

RECEIVED
JUN 11 2021

TOWN OF AYER
TOWN CLERK

12:30pm


Town of Ayer
Select Board

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



Tuesday June 15, 2021 – 6:00 PM

Open Session Remote Participation 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.

- 6:00 PM** **Call to Order**
Pledge of Allegiance; Review and Approve Agenda; Announcements
- 6:05 PM*** **Recognition Ayer Shirley Regional School District Superintendent Dr. Mary Malone**

Recognition of Ayer Police Chief, William A. Murray

Public Input
- 6:25 PM** **Mark Wetzel, Superintendent, Dept. of Public Works**
1. Stormwater Asset Management Grant Funding
2. Approval of Change Order 1 Wright Rd Water Main Replacement Project
3. Execution of Contract for Westford Road Sewer Replacement
4. Debrief of Major Construction/Development Projects
5. MS4 Stormwater Permit Update
- 6:45 PM** **Alan Manoian, Director, Community & Economic Development**
1. ADA Self-Evaluation & Transition Plan
- 6:55 PM** **Town Manager's Report**
1. Administrative Update/Review of Town Warrant(s)
2. COVID-19 Update/Town Hall Reopening Update
3. Appointments
4. 2021 Reappointments (Part 2)
5. Proposed Town Hall Change of Hours, Effective July 1, 2021
6. Approval of Available Beer/Wine License Process
- 7:15 PM** **New Business/Select Board Member Questions**
- 7:20 PM** **Approval of Meeting Minutes**
May 18, 2021

Executive Session pursuant to MGL Chapter 30A, Section 21A
1. Exemption #2 (Non-Union contract negotiations) Assessing Administrator; Police Chief

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

*The next scheduled Select Board Meeting will be held on **Wednesday July 14, 2021 at 6:00 PM.***



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: June 10, 2021
To: Select Board
From: Mark Wetzel, P.E., Director of Public Works
Dan Van Schalkwyk, P.E., Town Engineer
Subject: **Agenda Items for June 15, 2021, Select Board Meeting**

- 1. Stormwater Asset Management Grant Funding** – The Town was awarded a funding grant which is administered through the Clean Water SRF program for creation of a Stormwater Asset Management Program. The grant is for \$72,750. The SRF final grant submittal requires the Select Board to authorize the Town Manager to file applications. Attached is the Certifying Authority to File for signature by the Board.
- 2. Approval of Change Order 1 for Wright Road Water Main Replacement Project** – Attached is Change Order No. 1 for the Wright Road Water Main Replacement Project. The change order amount is for \$24,392.55. The changes are from the addition of a hydrant replacement on Sedgeway, replacement of two 6-inch gate valves and a 2-inch water service, and balancing cost from actual quantities installed.

For signature by the Chair.

- 3. Execution of Contract for Westford Road Sewer Replacement** – General bids for the Westford Road Sewer Replacement Project were received at the DPW on June 9, 2021. We received 3 bids ranging from \$165,100.00 to \$220,400.00. The apparent low bidder was Commonwealth Construction & Utilities, Inc. from Watertown, MA. This work is related to the Westford Road sewer update provided by Director Wetzel on April 20, 2021, to the Select Board.

This project is funded through wastewater I/I capital budget.

We recommend executing the contract with Commonwealth Construction & Utilities, Inc. for \$165,100.00 for signature by the Board.

- 4. Debrief of Major Construction/Development Projects** - We will provide a brief update of major construction and development projects ongoing and anticipated in 2021. Please see attached map and list of the projects.
- 5. MS4 Stormwater Permit Update** – Dan will give a brief update of activities performed during Year 3 (July 1, 2020 through June 30, 2021) of the Town’s MS4 Stormwater Permit.

AUTHORITY TO FILE

Whereas, the **Town of Ayer**, after thorough investigation, has determined that the work activity consisting of:

Stormwater Asset Management Plan (CWSRF 6909)

is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Massachusetts Department of Environmental Protection (MassDEP) and the Massachusetts Clean Water Trust (the Trust) of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth (Chapter 21 and Chapter 29C) are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED by the **Town of Ayer** as follows:

1. That the **Town Manager** is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application;
2. That the purpose of said loan(s), if awarded, shall be to fund construction activities.
3. That if said award is made the Applicant agrees to pay those costs which constitute the required Applicant's share of the project cost.

Shaun C. Copeland, Chair

Scott A. Houde, Vice Chair

Jannice L. Livingston, Clerk

AYER SELECT BOARD

Change Order No. 1

Date of Issuance: June 15, 2021 Effective Date: _____

Project: Wright Road Water Main Replacement	Owner: Town of Ayer, MA	Owner's Contract No.: 21DPW01
Contract: Wright Road Water Main Replacement		Date of Contract: <u>March 16, 2021</u>
Contractor: Cedrone Trucking Inc.		Engineer's Project No.:

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

Description: Two (2) 6-inch gate valves required, 2-inch service connection to Ayer Gun Club, Hydrant replacement added at end of Sedgeway, and balancing actual quantities.

Attachments: (List documents supporting change): 1. Summary of agreed prices for extra work and final balancing of actual quantities.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>223,301.50</u>	Original Contract Times: <input checked="" type="checkbox"/> Working days <input type="checkbox"/> Calendar days Substantial completion (days or date): _____ Ready for final payment (days or date): _____
Increase from previously approved Change Orders No. <u>N/A</u> to No. <u>N/A</u> ; \$ <u>0.00</u>	[Increase] [Decrease] from previously approved Change Orders No. <u>N/A</u> to No. <u>N/A</u> ; Substantial completion (days): _____ <u>N/A</u> Ready for final payment (days): _____ <u>N/A</u>
Contract Price prior to this Change Order: \$ <u>223,301.50</u>	Contract Times prior to this Change Order: Substantial completion (days or date): <u>August 11, 2021</u> Ready for final payment (days or date): <u>September 10, 2021</u>
Increase of this Change Order: \$ <u>24,392.55</u>	Increase of this Change Order: Substantial completion (days or date): _____ <u>N/A</u> Ready for final payment (days or date): _____ <u>N/A</u>
Contract Price incorporating this Change Order: \$ <u>247,694.05</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>August 11, 2021</u> Ready for final payment (days or date): <u>September 10, 2021</u>

RECOMMENDED: By: <u>[Signature]</u> Engineer (Authorized Signature) Date: <u>06/10/2021</u>	ACCEPTED: By: _____ Owner (Authorized Signature) Date: _____	ACCEPTED: By: _____ Contractor (Authorized Signature) Date: _____
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EXTRAS - Wright Road

Ayer Gun Club	2 inch service	\$456.50
	2" Corporation	\$288.00
	2" Curb Stop	\$408.55
	8"x2" Saddle	<u>\$98.00</u>
		\$1,251.05 Materials
		<u>\$2,500.00</u> Labor
		\$3,751.05

cost difference between 6" Gate Valve with Megs and 8" gate valve with megs is \$300/valve

\$1,600 - \$300 = \$1,300
\$1,300 x 2 **\$2,600.00**

Change Order for Hydrant on Sedgeway	\$6,500.00	
	\$500.00	** need to compensate for 10 cy Boulder
	\$ 1,581.00	**need to compensate for paving 93 SY

Excess from Balance of final actual quantities \$9,460.50

Change Order 1	\$24,392.55
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DRAFT

complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner \$500 for each day that expires after the time specified in Paragraph 4.02 for completion and readiness for final payment until the Work is completed and ready for final payment.

