. There are numerous benches along this path and several standard picnic benches that are handicapped accessible. Access to the ballfield viewing grandstands is not fully handicapped accessible given several feet of dirt that can get muddy and soft between the accessible path and the seating but otherwise there is the ability for the handicapped to achieve close access to all of the fields and other facilities in the park. The “Kiddie Junction” Tot Playlot is a gravel, hard-packed surface that can accommodate handicapped access: this pressure treated lumber constructed facility is being considered for replacement. Fields are in good condition.

Suggested Improvements: Place additional “Van Accessible” signs below “HP” sign where applicable on in-ground posts 5 to 8 feet above ground per ADAAG requirements. Install a handicapped accessible picnic table. Replace “Kiddie Junction” Tot Playlot with a fully accessible playground. Extend accessible path ~10 feet to paved basketball courts.

SANDY POND BEACH – Sandy Pond & Snake Hill Roads, Ayer, MA. Managed by Parks & Recreation Department, Size: ~1 acre. Facilities: Beachfront; Volleyball Court; 3-Hoop Basketball Court; Playground; Picnic tables; Restrooms; Concession Stand; Floating Dock in-season.

Existing Conditions: There are two “Handicapped Parking” (HP) spaces with approximately 20 total spaces in good repair on a paved surface that is located immediately adjacent to the facility. Fully accessible handicapped restrooms are conveniently located at concession stand by entrance. There is a ~eight-foot wide, level, handicapped accessible paved path in good condition that leads ~150 feet to the beach sand; from there it is another ~40 feet of sand to the water’s edge. There are several benches along the paved path and several standard picnic benches that are handicapped accessible, as are the playground, volleyball and basketball courts, all of which are in good condition.

Suggested Improvements: Place “Handicapped Parking” and additional “Van Accessible” signs where applicable on inground posts 5 to 8 feet above ground per ADAAG requirements. Install a handicapped accessible picnic table. Provide highly visible signage indicating how a handicapped person can request assistance to access waterfront. Another option is to install beach mats to improve access on the sand; also, a beach wheelchair could be acquired. Install accessible Porto-John.

PART III: EMPLOYMENT PRACTICES

The Town of Ayer is an equal opportunity employer. The Town of Ayer does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations promulgated by the U.S. Equal Employment Opportunity Commission under title I of the ADA. This means that it pledges that all candidates for positions and all officials and employees in Town will be equally treated in all actions affecting them. It also means that the Town has a policy of non-discrimination which guarantees that all applicants for employment and all employees are not to be discriminated against because of their race, color, religion, sex, creed, national origin, age, veteran status, disability, sexual orientation, or any other characteristics protected by law.

*Affected Premises:
14 Washington Street
Ayer, MA 01432*

HISTORIC PRESERVATION RESTRICTION

Historic 1934 Ayer Central Fire Station

The parties to this Historic Preservation Restriction (this “Restriction”) are **Cowfield Station, LLC**, a Massachusetts Limited Liability Company (with its successors and assigns, “Grantor”), having an address of 39 Main Street, Suite 204, Ayer, Massachusetts 01432, and the **Town of Ayer** (the “Town”), a Massachusetts municipal corporation with an address of 1 Main Street, Ayer, Massachusetts 01432, acting by and through the Ayer Historical Commission (the “Commission”).

WHEREAS, Grantor is the owner in fee simple of certain real property with improvements thereon known as the “Historic 1934 Ayer Central Fire Station” (the “Building”) located at 14 Washington Street, Ayer, Middlesex County, Massachusetts, as more particularly described in a deed recorded with the Middlesex South District Registry of Deeds in Book _____, Page _____ (the “Premises”);

WHEREAS, the Building is immediately adjacent to the Downtown Historic Mercantile District, which Building, as the first official fulltime fire station within the Town, is historically and culturally significant;

WHEREAS, the cupola, stepped gables, slate like roof (roofing material that gives the appearance of slate), red brick façade on the entire building, architectural form of the garage door arches, and the architectural style of the windows, some of which are visible from Washington Street, of the Building (the “Historic Elements”) are significant in architectural design and possesses integrity of materials and workmanship;

WHEREAS, the Historic Elements’ preservation values are documented in Exhibit A (Statement of Significance) and Exhibit B (Photographs) (hereinafter, collectively “Baseline Documentation”) incorporated herein by reference, which Baseline Documentation the parties agree provides an accurate representation of the Historic Elements as of the date of this Historic Preservation Restriction;

WHEREAS, Grantor and Grantee recognize the architectural, historic, and cultural values (hereinafter “preservation values”) and significance of the Historic Elements, and have the common purpose of preserving the aforesaid preservation values and significance of the Historic Elements, with those upgrades and renovations permitted by this Restriction;

WHEREAS, the Town requires, and the Grantor wishes to impose, for and in consideration as set forth below, certain restrictions, obligations and duties upon it as the owner of the Premises and on its successors to its right, title and interest therein, with respect to maintenance, protection and preservation of the Historic Elements on the Premises in order to protect the architectural and historical integrity thereof, subject, however to the Grantor’s rights relative to upgrade and renovate the Historic Elements, as set forth herein;

WHEREAS, the preservation of the Historic Elements is important to the public for the enjoyment and appreciation of the cultural, architectural and historical heritage of Ayer and will serve the public interest;

WHEREAS, the Town is a governmental body interested in the preservation and conservation of sites, buildings, and objects of local, state and national significance in the Town of Ayer and authorized to accept preservation restrictions under the Massachusetts General Laws, Chapter 184 (the “Act”); and

WHEREAS, the Commission is a governmental body whose purposes include the preservation and protection of buildings, structures, vessels, real property, documents or artifacts that are listed or eligible for listing on the state register of historic places or have been determined by the Commission to be significant in the history, archeology, architecture or culture of the Town.

NOW, THEREFORE, for good and valuable consideration, including, but not necessarily limited to the grant of Community Preservation Act Funds from the Town of Ayer, as recommended by its Community Preservation Committee and approved by Town Meeting, Grantor conveys to the Town the following restrictions which shall apply to the Premises and the Historic Elements for the term set forth herein, unless released pursuant to the provisions of the Act or pursuant to the provisions set forth herein.

These restrictions are set forth so as to insure the preservation of the Historic Elements which contributes to the architectural and historical integrity thereof.

The terms of the Restrictions are as follows:

1. Location of Historic Elements. The Historic Elements that are now visible from Washington Street shall remain visible from Washington Street, and no structures, landscaping or other improvements shall significantly interfere with the view of the Historic Elements from said Washington Street.
2. Maintenance of the Historic Elements. Grantor shall be responsible for, and agrees to assume the total cost of, the continued maintenance, repair and administration of the Historic Elements in and on the Building so as to maintain and preserve them in a good and sound state of repair and to preserve those characteristics that contribute to the architectural and

historic integrity of said Historic Elements. It is Grantor's intent that the Historic Elements shall be maintained in a physical appearance and using materials that match the original appearance as closely as is reasonably possible.

3. Inspection. Upon at least seven (7) days' written prior notice to Grantor, there is hereby granted to the Town and its agents and representatives the right to enter onto the Premises and at reasonable times and in a reasonable manner for the sole purpose of inspecting the Historic Elements, to determine compliance with this Restriction.

4. Insurance. Grantor shall keep the Building, including the Historic Elements, insured by an insurance company for the full replacement value against loss from perils commonly insured under standard fire and extended coverage policies. Said insurance shall be in form and amount sufficient to fully restore or repair the damaged Historic Elements without cost or expense to Grantor or contribution or coinsurance from Grantor. Grantor shall deliver to the Town, within ten (10) business days of the Town's written request therefor, certificates of such insurance coverage, provided, however, that whenever the Premises are encumbered with a mortgage or deed of trust, nothing contained in this Paragraph shall jeopardize the prior claim, if any, of the mortgagee/lender to the insurance proceeds.