ARTICLE 5 – CONTRACT PRICE

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

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

ARTICLE 6 – PAYMENT PROCEDURES

6.01 *Submittal and Processing of Payments*

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

6.02 *Progress Payments; Retainage*

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

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as Engineer may determine or Owner may withhold, including but not limited to liquidated damages, in accordance with the General Conditions:

a. 95 percent of Work completed (with the balance being retainage); and

b. 95 percent of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

2. Upon Substantial Completion, Owner shall pay an amount sufficient to increase total payments to Contractor to 98 percent of the Work completed, less such amounts as Engineer shall determine in accordance with the General Conditions.

6.03 *Final Payment*

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

ARTICLE 7 – INTEREST

7.01 Not Applicable

ARTICLE 8 – CONTRACTOR'S REPRESENTATIONS

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

A. Contractor has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.

B. Contractor has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

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

ARTICLE 9 – CONTRACT DOCUMENTS

9.01 Contents

- A. The Contract Documents consist of the following:
 - 1. This Agreement (pages 1 to 5, inclusive).
 - 2. Performance bond and Payment bond
 - 3. General Conditions
 - 4. Supplementary Conditions
 - 5. Specifications as listed in the table of contents of the Project Manual.
 - 6. Drawings consisting of 2 sheets with each sheet bearing the following general title: Westford Road Sewer Replacement.
 - 7. Addenda (numbers _____ to _____, inclusive).
 - 8. Exhibits to this Agreement (enumerated as follows):
 - a. Contractor’s Bid (pages 00300-1 to 00300-6, inclusive).
 - b. Documentation submitted by Contractor prior to Notice of Award (pages _____ to _____, inclusive).
 - c. _____.
 - 9. The following which may be delivered or issued on or after the Effective Date of the Agreement and are not attached hereto:

- a. Notice to Proceed (pages _____ to _____, inclusive).
 - b. Work Change Directives.
 - c. Change Order(s).
- B. The documents listed in Paragraph 9.01.A are attached to this Agreement (except as expressly noted otherwise above).
- C. There are no Contract Documents other than those listed above in this Article 9.
- D. The Contract Documents may only be amended, modified, or supplemented as provided in the General Conditions.

ARTICLE 10 – MISCELLANEOUS

10.01 *Terms*

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

10.02 *Assignment of Contract*

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

10.03 *Successors and Assigns*

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

10.04 *Severability*

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

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

This Agreement is dated _____.

OWNER:

CONTRACTOR

Select Board
Town of Ayer
Ayer, Massachusetts

By: _____

By: _____

Title: Chair

By: _____

Title: Member

By: _____

Title: Member

Title: _____

[CORPORATE SEAL]

[CORPORATE SEAL]

Approved: _____

Title: Treasurer

Attest: _____

Attest: _____

Title: Clerk

Title: _____

Address for giving notices:

Address for giving notices:

Agent for service of process:

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

SECTION 00300

FORM FOR GENERAL BID

Ayer Department of Public Works
Ayer, Massachusetts
Westford Road Sewer Replacement

The following Bid is submitted to: Town of Ayer Department of Public Works
25 Brook Street
Ayer, MA 01432

By (Contractor Name): Commonwealth Construction & Utilities, Inc.
(Address for Giving Notice): P.O. Box 972
Watertown, MA 02472

A. The Undersigned proposes to furnish all labor and materials required for the Westford Road Sewer Replacement in Ayer, Massachusetts, in accordance with the accompanying plans and specifications prepared by The Ayer DPW for the contract price specified below, subject to additions and deductions according to the terms of the specifications.

B. This bid includes addenda

Number _____
Dated _____

C. BASE BID -The proposed contract price for the **Base Bid including Bid Items 1 through 5** complete is

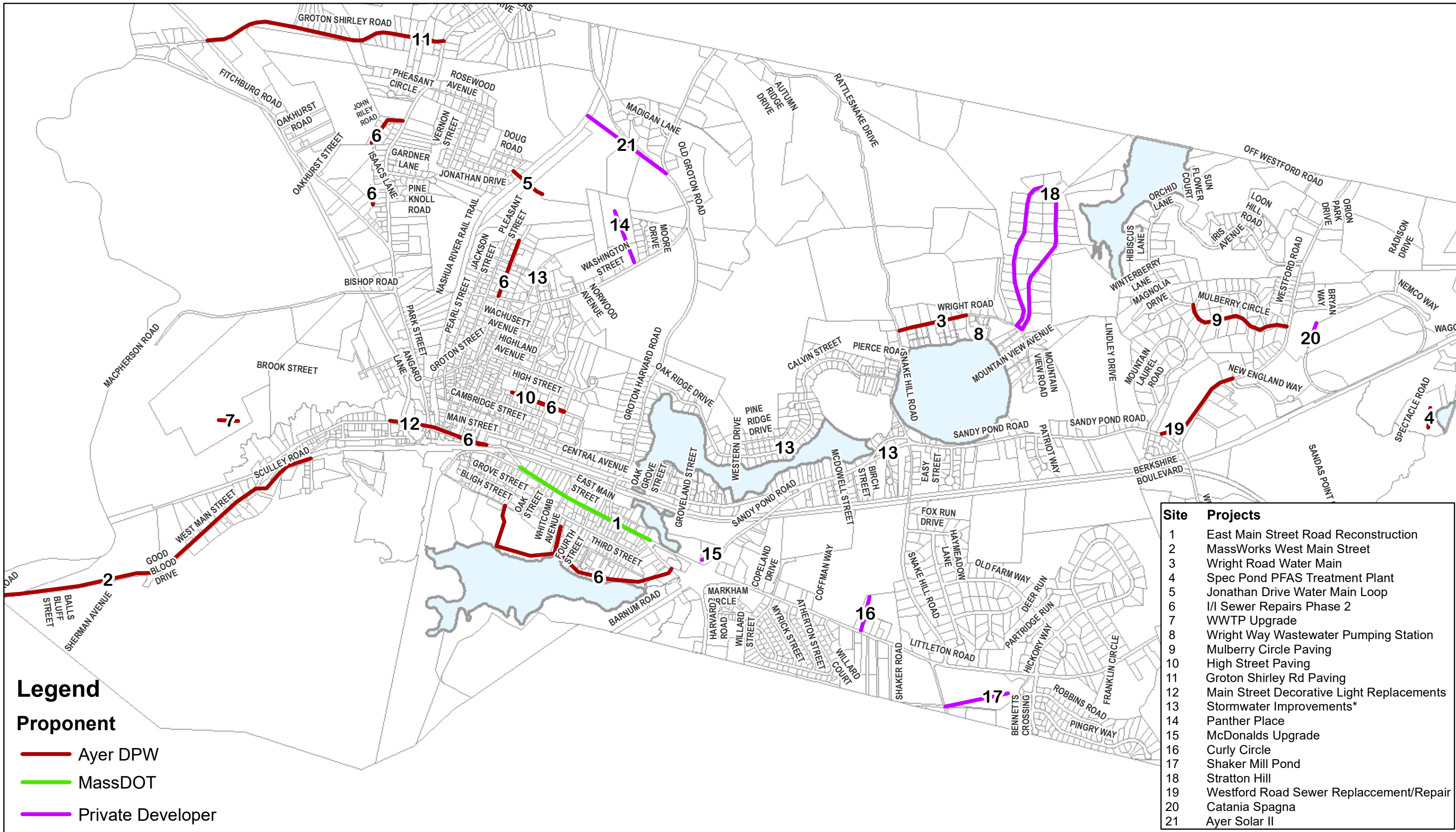
One hundred sixty-five thousand one hundred
dollars and zero cents dollars (\$ 165,100.00).
(in Words) (in Figures)