5. Casualty Damage. (a) In the event of damage or destruction to the Historic Elements caused by fire or other casualty, Grantor shall promptly notify the Town (by certified mail or hand delivery to the Board of Selectmen, the Town Clerk and the Commission) of such damage or destruction and Grantor and the Town shall each use best efforts to cooperate with one another and make any determinations that are necessary under this Paragraph 5. No repairs or preservation of any type, other than temporary emergency work to prevent further damage to the Historic Elements, shall be undertaken by Grantor without the Town's prior written approval. Within ninety (90) days of such casualty, Grantor, at its expense, shall submit to the Town a written report prepared by a qualified conservator, which report shall include an assessment of the nature and extent of the damage, a determination of the feasibility of the preservation and restoration of the Historic Elements, and a report of the work necessary to return the Historic Elements to their condition prior to the date of casualty.

(b) If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims, which shall be completed within sixty (60) days of submittal of said report by the Grantor to the Town, Grantor and the Town agree that the Purpose of the Restriction will be served by the restoration or repair of the Historic Elements, Grantor and the Town shall establish a schedule under which Grantor shall complete the restoration/repair of the Historic Elements in accordance with plans and specifications consented to by the parties up to at least the total of the casualty insurance proceeds available to Grantor.

(c) If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims, which shall be completed within sixty (60) days of submittal of said report by the Grantor to the Town, Grantor and the Town agree that the Historic Elements are so damaged that the restoration/reconstruction of the Historic Elements is impractical or impossible, Grantor may alter, demolish, or remove the Historic Elements and this Restriction shall terminate. Grantor and the Town may agree to extinguish this Restriction in whole or in part in accordance with the laws of the Commonwealth of Massachusetts.

(d) If, after reviewing the report and assessing the availability of insurance proceeds after satisfaction of any mortgagee's/lender's claims, which shall be completed within sixty (60) days of submittal of said report by the Grantor to the Town, Grantor and the Town are unable to agree that the Purpose of the Restriction will or will not be served by such restoration/repair, the matter may be referred by either party to binding arbitration and settled in accordance with the Commonwealth of Massachusetts's arbitration statute then in effect.

(e) If the Town fails to act in one of the ways described in this Paragraph 5 within sixty (60) days of submittal of said report by the Grantor to the Town, the Town's approval of the work as described in said report shall be constructively granted (so long as such submittal contains notice of such deemed approval), and Grantor may complete the repairs as described in said report, and shall be entitled to a written acknowledgement from the Town of such constructive approval.

6. Intentionally omitted.

7. Changes to Historic Elements. Without the prior express written approval of the Commission, which approval may not be unreasonably withheld but which may be subject to such reasonable conditions as the Commission in its discretion may determine, Grantor shall not make any changes to the Historic Elements, including the alteration, partial removal, or other physical or structural change in material or color, size and mass of the Historic Elements. Activities by Grantor to perform routine maintenance of the Historic Elements which are not intended to change the appearance or materials of the Historic Elements shall not require the prior approval of the Commission.

8. Alteration to Historic Elements. Grantor agrees that significant and/or material alterations and/or modifications to the Historic Elements shall be subject to review by and approval of the Commission to assure that the Historic Elements will retain their design and style.

9. Review of Grantor's Requests for Approval. In the event the Grantor desires to exercise those conditional rights set out at Paragraphs 7 and 8 above, Grantor shall submit a request, sent by certified mail or delivered by hand, to the Board of Selectmen, the Town Clerk and the Commission, each such notice to contain two copies of information, including plans and specifications, identifying the proposed activity with reasonable specificity. Within sixty (60) days of receipt by the Board of Selectmen, the Town Clerk and the Commission, the Commission shall certify in writing that (a) it approves the plan or request, or (b) it disapproves the plan or request as submitted, in which case the Commission shall provide Grantor with written findings and rulings upon which said denial was based and suggestions for modification or a written explanation for the Commission's disapproval. Any failure by the Commission to act within sixty (60) days of receipt of Grantor's submission or resubmission of plans or requests shall be deemed to constitute approval by the Town of the plan or request as submitted and to permit Grantor to undertake the proposed activity in accordance with the plan or request submitted, so long as said submission contains notice of said deemed approval..

10. Grantor's Covenants: Prohibited Activities. The following acts or uses are expressly forbidden, except as otherwise conditioned in this Paragraph:

(a) The Historic Elements or any part thereof shall not be demolished, removed, or razed (by affirmative action or through neglect or failure to repair and maintain) except as provided in Paragraphs 5 and 6; and

(b) Nothing shall be erected or allowed to grow on the Premises which would impair the visibility of the Historic Elements from Washington Street.

11. Indemnification. Grantor hereby agrees to pay, protect, indemnify, hold harmless and defend at its own cost and expense, the Town, the Commission, their agents, officers, employees, and contractors (the "Indemnified Parties") from and against any and all claims, liabilities, expense, costs, damages, losses, and expenditures (including reasonable attorneys' fees and disbursements hereafter incurred) (the "Claims") arising out of or in connection with injury to or death of any person as a result of the existence of this Restriction; physical damage to the Premises; the presence or release in, on or about the Premises, at any time, of any substance now or hereafter defined, listed or otherwise classified pursuant to any law, bylaw, or regulation as a hazardous, toxic, polluting, or contaminating substance; or other injury, death or other damage occurring on or about the Premises. In the event that Grantor is required to indemnify the Indemnified Parties pursuant to the terms of this Paragraph, the amount of such indemnity, until discharged, shall constitute a lien on the Premises with the same effect and priority as a mechanic's lien. Grantor shall have no obligation to indemnify the Indemnified Parties for Claims to the extent caused by the gross negligence or willful misconduct of the Indemnified Parties.

12. Legal Remedies of the Town. The Town may, after thirty (30) days' prior written notice to Grantor (provided that no such prior notice shall be required in the event of an emergency), enforce this Restriction by appropriate legal proceedings and/or obtain injunctive and other equitable relief by ex parte, temporary, preliminary, and/or permanent injunction, including prohibitory and/or mandatory injunctive relief, against any violations, including, without limitation, relief requiring restoration of the Historic Elements to their condition prior to the time of the injury complained of (it being agreed that the Town shall have no adequate remedy at law), and shall be in addition to and not in limitation of any other rights and remedies available to the Town. Provided that a violation of this Restriction is acknowledged by Grantor or determined by a court of competent jurisdiction to have occurred, Grantor shall reimburse the Town all reasonable costs and expenses (including without limitation reasonable counsel fees, court costs, and architectural, engineering, and expert witness fees) incurred in enforcing this Restriction or in taking reasonable measures to remedy and/or abate any violation thereof. By its acceptance, the Town does not undertake any liability or obligation relating to the condition of the Historic Elements, the Building or the Premises, including with respect to compliance with hazardous materials or other environmental laws and regulations. This Restriction shall be enforced by the Town in its sole discretion. Failure by the Town to enforce any provision or condition set forth herein, or to exercise any rights hereby conveyed, shall not constitute a release or waiver of any such right or condition. In the event that Grantor is required to reimburse the Town pursuant to the terms of this Paragraph, the amount of such reimbursement until discharged, shall constitute a lien on the Premises.

13. Assignment. The Town may assign this Restriction to another governmental body or to any charitable corporation or trust among the purposes of which is the maintenance and preservation of historic properties.

14. Term of Restriction; Binding Effect and Release.

(a) The obligations imposed by this Restriction shall be effective for thirty (30) years from the date of recordation of this Restriction, and shall be enforceable against Grantor and the successors and assigns of Grantor holding any interest in the Premises. Grantor acknowledges that said covenants, as they are held by the Town, constitute restrictions held by a governmental body, as those terms are defined in G.L. c.184, §26.

(b) This Restriction shall extend to and be binding upon Grantor and the Town, their respective successors in interest and all persons hereafter claiming under or through Grantor and the Town, and the words "Grantor" and the "Town" when used herein shall include all such persons. Any right, title, or interest herein granted to the Town also shall be deemed granted to each successor and assign of the Town and each such following successor and assign thereof, and the word the "Town" shall include all such successors and assigns.

(c) Anything contained herein to the contrary notwithstanding, an owner of the Premises shall have no obligation pursuant to this instrument where such owner shall cease to have any ownership interest in the Premises by reason of a bona fide transfer.

(d) The restrictions, stipulations, and covenants contained in this Restriction shall be incorporated by Grantor, by express reference, in any subsequent deed or other legal instrument by which Grantor divests itself of either the fee simple title to or any lesser estate in the Premises or any part thereof, including by way of example and not limitation, a lease of all or a portion of the Premises, but excluding any lease with a term of fewer than ninety (90) days.

15. Written Notice. Unless expressly addressed elsewhere in this Restriction, any notice which either Grantor or the Town may desire or be required to give to the other party shall be in writing and shall be delivered to the addresses set forth above by one of the following methods: by overnight courier postage prepaid, facsimile transmission, registered or certified mail with return receipt requested, or hand delivery. Each party may change its address set forth herein by a notice to such effect to the other party.

16. Intentionally omitted.

17. Validity and Severability. The invalidity or unenforceability of any provision of this Restriction shall not affect the validity or enforceability of any other provision of this Restriction.

18. Notice from Governmental Authorities. Grantor shall deliver to the Town copies of any notice of violation or lien relating to the Premises received by Grantor from any governmental authority within five (5) days of receipt by Grantor. Upon request by the Town, Grantor shall promptly furnish the Town with evidence of Grantor's compliance with such notice or lien where compliance is required by law.

19. Mortgage Subordination and Right of Mortgagee to Terminate Upon Foreclosure. Grantor represents and warrants to the Town that the Premises are subject to no mortgage, liens, or leases prior in right to this Restriction. Grantor agrees not to enter into or permit other

mortgages, liens or leases affecting the Premises prior in right to this Restriction. Nothing in this Paragraph shall preclude the Grantor from granting one or more mortgages upon the Premises, which mortgage(s) shall be subject to this Restriction

20. Notice of Proposed Sale. Grantor shall promptly notify the Town in writing of any proposed sale or other transfer of the Premises and provide the opportunity for the Town to explain the terms of the Restriction to potential new owners prior to transfer. In addition, Grantor shall provide any proposed transferee with a copy of this Restriction prior to entering into a binding agreement to transfer the Premises.

21. Amendment. If circumstances arise under which an amendment to or modification of this Restriction would be appropriate, Grantor and the Town may by mutual written agreement jointly amend this Restriction. Any such amendment shall be consistent with the protection of the preservation values of the Premises and the Purpose of this Restriction; shall not permit any private inurement to any person or entity; and shall not adversely impact the overall historic and cultural values protected by this Restriction. Any such amendment shall be effective when all applicable legal requirements have been met and the amendment is filed with the Ayer Town Clerk and recorded at the Registry. Nothing in this Paragraph shall require Grantor or the Town to agree to any amendment or to consult or negotiate regarding any amendment.

22. Recordation. Grantor shall record this Restriction with the Registry promptly and provide the Town with a copy of the recorded Restriction within fourteen (14) days of the execution hereof.

23. Compliance. No consent or permission granted by the Town under this Restriction, whether express or implied, shall be deemed to waive Grantor's obligation to comply with applicable laws, bylaws, rules or regulations.

24. Controlling Law. The interpretation and performance of this Restriction shall be governed by the laws of the Commonwealth of Massachusetts.

25. Captions. The captions in this instrument have been inserted solely for convenience of reference. They are not a part of this instrument and shall have no effect upon construction or interpretation.

Signed under seal as of this _____ day of _____, 201__.

GRANTOR:

Cowfield Station, LLC

By: _____
Calvin Moore, Manager

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, 201__, before me, the undersigned notary public, personally appeared Calvin Moore, Manager of Cowfield Station, LLC, proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed above, and acknowledge to me that he signed the foregoing or preceding voluntarily for its stated purpose on behalf of Cowfield Station, LLC.

Notary Public
My Commission Expires:

ACCEPTANCE OF HISTORIC PRESERVATION RESTRICTION

The Town of Ayer, acting by and through its Historical Commission, pursuant to the provisions of G.L. c. 40, §8D, hereby accepts the foregoing Historic Preservation Restriction on this _____ day of _____, 201____.

TOWN OF AYER,
By its Historical Commission

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this _____ day of _____, 201__, before me, the undersigned notary public, personally appeared _____, member of the Ayer Historical Commission, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed above, and acknowledged to me that he/she signed the foregoing voluntarily for its stated purpose on behalf of the Town of Ayer.

Notary Public
My Commission Expires:

APPROVAL AND ACCEPTANCE BY THE AYER BOARD OF SELECTMEN

We, the undersigned being a majority of the Board of Selectmen of the Town of Ayer, hereby certify that at a meeting held on _____, 201__, the Board of Selectmen voted to approve and accept the foregoing Historic Preservation Restriction.

TOWN OF AYER,
By its Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this ____ day of _____, 201__, before me, the undersigned Notary Public, personally appeared _____, member of the Ayer Board of Selectmen, as aforesaid, who proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Ayer.

Notary Public
My Commission Expires:

Exhibit A

Statement of Significance

Exhibit A(1)

INVENTORY FORM B CONTINUATION SHEET

AYER

14 WASHINGTON ST.

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

176

Recommended for listing in the National Register of Historic Places.

If checked, you must attach a completed National Register Criteria Statement form.

Use as much space as necessary to complete the following entries, allowing text to flow onto additional continuation sheets.

ARCHITECTURAL DESCRIPTION:

Describe architectural features. Evaluate the characteristics of this building in terms of other buildings within the community.

The Central Fire Station faces east on the western side of Washington Street and is only a few hundred feet northwest of the Town Hall. One of two non-residential Colonial Revival buildings in Ayer, the Central Fire Station was built in 1934-1935 with funds from the United States Works Progress Administration. The Nashoba Boards of Health, built in 1936, is also of the Colonial Revival style and was funded by New Deal programs.

The Central Fire Station sits on a concrete slab foundation, is constructed of brick laid in a running bond pattern, and is topped by a slate roof and a dominant cupola with a bell-cast roof. At the base of the building, there is a pedestal approximately 10 brick courses tall that is capped by concave bricks. Integrated, shouldered, parapet sidewalls of the main building are suggestive of chimneys and the shape is echoed in the one-story entries on the north and south elevations. There is stepped copper flashing where the roof and sidewalls meet.

The main massing of the building stands two stories high and four bays wide. The fire station has ancillary projections, original to the building, which project from all elevations. The façade has a prominent projection for the fire engine bays. Two entry wings flank the main building and an ell extends from the rear of the building. The site slopes to the south such that the foundation of the southern entry wing is visible.

At the second story height of the main building, in each of the four bays, there is a vinyl 6/6 replacement window. (All of the windows have been replaced with vinyl sash windows). These windows are grouped toward the center of the façade leaving room for prominently placed copper downspouts at each end. Just above the windows is a simple cornice. The cornices of the building function as gutters and are lined with copper. At the attic level of each sidewall there is a 1/1 window with simple surrounds on the top and sides. Beneath each window is a decorative row of bricks; runners laid vertically project slightly from the wall and this decoration extends almost the full length of the sidewall at the height of the roofline.

A one-story projection from the façade features two arched vehicle bays and is one bay deep; there is a 4/4 window on each of the south and north elevations. There are three light fixtures on the facade: one in between the vehicle bays and one to each side of the bays. The projection is topped by a parapet wall with an unadorned roof line. Approximately ten brick courses below the top of the wall, at the height of the cornices of the side projections, is a wooden belt capped by a copper drip edge.

On the north and south elevations there are 1½ - story wings that serve as pedestrian entries to the building. Each wing has an integrated, shouldered, parapet sidewall, a slate roof, a simple cornice, and a copper downspout. The northern wing is one bay wide. There is a 4/4 window on the façade and an entry door on the north elevation that has an arched pediment. The southern wing is two bays wide: there is a 6/6 window in the left-hand bay and a modern steel entry door in the right-hand bay that is reached by way of a five stairs and an entry porch that has an iron railing. On the south elevation of this wing is a window with an arched pediment. The roofline of this projecting entry was changed when the addition was made to the southern elevation in 1996.

The rear ell has four bays, with a 6/6 window in each bay at the first and second stories, and it has a composite shingle roof. This ell was surrounded by a one-story addition in 1970. There is a vehicle bay on the façade of this shed-roofed addition, which wraps around the rear of the building. The first story of the ell is still visible on the interior.

In 1996, a 1½ - story shed-roofed addition was constructed to hold an additional fire truck. The addition abuts the south entry wing and the roofline of that wing was changed to match that of the addition.