D. The subdivision of the proposed contract price is as follows:

BASE BID

Item No.	Quantity*	Brief Description of Item with Unit Bid Price in Words	Unit Bid In Figures	Amount In Figures
1	Lump Sum	Remove existing manholes, install new 12-inch PVC sewer and manholes and reconnect existing 6-inch force main The Sum of \$ <u>One hundred twenty-three thousand dollars</u> Lump Sum	\$ <u>123,000.00</u>	\$ <u>123,000.00</u>
2	15 Days	Install and operate Wastewater Bypass Pumping System The Sum of \$ <u>three hundred dollars</u> Per Day	\$ <u>300.00</u>	\$ <u>4,500.00</u>
3	3 Days	Provide standby sewer repair service for CIPP contractor. The Sum of \$ <u>Seven thousand two hundred dollars</u> Per Day	\$ <u>7,200.00</u>	\$ <u>21,600.00</u>
4	40 CY	Gravel Subbase The Sum of \$ <u>fifty dollars</u> Per Cubic Yard	\$ <u>50.00</u>	\$ <u>2,000.00</u>
5	200 SY	Trench Binder and Top Course Bituminous Pavement The Sum of \$ <u>seventy dollars</u> Per Square Yard	\$ <u>70.00</u>	\$ <u>14,000.00</u>

* Indeterminate quantities assumed for comparison of bids. Quantities are not guaranteed. Payment will be based on actual quantities installed/constructed.



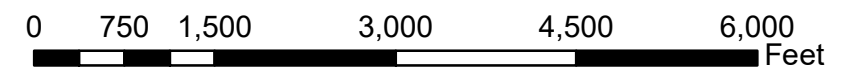
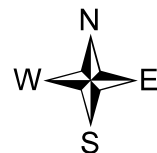
Legend

Proponent

- Ayer DPW
- MassDOT
- Private Developer

June 2021

Town of Ayer 2021 Construction Projects



*Nashua St Culvert Replacement, Oak Ridge Dr Rain Garden, Samantha Lane Hydro Separator

Town of Ayer 2021 Construction Projects

<u>Project</u>	<u>Proponent</u>	<u>Description</u>	<u>Project Start</u>	<u>Project Finish</u>	<u>Comments</u>
East Main Street Road Reconstruction	MassDOT	Drainage, sidewalks, curbing and repaving	Fall 2020	Spring 2022	
MassWorks West Main Street	Ayer DPW	Drainage, sidewalks, curbing and repaving	Summer 2021	Summer 2022	
Wright Road Water Main	Ayer DPW	Replace 1800 feet of water main	May-21	Jun-21	
Spec Pond PFAS Treatment Plant	Ayer DPW	Construction of PFAS removal plant	Fall 2020	Jan-22	
Jonathan Drive Water Main loop	Ayer DPW	Water main from Pleasant Street to Jonathan Drive to improve flow and pressure in NW section of Town	Fall 2021		Waiting for MA legislative approval
I/I Sewer Repairs Phase 2	Ayer DPW	Relining sewers in various locations	May-21	Jul-21	Preparing Change Order to include Westford Road Sewer Repairs
WWTP Upgrade	Ayer DPW	Treatment Process Upgrades	Jul-21	Jan-22	
Wright Way Wastewater Pumping Station Upgrade	Ayer DPW	Upgrade to existing sewer pumping station	Fall 2021	Spring 2021	Stratton Hill Development will partially fund
Mulberry Circle Paving	Ayer DPW	Repave 1/2 of Mulberry Circle	Jun-21	Jul-21	Chapter 90 Paving
High Street Paving	Ayer DPW	Repave with new sidewalks	Aug-21	Sep-21	Chapter 90 Paving
Groton Shirley Rd Paving	Ayer DPW	Repave road with drainage improvements	Aug-21	Sep-21	Neighborhood meeting to discuss traffic calming
Main Street Decorative Light Replacements	Ayer DPW	Repalce 8 lights	21-Sep	Oct-21	
Stormwater Improvements (Nashua St culvert, rain garden 132 Oak Ridge, treatment unit installation at Samantha Lane)	Ayer DPW	Stormwater managemetn improvements	Summer 2021	Fall 2021	
Panther Place (Off Washington Street)	Private Developer	Subdivision with water, sewer, drainage and road construction	Fall 2021		DPW Utility inspections, Sewer installatoin in Washington St
McDonalds Upgrade	Private Developer	Drive Thru improvements	Summer 2021	Fall 2021	Includes new sidewalk on Sandy Pond Rd
Curly Circle - Littleton Road	Private Developer	Subdivision with water, sewer, drainage and road construction	Fall 2020	Fall 2021	DPW Utility inspections
Shaker Mill Pond	Private Developer	Subdivision with water, sewer, drainage and road construction	Spring 2021	Summer 2022	DPW Utility inspections
Stratton Hill	Private Developer	Subdivision with water, sewer, drainage and road construction			DPW Utility inspections
ASRS Field Improvements	ASRHS	New Turf Field, base ball soccer and softball fields	Spring 2022	Fall 2022	DPW Engineering is assisting with project
Westford Road Sewer Replacement/ Repair	Ayer DPW	Replace and reline sewer	Jun-21	Jul-21	
Catania Spagna	Private Developer	Construction of building addition with major stormwater management system construction	Jun-21	Jun-22	Project involves new stormwater managements system for off site stormwater and new sewer force main

Planning Department and Planning Board projects in calendar year 2021

A) Planning Board development review projects known and anticipated for calendar year 2021.