CRH

Continuation sheet 1

SAH

Exhibit A (a)

INVENTORY FORM B CONTINUATION SHEET

AYER

14 WASHINGTON ST.

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

176

HISTORICAL NARRATIVE

Discuss the history of the building. Explain its associations with local (or state) history. Include uses of the building, and the role(s) the owners/occupants played within the community.

Fires, and thus the fire department, had a great impact on the early development of the town. In 1861 the fire department was first sanctioned in, what was then, Groton Junction. In 1870, Col. Daniel Needham procured a horse-drawn fire engine, paid for by the Town of Groton. The engine was dedicated in his honor, as was the second story of the new fire house on Columbia Street, which was called Col. Needham Hall. Later in 1870 Merchant's Row, the original commercial district, was "destroyed by fire and never rebuilt in as substantial a manner" (Town of Ayer Centennial, 3). In mid-April of 1872, just over a year after the Town was incorporated, the downtown burned. The disaster was reflected upon in 1902 as being "second to no fire in New England" (Sargent, 3).

When the Town was incorporated its namesake, Dr. James Cook Ayer, donated \$10,000. After the fire, that money was used to build the Victorian Gothic town hall. The Fire Department was relocated to the new Town Hall in 1871. There is one vehicle bay that remains at Town Hall where the engine was kept. Citizens contributed to the rebound of the town and "the present Mead's, Page's, Nutting's, Reed's, and Comellier's were built before the end of 1872" (Town of Ayer Centennial, 3). The Washington Street School, which stood at the site of the Central Fire Station, also burned and was rebuilt.

The land now occupied by the Central Fire Station was sold to the town for one dollar in 1858 by W. Nutting and R. Woods. A search of the 1860 census records gives no conclusion as to who these individuals were, but the Nutting and Woods families were among Groton's largest and most civically involved. The Washington Street School sat on that site until 1934, when it was razed. Construction of the Central Fire Station began in that same year and it was completed in 1935.

In 1970 an addition was made on the building's north side. In 1996 an addition was made to the building's south side. In 2005, the Fire Department moved to a new home on West Main Street in order to expand their facilities.

BIBLIOGRAPHY and/or REFERENCES

Atlases and Maps:

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- Sanborn Insurance Maps, 1887-1921.
- Walker, 1889.

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DEPARTMENT OF PUBLIC SAFETY
DIVISION OF INSPECTION
PLAN RECORD

CASE 03 BACK 7 APART. 44 NO. 39923

BUILDING Fire Station STORIES 2B

CITY OR TOWN Ayer STREET

TO BE USED FOR Fire Station CLASS

OWNER Town of Ayer

ARCHITECT Geo Ernest Robinson

CERTIFICATE APPROVAL—SPECIFICATION REQUIREMENTS— REFERRED

DATE Jan 15, 1934

INSPECTOR Beyer

Form BU, 1-20-10-26 No. 853

CRH

SAH

[Handwritten signature]

Continuation sheet 2

[Handwritten signature]

INVENTORY FORM B CONTINUATION SHEET

AYER

14 WASHINGTON ST.

MASSACHUSETTS HISTORICAL COMMISSION
220 MORRISSEY BOULEVARD, BOSTON, MASSACHUSETTS 02125

Area(s) Form No.

176

National Register of Historic Places Criteria Statement Form

Check all that apply:

- Individually eligible Eligible only in a historic district
- Contributing to a potential historic district Potential historic district

Criteria: A B C D

Criteria Considerations: A B C D E F G

Statement of Significance by Alene Reich, Ayer Historical Commission
The criteria that are checked in the above sections must be justified here.

The Central Fire Station was built in 1934 as part of the Works Progress Administration's programs to strengthen local and regional infrastructure.

Ayer has been devastated by fire throughout its history, losing the downtown mercantile district twice to fire, which has been detailed in the inventory form in preparation for a potential nomination.

CRH
SAH
Continuation sheet 3

Exhibit B

Photographs

Exhibit B (1)



(1.) 1934 Colonial-Revival Cupola

EXHIBIT B.
Photographic
Survey

4/24/2018

(1934) Historic Ayer Central Fire Station
Designed by: George Earnest Robinson

Survey Prepared by: Ayer Office of Community
& Economic Development



(2.) 1934 Lower & Upper Stepped-Brick Gables (South Elevation/Outer-Face)

SAH
CRH
1

Exhibit A (2)



(3.) 1934 Upper Stepped-Brick Gable (South Elevation/Inner-Face)



(4.) 1934 Lower & Upper Stepped-Brick Gables (North Elevation/Outer-Face)

CRH
SAH
2
(Handwritten signature)

Exhibit B (3)



(5.) 1934 Upper Stepped-Brick Gable (North Elevation/Inner-Face)



(6.) 1934 Slate Roof – Upper & Lower (East Elevation/Portion Visible from Washington Street)

CRH
SAH
3
@

Exhibit B (4)



(7.) 1934 Slate Roof – Upper & Lower (East Elevation/Portion Visible from Washington Street)

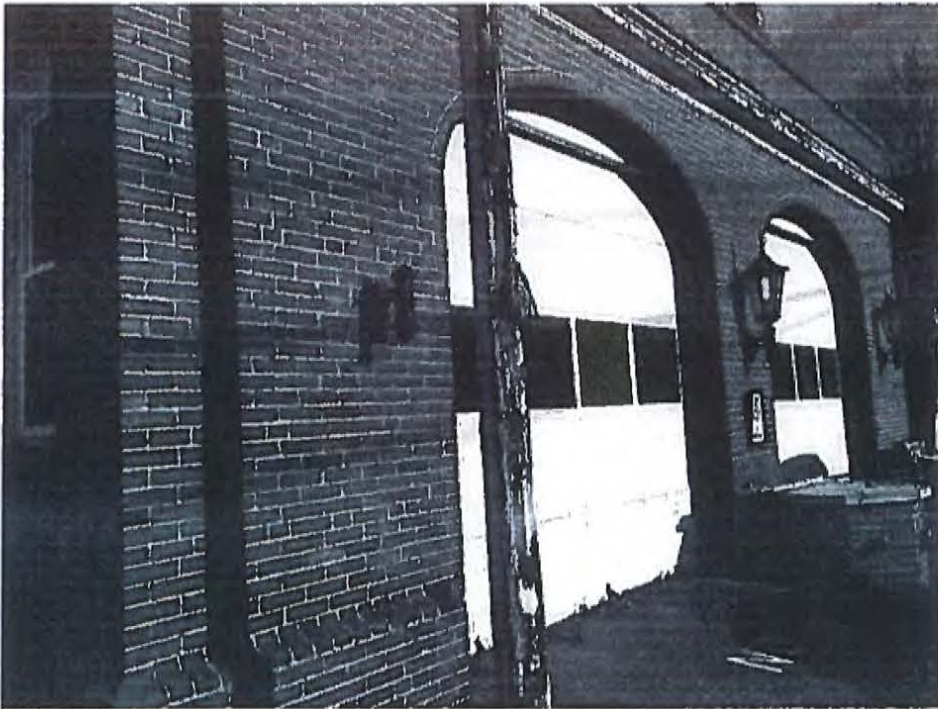


(8.) 1934 Slate Roof – Lower (South-Side/East Elevation/Portion Visible from Washington Street)

CRH
SAH
4
W



(9.) 1934 Slate Roof – Lower (North-Side/East Elevation/Portion Visible from Washington Street)



(10.) 1934 Front Bay Doors (East Elevation)

CRH
5
SAH 

Exhibit B (6)



(11.) 1934 Window Surround (East Elevation/North)



(12.) 1934 Window Surround (North Elevation/North)



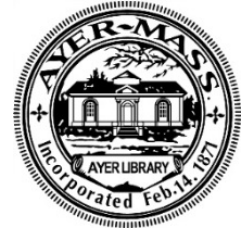
(13.) 1934 Window Surround (South Elevation/South)



(14.) 1934 Window Surround (East Elevation/South)

CRH
SAH

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



Broadcast and Recorded by APAC

Tuesday June 1, 2021
Open Session Meeting Minutes

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

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

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

Remote Access: S. Copeland stated that pursuant to Governor Baker's March 12, 2020 Order Temporarily 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.