Project Name	Applicant and Representative(s)	Project / Plan Description	Deadline / Timeline	Other / Notes
Panther Place Definitive Subdivision, Washington Street	Joseph Levine, Northeast Site Development, applicant Beals and Associates, Engineers	26 lot definitive OSRD subdivision, 2 separate 'ANR' lots on Wash. Street	Planning Board has until July 27, 2021 to decide unless extension granted.	Because this subdivision underwent Prelim. Plan review, the Def. Plan process shouldn't be as complex as other subdivs.
Stratton Hill Definitive Subdivision, Wright Road	David Moulton, applicant Dillis and Roy, engineers Bob Collins, attorney	39 lot definitive OSRD subdivision in the Petapawag Area of Critical Environmental Concern, access from Wright Rd.	Public hearing starts on July 13. The applicant granted the PB an automatic extension to the end of November, 2021.	This project will require extensive Peer Review as well as DPW assistance. Key issues include traffic impacts, the condition of Wright Road and impacts to wildlife habitat in the ACEC.
Justin Smith, Marijuana cultivation Site Plan and Special Permit	Justin Smith, applicant. 4 New England Way	Site Plan application anticipated for summer / fall of 2021 after CCC permitting.	Unknown currently though review is likely to take the full 90 days from application submittal.	This will be the first project under the relatively new Marijuana Enterprises section of the Bylaw.
22 Fitchburg Road	Elizabeth Almeida	Edible mushroom cultivation / Site Plan review.	Unknown currently until application submittal.	
3-5 Park Street	Ashley Owens – ReArchitect Formerly owned by Robert and Tom Gardner	Mixed-Use project: several apartments and commercial space.	Unknown currently until application submittal.	The PB approved a special permit to allow the needed parking to be provided off-site. Site Plan approval needed to complete the project.
Catania-Spagna Oils (post-approval)	Catania – Spagna Oils.	Large building addition for plastic pellet processing into bottles.	Approved by the Planning Board and ConComm. Need to set up Pre-Cons. meeting and other steps.	This project has a fair amount of post-approval activities due to the site's complexity and wetlands.
Shaker Mill Pond subdiv. (post-approval)	Daniel Aho, owner.	26 lot definitive subdivision approved in 2019.		

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B) Other Projects

Project Name	Scope or Purpose of Project	Timeline	Other / Notes
Build-Out Study of Downtown / Park Street Form-Based Code district	This project, being undertaken under a DLTA grant with the MRPC, will identify the amount and type of development possible in the Downtown / Park Street Form-Based Code district.	As of June 7, 2021, this project has not yet started, but is anticipated to begin soon. Project completion likely in the fall of 2021.	Alan Manoian and I are the Town representatives and 'local match' for this project. It will involve a good amount of work on our end, though hopefully MRPC can do the number crunching and written report.
Petapawag ACEC Overlay District	Develop an overlay district for the forested area of north-central Ayer within the Petapawag Area of Critical Env. Concern.	This zoning project is contingent on cooperation from the landowner who controls most of the large parcels in this area. Hoping for Fall, 2021 Special Town Meeting (STM) vote, but a bit uncertain now.	
Other Zoning Bylaw amendments	The Parking section of the Ayer Zoning Bylaw needs to be re-visited. In addition, there are other 'minor' zoning amendments being considered by the Building Commissioner.	Hoping to have the minor amendments ready for a vote at the Fall, 2021 Special Town Meeting (STM). The parking section revisions may take a bit longer, depending on workload.	
Design Guidelines and Regulations for OSRD subdivisions	The purpose of this project is to develop Design Guidelines and Regulations to address the grey areas in administration and design of OSRD (open space) subdivisions. I have convened a small Working Group to assist me in this endeavor.	This project was launched this Spring and is in process. I am hoping that a draft set of guidelines and regulations can be ready for review by the Planning Board by the end of this Summer, 2021.	

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: 6/10/2021
Re: Request Ayer Select Board Vote on DRAFT Town of Ayer ADA “Self-Evaluation & Transition Plan” for submission to Massachusetts Office on Disabilities (MOD)

The AOCED requests placement on the June 15, 2021 Agenda of the Ayer Select Board to present the DRAFT Town of Ayer ADA (*Americans with Disabilities Act*) “Self-Evaluation & Transition Plan”, and to request a vote in favor of submission to the Massachusetts Office on Disabilities (MOD) by June 30, 2021.

The AOCED will have the FINAL Town of Ayer Self-Evaluation & Transition Plan completed for the June 30, 2021 submission deadline.

Understanding the Ayer Select Board is on its summer schedule and will next meet on July 14th, the AOCED will request placement on the July 14th Select Board Agenda for a vote in favor of the FINAL Plan document; the results of the July 14th vote will be forwarded to (MOD) for file.

There will be no substantive changes/modifications between the current DRAFT Plan, to be presented at the June 15th Select Board Meeting, and the FINAL Plan to be presented at the July 14th Select Board Meeting. The Final Plan will benefit from some additional “polishing”, with additional photographic images of the inspected municipal properties, finalizing page layout/formatting, additional results of public on-line surveys, and crediting all those who contributed to the process and final product.

The AOCED will be prepared to provide additional information, detail, clarification, etc. at the June 15th Ayer Select Board Meeting.

Town of Ayer (2021)

ADA Self-Evaluation & Transition Plan



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

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Rehabilitation Act – 1973
Voting Accessibility for the Elderly &
Handicapped Act – 1984
Telecommunications Act – 1996
Help America Vote Act – 2002
521 Code of Massachusetts Regulations
Architectural Access Board
Alterations to Historic Properties (ADA 2010 Standards)
ADA SELF-EVALUATION
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(ADA Title II – 28 CFR Part 35.160)

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

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

Polling/Voting Places

Town of Ayer MA Complete Streets Prioritization Plan (2017)

ADA TRANSITION PLAN

Limitations of the Transition Plan and Compliance

ADA Safe Harbor

Tolerances

Facilities (Town Hall)

Facilities (Ayer Library)

Facilities (Ayer Council on Aging)

Facilities (Ayer Police Station)

Facilities (Ayer Public Works Building)

Facilities (Ayer Fire Station)

Facilities (Ayer Parks & Recreation Building)

Facilities (Ayer Transfer Station)

Facilities (Sandy Pond Beach & Building)

Facilities (Ayer Dog Park)

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

On July 26, 1990 President George H. Bush signed the Americans with Disabilities Act, a federal civil rights law that prohibits the exclusion of people with disabilities from the right of equal opportunity. 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. The ADA is a civil rights law. 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.

The ADA prohibits discrimination on the basis of disability in all services, programs, and activities provided by small local governments (i.e. towns). Thus, people living with disabilities must have an equal opportunity to participate in and benefit from a town's services, programs, and activities. To accomplish this, the ADA sets requirements for municipal facilities, new construction and alterations, communication with the public and policies and procedures governing municipal programs, services, and activities. All towns must perform a Self-Evaluation of its policies, practices, programs, procedures, services, etc. (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 disabled.

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 on the basis of 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, etc. (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 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 towns 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 was conducted of those municipal departments which offer programs or provides services to the general public. A Town of Ayer municipal department Survey Monkey Form (See Appendix 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 achieved.