Announcements: None

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. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Ratification of Police Chief Appointment: *Deputy Chief Brian P. Gill* – The SB was joined by Deputy Chief Brian Gill, his family, Chief Bill Murray and members of the Ayer Police Department. R. Pontbriand stated that with Chief Murray's upcoming June 30, 2021 retirement, he is proud to appoint Deputy Chief Brian Gill as the next Police Chief of Ayer, effective June 30, 2021 and would like the Board's ratification of the appointment. R. Pontbriand also read excerpts from letters of recommendation that were received from community members and area police chiefs supporting the appointment of Dep. Chief Brian Gill. Chief Murray spoke in favor of the appointment.

Motion: A motion was made by S. Houde and seconded by J. Livingston to ratify the appointment of Brian P. Gill as the Ayer Police Chief, effective June 30, 2021. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Deputy Chief Gill was then sworn in by the Town Clerk.

Tim Silva, Director, The Ayer Library: *Ayer Library Strategic Plan Update* – T. Silva announced that the library will be reopening to the public on June 15, 2021. He then reported that the Ayer Library has been working with a consultant to update their strategic plan. He encouraged Board and community members to take the Community Survey online at: www.surveymonkey.com/r/ayerlibrarysurvey2021

Nashoba Regional Greenway "NRG" – Presentation: G. Tillotson joined the SB and gave a brief presentation

on the Nashoba Regional Greenway, which is 14 communities that have been meeting to actively work on establishing a landline to connect the various greenways and footpaths in the region. The NRG Committee is now drafting a route map through each of the 14 communities and working on their mission statement and charter. They have recently applied for a DLTA grant from MRPC for assistance.

Mark Wetzel, Superintendent, Dept. of Public Works: *Groton Shirley Road Utilities Upgrade Change Order 1* – M. Wetzel presented Change Order 1 for the Groton Shirley Road Utilities Upgrade. In addition to the work being done by KJS, LLC., the Town hired KJS LLC to repair a water main leak on the 16-inch pipe from the Spectacle Pond well field. This was an emergency repair, beyond the DPW's capabilities, due to the depth of the pipe (12 feet) and the high groundwater table. The total for Change Order No. 1 is \$32,077.56 for a total contract amount of \$630,272.81. He is recommending approval with signature by the Chair.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve Change Order Number 1 in the amount of \$32,077.56 for KJS, LLC. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Recommendation of DPW Job Title Change – M. Wetzel presented an Organizational Chart for the Dept. of Public Works with a recommendation to change the title of the DPW Superintendent to DPW Director. The change of title to Director better reflects the current responsibilities of the position.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the Organizational Chart and the Change in Title as requested. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Approval of Sewer Rules and Regulations - M. Wetzel reported that the DPW updated the Town Sewer Rules and Regulations and presented the draft to the SB on April 20, 2021. The regulations include sewer connection applications, permits, extensions and construction requirements; sewer rates and fees; industrial discharge permitting, regulations and pretreatment; and enforcement actions. The DRAFT document was posted to the Town web site for review and comment. The DPW did not receive any comments. M. Wetzel is recommending that the Board, acting in their capacity as the Sewer Commissioners approve the Sewer Rules and Regulations dated May 26, 2021.

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Sewer Rules and Regulations dated May 26, 2021. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, 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. He reported that there may be a need for a reserve fund transfer in the IT account and that departmental evaluations are currently ongoing. He would also like to talk about SB goals for the upcoming year.

COVID-19 Update/Reopening Plan Update – R. Pontbriand stated that the Town Hall reopened today. He thanked the Select Board, the public, and all staff for working through a difficult period of COVID-19. He is asking that Town Hall staff and the public wear a mask for the time being. He reported that Sandy Pond Beach will be opening very soon and the Swap Shed at the Transfer Station will open tomorrow.

2021 Reappointment (Part 1) –

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the following list of reappointments effective July 1, 2021. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Expiring Term List		
Board / Committee	Current Member	Length of Term
CAPITAL PLANNING COMMITTEE	James D. Stephen	3 Years
COMMISSION ON DISABILITIES	David Cibor	3 Years
COMMISSION ON DISABILITIES	Caitlin Gamache	3 Years
COMMISSION ON DISABILITIES	Laura Warner	3 Years
COMMUNITY PRESERVATION COMMITTEE	Colleen Krieser	3 Years
COMMUNITY PRESERVATION COMMITTEE	Beth Suedmeyer	3 Years
CONSERVATION COMMITTEE	Jessica G. Gugino	3 Years
CONSERVATION COMMITTEE	Jon Schmalenberger	3 Years
COUNCIL ON AGING BOARD OF DIRECTORS	Sr. Paula A. McCrea	3 Years
COUNCIL ON AGING BOARD OF DIRECTORS	Carole Tillis	3 Years
CULTURAL COUNCIL	Claudia Abbes	3 Years
CULTURAL COUNCIL	JulieAnn Govang	3 Years
CULTURAL COUNCIL	Sandi Regan	3 Years
CULTURAL COUNCIL	Sara Callahan	3 Years
HISTORICAL COMMISSION	Margaret Durand	3 Years
REGISTRARS OF VOTERS	Kathleen O'Connor	3 Years

2021 Summer Select Board Meeting Schedule – The SB agreed to meet on Wednesday July 14, 2021, and Tuesday August 17, 2021, both meetings at 6:00 PM, for the 2021 Summer Schedule. Board members and R. Pontbriand agreed that if the need arises to meet additionally before September, the Board will schedule a meeting in accordance with the Open Meeting Law.

New Business/Selectmen’s Questions: S. Houde stated that there currently a lot of large projects/development either going on in Town or will be coming up. He would like a list of all major projects.

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from April 20, 2021, and May 4, 2021. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Adjournment:

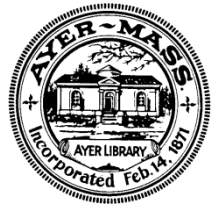
Motion: A motion was made by J. Livingston and seconded by S. Houde to adjourn at 7:05 PM. **Motion passed by Roll Call Vote 3-0.**

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

Date Minutes Approved by SB: _____

Signature Indicating Approval: _____


**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
Robert A. Pontbriand, Town Manager

From: Carly Antonellis, Assistant Town Manager 

Date: July 9, 2021

Re: Beer and Wine License Application Process

As you are aware, [the Town recently advertised the availability of one Beer/Wine License](#). This license became available when the Vineyard on Park Street got Town Meeting and State approval to go from only beer/wine to all alcohol. As you are also aware, we asked for letters of interest, which are attached. Letters of interest were received from Ayer Gulf on 26-30 Park Street; Alltown Fresh on 28 Harvard Road and Pinard's Flower and Coffee Shop located at 120 Central Avenue. After hearing from interested candidates on Wednesday July 14, 2021, based on our last meeting, my recommendation is that the Board vote to invite one of the interested parties to formally apply for the available beer/wine license.

Town Counsel has advised the following on analyzing the interested parties for advancement to the formal application process:

As for the Board's criteria to analyze, it is a question of which applicant (if any of them) is appropriate and will best serve the "public need." This term is not defined, but the Massachusetts Appeals Court has said the following:

[Public] need, in the literal sense of requirement, is not what the statute is about. Rather, the test includes an assessment of public want and the appropriateness of a liquor license at a particular location. For example, one might hesitate to authorize a license for a bar across the street from a public school... Consideration of the number of existing dispensaries in a locality is a proper concern,.. as are the views of the inhabitants of the locality in which a license is sought... In making its discretionary determination, a licensing authority may take into account a wide range of factors-such as traffic, noise, size, the sort of operation that carries the license, and the reputation of the applicant. Ballarin v. Licensing Board of Boston, 49 Mass. App. Ct. 506 (2000).

For example, if one of the applicants is in the same block as another license of the same type, it would (arguably) better serve the "public need" to have the other one located further away. Or perhaps an applicant's location has dangerous traffic or parking issues, or directly abuts a residential neighborhood and the residents come out in force to oppose it, etc. These are factors that can come up during these hearings. Once the Board makes its choice, we would just need to carefully prepare written decisions that spell out why one applicant better serves the public need over the others.

Please contact me directly with any questions.

Thank you!