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 Disabilities Commission 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 and no more than nine members chosen by the Board of Selectman or Town Manager (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.

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.

In order for a municipality to successfully comply with the intent of the ADA, it is critical that its ADA Coordinator take a pro-active role in performing his or her role. It is not adequate for an ADA Coordinator to serve only as a decision-making authority under the town'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.

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 ____). 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.

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 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.

Under “About Ayer” then to “Employment Opportunities” – Job Descriptions should include at bottom of page _____. 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.”

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 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)**

“Notice of Vacancies Department supervisors, upon the identification of a vacancy or on the authorization of a new position, shall prepare a job vacancy notice. The job vacancy notice shall include the job title, major duties of the position, qualifications, salary ranges, a closing date for applications, and application instructions. The Town Administrator shall review and approve all job notices prior to advertisement and posting where applicable. Recruitment for a position shall not begin until the Town Administrator approves the job vacancy notice. Elected officials have the right to post notice and hire their own employees.” **(6.1.1 Recruitment)**

“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)**

“The department supervisor will:

- A. Notifies the new employee of a starting date, time and designated location for starting work.
- B. Provide on-site orientation regarding specific rules, regulations, policies and procedures of the employee's assigned department including the safety policies and procedures within seven calendar days of the start of the employment.
- C. Provide the employee with a copy of this Personnel Guide and Policies & Procedures Manual within seven (7) days of the start date.” **(7.1.1 Orientation)**

“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)

“Harassment is a form of behavior, which adversely affects the employment relationship. State and Federal law prohibit it. The Town also condemns and prohibits sexual harassment by any employee.” (10.1.1 Harassment)

“Harassment does not refer to purely social activities. It refers to behavior, which is not welcomed by the employee, which is personally offensive to him or her, and which undermines morale, and/or interferes with the ability of the employee to work effectively.” (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 (Attachment C and D).

In 2019, with the adoption of the Town Manager form of local government (from the previous Town Administrator form) 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.

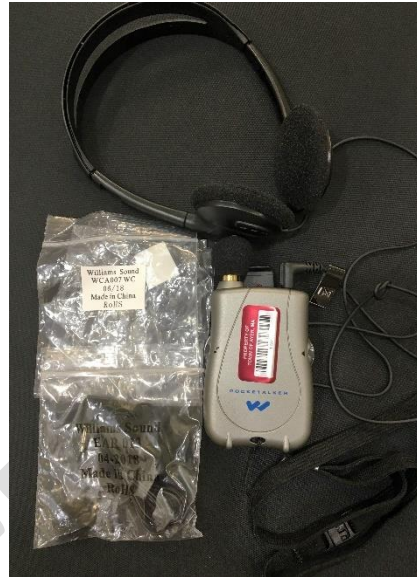
Maintenance (ADA Title II – 28 CFR Part 35.133 (a))

A municipality must maintain in operable working condition those features that are necessary to provide access to services, programs, and activities. This includes door closers, sidewalks, parking space signage and striping, and ramps, among many other things. Isolated or temporary interruptions in service or access are permitted for maintenance or repairs. However, this is deemed as short-term and not of a semipermanent 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 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 36". 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.

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

Local governments must ensure effective communication with individuals with disabilities. To ensure that communications with individuals who have hearing, vision or speech impairments, municipal governments must provide appropriate auxiliary aids. The type of auxiliary aids or services 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 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.

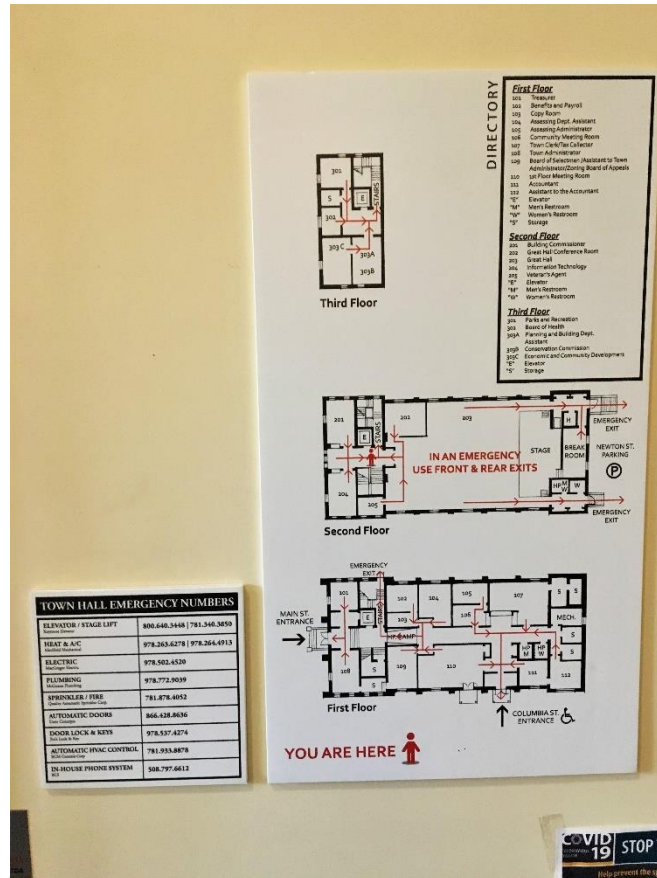




(Town of Ayer "Pocket Talker" Assistive Listening Headset Device at Ayer Town Hall 1st Floor Select Board Meeting Room)



(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)

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. 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*):



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)

[Home](#)



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](#).

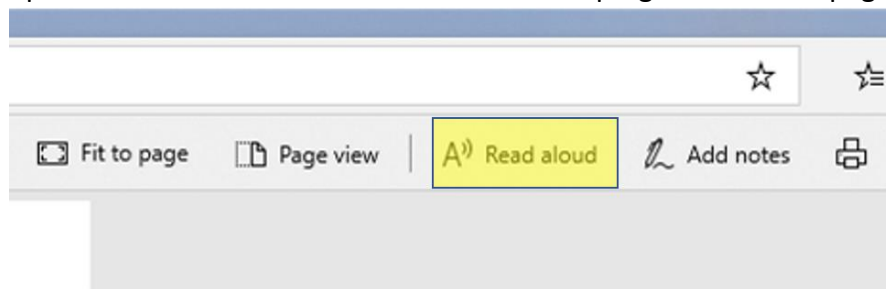
However, recognizing that even this version does not always work for all users, alternative accessible formats are provided wherever possible, most commonly through a text or an HTML file.

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. 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.”

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.

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)

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 Complete Streets Prioritization Plan submitted to MassDOT, included in Appendix A of the report. Order of magnitude cost estimates for each project may be found in Appendix B.

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.							
Entrance: 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.							

<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> <p>Carpet or mat edges should be secure to avoid tripping.</p>							
<p>Interior Accessible Routes: The front, main entrance foyer and elevator are inaccessible as they can only be accessed by using stairs.</p> <p>Carpet or mat edges should be secure to avoid tripping.</p>							
<p>Bathrooms: Coat hooks inside bathroom and bathroom stalls should be no more than 48" above the floor.</p> <p>One lavatory should have a clear floor space for a forward approach at least 30 inches wide and 48 inches long.</p> <p>The sidewall grab bar should extend at least 54 inches from the rear wall.</p>							
<p>Drinking Fountains: The front of the fountain should protrude no more than 4 inches into the circulation path.</p>							

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 ¼" 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> <p>The bottom of the sign for the accessible spaces should be at least 60" above the ground.</p> <p>The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".</p>							
<p>Entrance: The entrance threshold should be no more than ¼" high.</p> <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>							
<p>Bathrooms:</p>							

<p>The sidewall grab bar should extend at least 54 inches from the rear wall.</p>							
<p>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.</p>							

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 1/4" 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
<p>Parking: The parking area must have at least one van accessible parking space.</p> <p>All accessible spaces must have an accessible aisle.</p> <p>The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".</p>							
<p>Exterior Accessible Routes: The accessible route should be closest to the accessible entrance.</p> <p>The exterior accessible route should be stable, firm and slip-resistant, and at least 36" wide.</p>							
<p>Entrance: At least one entrance must be accessible and have a sign indicating it is accessible.</p> <p>The entrance threshold should be no more than ¼" high.</p> <p>Carpet or mat edges should be secure to avoid tripping.</p>							
<p>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. ***</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>Assembly Spaces: All interior assembly spaces (rooms, theatres, etc) should have adequate number of wheelchair accessible spaces per the total number of seats.</p>							
<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 than 1.5" from wall, and should extend at least 54" from rear wall.</p> <p>The flush control should be on open side of toilet area.</p>							

<p>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.</p> <p>The stall door should be self-closing with handles on both sides that do not require tight gripping.</p>							
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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
<p>Parking:</p> <p>The van accessible space and aisle should each be at least 8’ wide.</p> <p>The bottom of the sign for the accessible spaces should be at least 60” above the ground.</p> <p>The van accessible space should have a sign with universal accessibility symbol and stating, “van accessible”.</p>							
<p>Entrance:</p>							

Inaccessible entrance should have a sign and direction to accessible entrance.							
<p>Bathrooms: Inaccessible bathrooms should have sign and direction to accessible bathrooms.</p> <p>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.</p> <p>Side-wall grab bar should extend at least 54" from rear wall.</p> <p>There should be at least 12" clearance between rear-wall grab bar and any protruding object above the bar.</p> <p>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.</p>							

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
<p>Parking: The parking area must have at least one van accessible parking space.</p> <p>The accessible space should be at least 8' wide.</p> <p>The bottom of the sign for the accessible spaces should be at least 60" above the ground.</p> <p>The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".</p>							
<p>Entrance: Entrance threshold should be no more than ¼" high.</p> <p>Carpet or mat edges should be secure to avoid tripping.</p>							
<p>Interior Accessible Routes: Carpet or mat edges should be secure to avoid tripping.</p>							
<p>Assembly Rooms: Signs for interior assembly rooms should have braille.</p> <p>Signs should be mounted so bottom of text is at least 48" above ground and no more than 60" above ground.</p>							
<p>Bathrooms: There should be at least 12" clearance between rear-wall grab bar and any protruding object above the bar.</p> <p>The stall door should be self-closing.</p>							

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
<p>Parking: No route exists from arrival points to entrance without using steps.</p> <p>Parking area car and van accessible spaces and aisles must meet minimum width.</p> <p>The bottom of the sign for the accessible spaces should be at least 60" above the ground.</p> <p>The van accessible space should have a sign with universal</p>							

<p>accessibility symbol and stating, "van accessible".</p>							
<p>Exterior Accessible Routes: Inaccessible entrance should have a sign and direction to accessible entrance.</p> <p>The accessible entrance should have a sign with universal accessibility symbol.</p>							
<p>Entrance: The distance between the vestibule doors must be at least 48 inches plus the width of the doors when swinging into the space.</p>							
<p>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.</p> <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> <p>Bathroom hand dryer must meet code.</p> <p>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.</p> <p>The sidewall grab bar should extend at least 54 inches from the rear wall.</p> <p>There should be at least 12" clearance between rear-wall grab bar and any protruding object above the bar.</p> <p>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.</p>							

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
<p>Parking: The van accessible aisle must be at least 8' wide.</p> <p>The bottom of the sign for the accessible spaces should be at least 60" above the ground.</p>							

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
<p>Parking: The parking area must have at least one van accessible parking space.</p> <p>The van accessible space should have a sign with universal accessibility symbol and stating, "van accessible".</p>							

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	Cost
<p>Bathrooms:</p> <p>Bathroom signs should include braille, be located on latch side, and be between 48 and 60" above the ground.</p> <p>The entrance door opening should be at least 32" wide.</p> <p>The front approach to the pull side of the entrance door should have at least 18 inches of maneuvering clearance beyond the latch side plus 60 inches clear depth.</p> <p>Door hardware should be mounted between 34" and 48" above the floor.</p> <p>The privacy wall should have at least 24 inches of maneuvering clearance beyond the door latch side and 42 inches to the privacy wall.</p>							

<p>There should be a clear path at least 36" wide to each bathroom fixture (hand dryer, soap dispenser, etc).</p> <p>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.</p> <p>The flush control should be on open side of toilet.</p> <p>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.</p> <p>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.</p> <p>The stall area should be at least 60" wide.</p> <p>The minimum required compartment area provided beyond the swing of the stall door is 59 inches for floor mounted toilet.</p>							
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Dog Park

Description of Obstacles

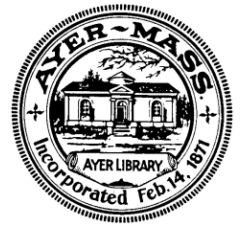
Parking

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

**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: June 11, 2021

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Town Manager's Report for the June 15, 2021, Select Board Meeting

Dear Honorable Select Board Members,

I am pleased to transmit to you the following Town Manager's Report for the June 15, 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):

- I will provide a brief Administrative Update at the meeting of the various activities, initiatives, and projects of the Town since the Select Board last met on June 1, 2021.
- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on June 1, 2021:

Payroll Warrant #21-24 in the amount of \$360,269.12 was reviewed, approved, and signed on June 1, 2021.

Accounts Payable Warrant #21-24 in the amount of \$1,684,556.67 was reviewed, approved, and signed on June 8, 2021.

COVID-19 Update/Town Hall Reopening Update:

- At the meeting, I will provide a brief COVID-19 Update on the Town's ongoing COVID-19 preparedness to include a brief update on the Town's Reopening Plan.

Appointments:

- I respectfully recommend that the Select Board appoint Ms. Carolyn McCreary of Ayer to the Ayer Council on Aging (COA) Board of Directors for the balance of a three-year term to expire on June 30, 2022.
- I respectfully recommend that the Select Board appoint Mr. James Stephen of Ayer to the Ayer Affordable Housing Committee for the balance of a three-year term to expire on June 30, 2022.