Carly Antonellis
Assistant Town Manager
Town of Ayer, MA
1 Main Street, Ayer
Ayer, MA 01432

KHALIL
YATIM
YATIM
CENTRAL
CONVENIENCE

SECTION 15 WINE AND
MALT BEVERAGE
(BEER/WINE) PACKAGE
STORES,
SUPERMARKETS OR
CONVENIENCE STORES
LICENSE

Dear Ms Antonellis and Select Board,

We are looking to be considered for the Section 15 License that has become available due to the recent change of category of “The Vineyard’s” Beer and Wine License.

As of your Town meeting on June 15th there were 1 of 3 interested parties in the license. We are not sure how many there still are now that the process has been advertised in the local paper.

I would like to introduce myself and my family and share why we believe the license should be granted to “YCC” Yatim Central Convenience. I am a lifelong resident of Massachusetts. I grew up in Ashland, MA, I received my undergraduate degree at Merrimack College and graduate degree from Lesley University. Currently I have been living with my husband Khalil Yatim in Shrewsbury, MA for the last 23 years. I work in the family businesses doing Marketing, www.yatcoenergy.com and www.yatimfoodmart.com. And now Khalil has branched off on his own as “Yatim Central Convenience” in Lunenburg, MA where I do marketing and HR.

My husband Khalil has had a few articles written about him and his brothers, highlighting them as example of The American Dream. He grew up working his family business, a grocery and dry goods store in Western Africa. In search of a more prominent future, Khalil and two of his brothers moved to the US and attended Suffolk University. Although he had originally set his sites on being a doctor doing research, his brothers helped convince him to join the small family business.

When Khalil started, he had one gas station with a convenience store and car wash in Marlboro, MA. Now over 25 years later they have over 20 locations and a distribution business. Khalil and the rest of the Yatim family are excited to start branching out as YCC and are looking for your help to make sure we get there!

Ownership

- A. The physical building at 30 Park Street – Ayer, MA
Is owned by a company called PMG – Petroleum Marketing Group
www.petromg.com

Since 2001, PMG has been helping our channel partners succeed in the petroleum business—providing reliable and competitively-priced fuel distribution, operating convenience stores and quick-service restaurants, and offering a wide range of investment opportunities.

The fuel distribution side of our business is one of the largest on the East Coast of the United States, supplying hundreds of service stations; company-operated, commission agent and dealer sites as well as travel plazas throughout the region.

On the business development side, we've helped our channel partners build and operate everything from family-owned gas stations to large, branded sites.

Serving over 1,200 sites from Maine to Florida, and backed by a team of industry professionals, PMG has the resources to support businesses of any size.

- B. The owner of this business's name is Abdolhossein Ejtemai. We have only met him once. We work with Gregg McComb, Regional Marketing Manager and Mark Landry, District Manager.
- C. Gregg McComb's Contact Information:
gmccombs@petromg.com Direct Line: 508-243-6384
Mark Landry's Contact Information:
mlandry@petromg.com Direct Line: 781-223-8186
- D. Khalil Yatim will be the "Dealer" running the Ayer location for a 3-year term. After the three years he will be given the opportunity to renew the lease and renegotiate terms.
- E. PMG currently owns our 1st location in Marlboro, MA 114 E. Main Street. We have continued to exceed expectations in this location, both in the area of sales but more importantly to you, in customer service.
- F. When PMG heard that Yatco was splitting, Khalil was the first person they called about their available site at 451 Massachusetts Avenue, Lunenburg, MA. Khalil has not only turned this location around in sales by doubling the weekly numbers but has visually improved the location. The first thing he did was take care of the locations "street appeal" by adding shrubbery, flowers, and flags, improved landscaping and cleaned everything inside and out. Inside he installed all new racks, register area, coolers and even uniforms giving the station an amazing face lift. We have before and after pictures to show you in the presentation if asked to come back.

Understanding Gas Station Ownership

This can be a confusing thing to those outside the gas station industry. There are three types of gas station business models.

1. Example 1: A Giant Company like Mobil/Exxon owns the location and runs the station out of their corporate and local offices. They hire a senior management team, junior management team and a store manager. That store manager then hires their cashiers/customer service staff. The giant company sets the pricing of gas and products sold in the store. They set the rates of pay and train the people in their corporate policies and procedures. You see this example when you drive on the Mass Pike. The Gulf Stations are owned and managed by Gulf Oil out of Newton, MA. But Gulf is not even Gulf. A larger investment company owns Gulf.
2. Example 2: A large company like PMG owns the property. Has the right to use a gas station brand's name like Gulf. Then they contract a dealer like Khalil Yatim of "Yatim Central Convenience" to take over that location. All people at this location are hired independently of the large company, all pricing is set by the dealer, all inventory is purchased by the dealer, and all equipment is owned by the dealer. The parent company owns the property and pays the taxes and bank loan or owns the building outright.
3. Example 3: A mom and pop one shop location where someone buys the property and either puts the name of the gas in a generic name like: John Doe's Gas and Convenience or a somewhat large group own two or more location. They buy everything and are obligated to all laws and actions taken at this location,

Who Yatco Is in Regard to Ownership?

- A. As of today, Khalil is still a 1/3 owner of Yatco Energy & Distribution and Yatco Food Mart. Yatco has 19 stations which are examples of #3 Ownership and 1 station in Marlboro, MA mentioned earlier that Khalil oversees that is an example of #2 ownership. When the brothers first began, they were all examples of #2 ownership. As time went on, the opportunity to purchase the land became an option from some of the larger companies who owned the property, and the Yatim Brothers took advantage of those opportunities and purchased the land and all responsibility of the location.

Who "YCC" Yatim Central Convenience regarding Ownership?

- A. We are an example of owning 1 location today privately in Lunenburg, MA which is a #2 ownership. If we get the Beer and Wine License, we will have 2 locations in this #2 ownership category. We are looking to grow. Also, once the sales deal closes with Yatco Companies we may own more locations that would fall under the #2 ownership category and 1 location in Marlboro, MA which is a #2 category.

Why am I Sharing all this Information about Ownership?

- A. Because one of the questions you had was to share ownership information. I wanted to make it clear that the Town of Ayer for all intents and purposes is granting the license to Khalil Yatim, owner of YCC.
- B. We will be the people you will see on a day to day. We will be the people who care about your community. We will be the people participating in the town's growth and support. We will be the people who attend Chamber Meetings and Activities. We will be the people who donate to town causes. We will be the people to hire members of the community to work at this location. We will be the people who purchase the items sold in this location to the community. As far as everything that matters to the Town of Ayer, Khalil Yatim, Owner and President is the only person who you should be judging this decision on.
- C. Contact Information:
Khalil M Yatim – Owner and President
Yatco Central Convenience
Business Address: 1 Bridle Path – Shrewsbury, MA 01545
This is also our personal residence.
Khalil's Direct Business Line and Personal Cell #: 508-397-0704
Preferred Email Address: kyatimycc@gmail.com
EIN # 86-2795676 FIN# 20207197

Reason for Seeking Beer and Wine License

- A. Beer and Wine fits into our mission to offer our customers all the convenience items they wish to purchase in a one stop experience. One of the many reasons that Khalil Yatim is splitting from his brothers is the initial agreement that Yatco Convenience Stores would not sell alcohol. This is just one of the philosophical differences between the brothers. Khalil Yatim believes that beer and wine can be sold responsibly by following all the State and Federal laws
- B. A Beer and Wine License would contribute to a 20% to 30% increase of Gross Sales on average. This would make an enormous difference in what has been a difficult year for struggling small businesses not just in Massachusetts but across the country. As I'm sure you have seen in Ayer as well as surrounding communities Small Family-owned small businesses like ours have suffered greatly with the Pandemic.
- C. On an average the Yatco Food Marts were down as much as 40% in combined gas and convenience store sales during the first 6 months of the "stay at home" order. People were not dining unless they were part of the essential workforce which we were. And people were buying convenience items on-line or through grocery delivery services. The introduction of a new, high-value product, such as beer and wine, could have made up for the losses that we saw in the past year.
- D. A key point to make about my husband Khalil Yatim. Although sales were down and expense went up, he kept all employees working in the stores and all people working in the office. They did not loose a dollar while working for us. We could

have easily cut payroll and sent people home, working less hours a week or laying them off. But our people are our family. Our potential break even or losses were not more important than our people. This reflects his responsibility to his employees, most of which come from the surrounding community. He will always keep this sense of connection to the community if granted the beer and wine license utilizing it only in the most responsible way.