2021 Reappointments (Part2):

- Please see the attached memo prepared by the Assistant Town Manager containing the individuals recommended for reappointment by the Select Board to the various Boards, Commissions, and Committees which are appointed by the Select Board (see attached).

Proposed Town Hall Change of Hours, Effective July 1, 2021:

- I am respectfully proposing and recommending that the Select Board vote to change the Town Hall hours of operation as follows effective July 1, 2021:

<u>Current Town Hall Hours</u>	<u>Proposed (Effective July 1, 2021)</u>
Monday: 8am-4pm	Monday: 8am-4pm
Tuesday: 8am-7pm	Tuesday: 8am-6pm
Wednesday: 8am-4pm	Wednesday: 8am-4pm
Thursday: 8am-4pm	Thursday: 8am-4pm
Friday: 8am-1pm	Friday: 8am-2pm
<u>Total: 40 hours</u>	<u>Total: 40 hours</u>

- The proposed change maintains the 40 hours a week but instead of an eleven (11) hour day on Tuesdays, it would be a ten (10) hour day and instead of a five (5) hour day on Fridays, it would be a six (6) hour day. In consultation with all Town Hall Departments, most evening customers/public business for the Town Hall on Tuesdays occurs between 4pm and 6pm with very little public business after 6pm.
- Additionally, staying open an extra hour on Friday would be beneficial for customers/public business prior to the weekend. Finally, an internal survey of Town Hall Employees indicated that they would prefer the 8am-6pm schedule on Tuesdays and the 8am-2pm schedule on Fridays.

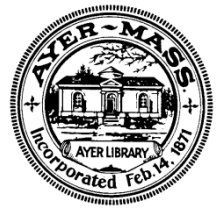
Approval of Available Beer/Wine License Process:

- Please see the attached memo prepared by the Assistant Town Manager regarding the approval of a process for the available beer/wine license (see attached).

Thank you.


Attachment(s): 2021 Reappointments (Part 2) Memo from the Assistant Town Manager
Approval of Available Beer/Wine License Process Memo from the Assistant Town Manager

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



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Memorandum

To: Select Board
From: Carly Antonellis, Assistant Town Manager 
Date: June 11, 2021
Re: 2021 Annual Reappointments

Dear BOS,

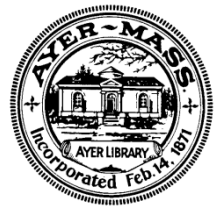
I am respectfully requesting that the following be reappointed by the SB:

Expiring Term List		
Board / Committee	Current Member	Length of Term
ENERGY COMMITTEE	Ken Diskin	3 Years
ENERGY COMMITTEE	Carolyn McCreary	3 Years
INDUSTRIAL DEVELOPMENT FINANCE AUTHORITY	Francis P. Callahan	5 Years
TREE WARDEN	Mark Dixon	3 Years
ZONING BOARD OF APPEALS	John Ellis	3 Years
ZONING BOARD OF APPEALS	Ron Defilippo	3 Years

I am recommending that the Select Board also make your appointments of Select Board representative to the following: Capital Planning Committee, Executive Bi-Board, Montachusett Joint Transportation Committee (MJTC) Rate Review Committee, OPEB Board of Trustees.

Thank you for your consideration!

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



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Memorandum

To: Select Board
Robert A. Pontbriand, Town Manager

From: Carly M. Antonellis, Assistant Town Manager

Date: June 11, 2021

Re: Town Manager's Report June 15, 2021

Item #6 - Approval of Available Beer/Wine License Process

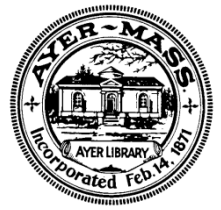
In May of 2019, I gave the Select Board the attached memo regarding an available beer/wine license. We have 3 interested parties in the license. I have been working with Town Counsel and am recommending the following process for your approval, as the Local Licensing Authority. Again, please see the attached 2019 memo for reference.

- Advertise the Availability of the License through July 2, 2021 – *Town Webpage, Social Media, Newspaper?*
- Receive letters of interest through July 2, 2021
- Have appropriate Department Heads review letters of interest for comment for Select Board
- July 14, 2021 – Hold informational meeting during SB meeting to hear from interested parties
- SB select one interested party and invite to apply for available license
- Proceed with regular process

This proposed process is based on the City of Leominster's licensing process and has been reviewed by Town Counsel. The second attachment is an ad I have created for your review and discussion on Tuesday June 15, 2021.

Thank you for your consideration of this request!


**Office of the Board of Selectmen
Office of the Town Manager**



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Memorandum

To: Board of Selectmen
Robert A. Pontbriand, Town Manager

From: Carly Antonellis, Assistant Town Manager 

Date: May 16, 2019

Re: Beer and Wine License Application Process

Due to the recent change of category of The Vineyard's Beer and Wine License to an All-Alcohol License pursuant to Chapter 328 of the Acts of 2018, the Town of Ayer has one Beer and Wine License available. I have received three inquiries about applying for this available license. While this have never been the case in my tenure (typically as one becomes available, someone applies on a first-come, first-serve basis), I have reached out to Town Counsel for some input on the process. They have provided me with the following information:

Unfortunately, neither the statutes governing alcohol licensing nor the ABCC regulations give any guidance on how to handle this situation. One way that is certainly legitimate is to take whichever completed application comes in first, schedule a hearing, and the Board can vote yes or no on the applicant. If it votes yes, then the license has been approved and there is no license available for anyone else; the later filed applications can be returned as no license is available. However, other towns I have worked with these circumstances feel it is fairer to all concerned to accept multiple applications and provide a hearing for each, and then the Board can select the one that best serves the "public need." One of our clients even places an ad in the newspaper of the license availability, so that is a perfectly acceptable method to handle the license.

If the Board does handle it by essentially receiving applications as a group, it may also want to schedule the hearings back to back on the same night. This has the advantage of hearing the two or three pitches at the same time. The Board would then need to decide which applicant to approve (not necessarily on the same night). 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.

With this information from Town Counsel, I am looking for guidance on how to proceed in applying for the available Beer and Wine License. Thank you for your consideration.

**Town of Ayer
Select Board**

Beer & Wine Package Store License Available

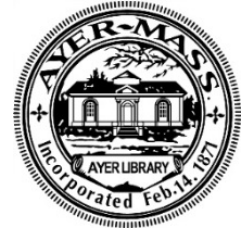
The Ayer Select Board has announced, through the Town Manager's Office, that a Section 15 Wine and Malt Beverages (Beer/Wine) Package Store (e.g. package stores, supermarkets or convenience stores) license is available.