What Other Information Can We Share That Will Help the Select Board Decide Who Will Best Serves the People of Ayer?

- A. We run beautiful stores. I look forward to showing you examples of “before and after” shots of our locations. If you ever shopped at the Lunenburg Gulf Station in the past and have now been there a few short months after Khalil Yatim took over, you will see that is like night and day. The product is fresh, the store is spotless the staff is friendly, prices are fair if not the best around in comparison to the competition.
- B. Also, we get involved in the communities we have businesses in. For example, I was on The Board of Chambers for the Corridor 9 Chamber. Khalil Yatim and Yatco were recognized by The Worcester Chamber for their 25 yrs of service and support to the community.
- C. We open in big ways. We will do a grand opening that will include events for the entire family including discounts and samples of product. When we opened our Whitinsville location, we had face painting, balloon animals for kids, trick or treat bags to celebrate the season of October which is when it was. We bring the local leaders in for Ribbon Cuttings. And there are some fantastic raffle prizes.
- D. What is important is that we hire local people who live in the communities we service. In the Lunenburg location we came in with the intent of keeping all existing staff on board. Most do not take advantage of this. But for those who have, I would love to have you ask them the differences they experience when Khalil Yatim comes in to run a location.

I hope you will give strong consideration in choosing YCC Yatim Central Convenience to be the location to receive the Beer and Wine License. We look forward to being part of the community!

Sincerely,

Darline Yatim – Marketing & HR Manager and Wife of Khalil Yatim

darlineyatim@gmail.com

Cell: 508-688-0883



McDERMOTT
QUILTY &
MILLER LLP

28 STATE STREET, SUITE 802
BOSTON, MA 02109

June 25, 2021

Via US First Class Mail and e-mail

Town of Ayer
Select Board
1 Main Street
Ayer, MA 01432
Attn: Carly Antonellis, Assistant Town Manager

**RE: LETTER OF INTEREST
SECTION 15 WINE & MALT PACKAGE STORE LICENSE**

Dear Ms. Antonellis:

Our office represents Global Montello Group Corp. (“Global”), which does business as Alltown Fresh Ayer (“Alltown Fresh”) located at 28 Harvard Road, Ayer, Massachusetts 01432. Alltown Fresh is a new concept marketplace offering fresh and locally sourced foods, including made to order meals, as well as traditional convenience store items. Alltown Fresh seeks a wine and malt package store license to compliment its offering of hearty sandwiches, fresh salads and meal kits for take away.

By way of background, Global holds eight (8) other alcohol licenses throughout the Commonwealth, operating under the Alltown Fresh brand as well as Honey Farms and others. Global has an exemplary record with a history of no violations from either the local licensing authorities or the Massachusetts Alcoholic Beverages Control Commission. Global credits this to well-trained staff, advanced POS system, security protocols and internal compliance checks on age-restricted products. The addition of the wine and malt package store license will allow customers the added convenience of purchasing wine or beer in addition to their other market items.

We welcome the opportunity to present at the Select Board’s July 24, 2021 informational meeting to further explain our business operations and to answer any questions the Board may have. Attached please find current photos of the store.

Thank you for your attention to this matter.

Very truly yours,


Jon D. Aieta, Esquire
jaieta@mqmlp.com

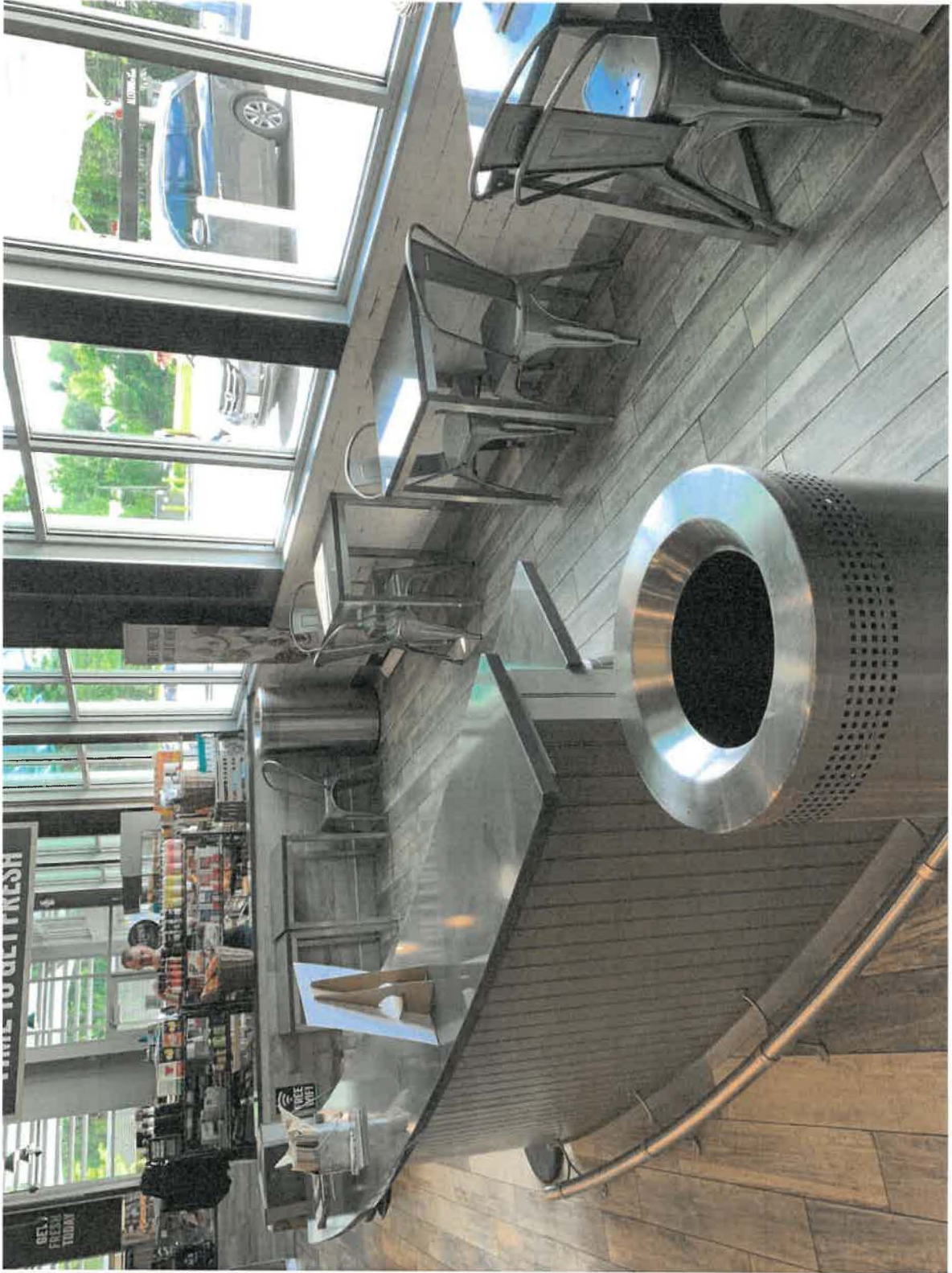
JDA:ks













RECEIVED

JUL 02 2021

TOWN OF AYER
 OFFICE OF THE SELECT BOARD

9:00 AM

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises-12	§12 General On-Premises	Wines and Malt Beverages	Annual

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Pinard's Florist and Gift Shoppe is applying for a liquor license in hopes of selling wine to customers. Our business currently sells various items that would be greatly complimented by wine spirits. For example, this item could be an added asset to our fruit baskets or accompany a floral arrangement being sent in honor of a celebration. (anniversary, job promotion, birthday, etc.) Our business is passionate about helping people to celebrate milestones and moments in everyday life-- the ability to offer wine spirits to customers would help make celebrations feel that much more special.

Is this license application pursuant to special legislation?

Yes

No

Chapter

Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name	Pinard's Landscaping inc.		FEIN	<input type="text"/>
DBA	Pinards Florist and Coffee Cafe	Manager of Record	Kassie Pinard	
Street Address	120 Central Ave, Ayer, Ma.			
Phone	(978)772-3883	Email	Office@pinardlandscaping.net	
Alternative Phone	(978)772-3549	Website	Pinarsfloristandgifts.com	

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Our Establishment contains a general customer area that is accompanied by a floral design room. The floral design room is used as a space to curate and create our floral work. Following the design space, we have a storage room and a break room. The outdoor area occupies outdoor plants for sale.

Total Square Footage:	400	Number of Entrances:	1	Seating Capacity:	<input type="text"/>
Number of Floors	1	Number of Exits:	2	Occupancy Number:	<input type="text"/>

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name:	James B. Pinard Jr.	Phone:	(978)772-3549
Title:	President	Email:	office@pinardlandscaping.net

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	<input type="text" value="Corporation"/>	Date of Incorporation	<input type="text" value="1984"/>
State of Incorporation	<input type="text" value="Massachusetts"/>	Is the Corporation publicly traded?	<input type="radio"/> Yes <input checked="" type="radio"/> No

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
James B Pinard Jr.	29 Lincoln Street Ayer, Ma.		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
President	50	<input type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Mark A. Pinard	58 Hemlock Drive		

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Treasurer	50	<input type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? Yes No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. Yes No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Own ▼

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes No

APPLICATION FOR A NEW LICENSE

8. FINANCIAL DISCLOSURE

A. Purchase Price for Real Estate	117,500.00
B. Purchase Price for Business Assets	100,000.00
C. Other * (Please specify below)	
D. Total Cost	217,500.00

*Other Cost(s): (i.e. Costs associated with License Transaction including but not limited to: Property price, Business Assets, Renovations costs, Construction costs, Initial Start-up costs, Inventory costs, or specify other costs):”

SOURCE OF CASH CONTRIBUTION

Please provide documentation of available funds. (E.g. Bank or other Financial institution Statements, Bank Letter, etc.)

Name of Contributor	Amount of Contribution
Total:	

SOURCE OF FINANCING

Please provide signed financing documentation.

Name of Lender	Amount	Type of Financing	Is the lender a licensee pursuant to M.G.L. Ch. 138.
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No
			<input type="radio"/> Yes <input type="radio"/> No

FINANCIAL INFORMATION

Provide a detailed explanation of the form(s) and source(s) of funding for the cost identified above.

9. PLEDGE INFORMATION

Please provide signed pledge documentation.

Are you seeking approval for a pledge? Yes No

Please indicate what you are seeking to pledge (check all that apply) License Stock Inventory

To whom is the pledge being made?

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Kathleen Pinard [REDACTED] [REDACTED]

Residential Address 58 Hemlock Drive Lunenburg, Ma. 01462

Email [REDACTED] Phone (978)772-3883

Please indicate how many hours per week you intend to be on the licensed premises 40

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? Yes No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature [REDACTED] Date [REDACTED]

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?
If yes, please fill out section 11.

Yes No

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does **not** pertain to a liquor license manager that is employed directly by the entity.*

11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone		
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>		
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
Name of Principal	Residential Address	SSN	DOB	
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	
Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
<input style="width: 95%;" type="text"/>	<input style="width: 95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
If yes, attach an affidavit providing the details of any and all convictions.

Yes No

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11C. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 11A, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

11D. PREVIOUSLY HELD MANAGEMENT AGREEMENT

Has any individual or entity identified in question 11A, and applicable attachments, ever held a management agreement with any other Massachusetts licensee?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Licensee Name	License Type	Municipality	Date(s) of Agreement

11E. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Has any of the disclosed licenses listed in questions in section 11B, 11C, 11D ever been suspended, revoked or cancelled?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

11F. TERMS OF AGREEMENT

a. Does the agreement provide for termination by the licensee? Yes No

b. Will the licensee retain control of the business finances? Yes No

c. Does the management entity handle the payroll for the business? Yes No

d. Management Term Begin Date e. Management Term End Date

f. How will the management company be compensated by the licensee? (check all that apply)

\$ per month/year (indicate amount)

% of alcohol sales (indicate percentage)

% of overall sales (indicate percentage)

other (please explain)

ABCC Licensee Officer/LLC Manager

Signature:

Title:

Date:

Management Agreement Entity Officer/LLC Manager

Signature:

Title:

Date:

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

APPLICANT'S STATEMENT

I, James B. Beatty the: sole proprietor; partner; corporate principal; LLC/LLP manager
Authorized Signatory

of PINARD
Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

- (1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;
- (2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;
- (3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;
- (4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;
- (5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;
- (6) I understand that all statements and representations made become conditions of the license;
- (7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;
- (8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and
- (9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.
- (10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: James B. Beatty
Title: President

Date: 7/1/21

CORPORATE VOTE

The Board of Directors or LLC Managers of PINARD'S
Entity Name

duly voted to apply to the Licensing Authority of Ayer Mass and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on _____
Date of Meeting

For the following transactions (Check all that apply):

- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/
Directors/LLC Managers
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other _____
- Change of DBA

"VOTED: To authorize JAMES B. PINARD JR
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint KASSIE PINARD
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,

For Corporations ONLY
A true copy attest,

Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

(Print Name)

(Print Name)

NEW LICENSE

To apply for an alcoholic beverages retail license, you will need the following:

- **New Retail Application**
- **Business Structure Documents**
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
- **CORI Authorization Form** Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. *This form must be notarized with a stamp or raised seal.*
- **Manager Application**
- **Proof of Citizenship** for the proposed Manager of Record.
- **Vote of the Corporate Board**
- **Supporting Financial Records** for all financing and or loans, including pledge documents, if applicable.
- **Legal Right to Occupy**, a lease or deed.
- **Floor Plan**
- **Abutter's Notification**
- **Advertisement**
- **Monetary Transmittal Form**
- **\$200 Fee** paid online through our online payment link: [ABCC PAYMENT WEBSITE](#)
- **Payment Receipt**
- **Additional information, if necessary, utilizing the formats provided and or any affidavits.**
- **Management Agreement**, if applicable, requires the following:
 - Management Agreement Application
 - Management Agreement
 - Vote of the Entity
 - CORI Forms for all listed in Section 11 and attachments

Please Note: You may be requested to submit additional supporting documentation if necessary.

ADDENDUM A

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name

Percentage of Ownership in Entity being Licensed
(Write "NA" if this is the entity being licensed)

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?
If yes, attach an affidavit providing the details of any and all convictions.

 Yes No



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM

APPLICATION FOR A NEW LICENSE

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make \$200.00 payment here: [ABCC PAYMENT WEBSITE](#)

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

ENTITY/ LICENSEE NAME

ADDRESS

CITY/TOWN STATE ZIP CODE

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | | <input type="checkbox"/> Other <input type="text"/> | <input type="checkbox"/> Change of DBA |

THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:

Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150-2358



Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3
 Chelsea, MA 02150

JEAN M. LORIZIO, ESQ.
 CHAIRMAN

CORI REQUEST FORM

The Alcoholic Beverages Control Commission ("ABCC") has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information ("CORI"). For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

ABCC LICENSE INFORMATION

ABCC NUMBER: LICENSEE NAME: CITY/TOWN:

(IF EXISTING LICENSEE)

APPLICANT INFORMATION

LAST NAME: FIRST NAME: MIDDLE NAME:

MAIDEN NAME OR ALIAS (IF APPLICABLE): PLACE OF BIRTH:

DATE OF BIRTH: GENDER: HEIGHT: WEIGHT: EYE COLOR:

MONTH: STATE LIC. ISSUED:

CURRENT ADDRESS:

CITY/TOWN: STATE: ZIP:

FORMER ADDRESS:

CITY/TOWN: STATE: ZIP:

PRINT AND SIGN

PRINTED NAME: APPLICANT/EMPLOYEE SIGNATURE:

NOTARY INFORMATION

On this before me, the undersigned notary public, personally appeared

(name of document signer), proved to me through satisfactory evidence of identification, which were

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

NOTARY

DIVISION USE ONLY

REQUESTED BY:

SIGNATURE OF CORI-AUTHORIZED EMPLOYEE

The DCJ Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identity Theft PIN Number by the DCJ. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCJ via mail or by fax to (617) 660-4614.