The Select Board will be accepting letters of interest from businesses until 12:00 PM on Friday July 2, 2021. Letters received after this date will not be reviewed or considered. An informational meeting will be scheduled on July 14, 2021, during the Select Board's regular business meeting to hear from those who submitted a Letter of Interest. The Select Board will then invite one applicant to apply for the available license, at which time it will go through the regular application process: <https://www.mass.gov/how-to/apply-for-an-alcoholic-beverages-retail-license-new-or-transfer>

Applications for the available license will not be accepted by any applicant who does not go through the process above. Letters of interest should include all pertinent ownership information, address, reason for seeking the available license and any other information that will help the Select Board make a decision that will best serve the public need.

All interested businesses can drop off or mail the letter of interest to the Ayer Select Board's Office, 1 Main Street, Ayer, MA 01432. Applicants are encouraged to email their letter of interest to atm@ayer.ma.us. If you have questions, please contact Carly Antonellis, Assistant Town Manager at 978-772-8220 x100 or by email at atm@ayer.ma.us.

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



Broadcast and Recorded by APAC

Tuesday May 18, 2021
Open Session Meeting Minutes

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

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

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

Recognition of Laurie Sabol – Ayer Recycling Committee: S. Copeland and SB members recognized Recycling Committee Chair Laurie Sabol who will be retiring from the Committee in June.

Public Input: None

Barbara Tierney, Treasurer/Tax Collector - Vote to Approve Sale of General Obligation Bonds: B. Tierney stated that the Town successfully issued \$6,175,999 General Obligation Bonds with an average interest rate of 1.408%. She noted that the Town will save about \$500,000 in future interest costs due to the application of the premium for the borrowing.

Motion: A motion was made by J. Livingston and seconded by S. Houde that I, the Clerk of the Select Board of the Town of Ayer, Massachusetts (the "Town"), certify that at a meeting of the board held May 18, 2021, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the \$6,175,000 General Obligation Municipal Purpose Loan of 2021 Bonds of the Town dated May 27, 2021 (the "Bonds"), to Piper Sandier & Co. at the price of \$6,682,290.97 and accrued interest is

hereby approved and confirmed. The Bonds shall be payable on November 15 of the years and in the principal amounts and bear interest at the respective rates, as follows, as displayed in the Town Meeting Packet:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2021	\$540,000	4.00%	2031	\$235,000	2.00%
2022	\$520,000	4.00%	2032	\$230,000	2.00%
2023	\$515,000	4.00%	2033	\$230,000	2.00%
2024	\$505,000	4.00%	2034	\$230,000	2.00%
2025	\$460,000	4.00%	2035	\$230,000	2.00%
2026	\$280,000	2.00%	2037	\$445,000	2.00%
2027	\$280,000	4.00%	2038	\$220,000	2.00%
2028	\$280,000	4.00%	2039	\$220,000	2.00%
2029	\$275,000	4.00%	2040	\$220,000	2.00%
2030	\$260,000	2.00%			

Further Voted: that the Bonds maturing on November 15, 2037 (a "Term Bond") shall be subject to mandatory redemption or mature as follows:

<u>Year</u>	<u>Amount</u>	
2036	\$225,000	
2037*	\$220,000	* Final Maturity

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 4, 2021, and a final Official Statement dated May 11, 2021 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws. Further Voted: that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. C.30A, §§18-25, as amended, further suspended, supplemented or modified by the Executive Order of the Governor of The Commonwealth of Massachusetts Suspending Certain Provisions of the Open Meeting Law, Chapter 30A, §20 dated March 12,2020. **Roll Call:** S. Houde, aye; J. Livingston, aye; S. Copeland, aye. **Motion passed by Roll Call Vote 3-0.**

Alan Manoian, Director, Office of Community & Economic Development - Master Plan Implementation

Update: A. Manoian stated that the Master Plan was adopted in late 2017. The Town has made progress in implementing the goals. He reported that in each of the following categories, the number of goals that were already accomplished or are in process. 9 out of 9 Land Use Goals; 12 of 13 Housing Goals; 10 of 12 Economic Development Goals; 11 of 29 Resources Goals; 18 of 22 Transportation Goals; 12 of 12 Infrastructure Goals; 11 of 12 Municipal Services Goals. J. Livingston thanked A. Manoian for his presentation. S. Houde asked how the SB can help in achieving the remainder of the goals? A. Manoian stated that the SB should continue to play an active role in civic engagement.

Town Manager's Report: *Administrative Update/Review of Town Warrant(s)* - R. Pontbriand provided the Select Board with an update on the various activities, initiatives, and projects of the Administration since the Select Board last met. He also provided a list of signed Town Warrants in the meeting packet. R. Pontbriand thanked the Town Clerk, Susan Copeland for a running a successful Town Election. He stated that the ADA plan update is in the process of being finalized. He noted that the Rate Review Committee will meet on May 25th. He has also begun the process of reviewing the Woodlawn Cemetery transfer and will provide a formal report to SB later this year.

COVID-19 Update/Reopening Plan Update - R. Pontbriand reported that the Governor recently announced that the state will lift most remaining COVID-19 restrictions — including allowing for full capacity for industries and removing gathering limits — and adopt new federal guidance on mask wearing on May 29, 2021. The Governor also announced the State of Emergency will be lifted on June 15, 2021. The Town Hall will reopen to the public on Tuesday June 1, 2021. The plan is for continued mask wearing in the Town Hall for the time being. The restrooms will be closed to the public, and the First Floor Meeting Room and outside tent will continue to be in use for residents to meet with Town Hall staff. He noted that the Swap Shed at the Transfer Station will reopen on Wednesday June 2, 2021. He stated that he is awaiting additional information from the State regarding the allowance of remote participation/Zoom meetings. S. Copeland asked about the continuance of Outdoor dining. C. Antonellis stated that as of now, bars and restaurants can continue outdoor seating service until August 15, 2021. S. Houde suggested reaching out to business owners and seeing what their intentions were relating to outdoor seating.

New Business/Selectmen's Questions: *Devens Review Committee (Select Board Member Houde)* - S. Houde gave a brief presentation on the status of the Ayer Devens Jurisdiction/Disposition Committee. The Committee is charged with reviewing options of final disposition of Devens and the impacts to the Town of Ayer. Items to consider are impacts to revenue/expenses, education, housing and Town owned land. For 2021, he would like to appoint the remaining committee members; meet in August to refine the scope of the Committee and to regularly meet beginning in September.

Approval of Meeting Minutes:

Motion: A motion was made by S. Houde and seconded by J. Livingston to approve the Meeting Minutes from

April 14, 2021. **Roll Call:** S. Copeland, aye; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

Reorganization of the Select Board: J. Livingston stated that in the past the SB has rotated positions, but noted that in the SB policies, the Board has the option to keep the status quo. J. Livingston suggested keeping the status quo and nominated S. Copeland to remain as Chair.

Motion: A motion was made by J. Livingston and seconded by S. Houde to reappoint S. Copeland as Chair. **Roll Call:** S. Copeland, abstain; S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 2-0-1.**

Motion: A motion was made by J. Livingston and seconded by S. Copeland to nominate S. Houde as Vice-Chair and J. Livingston remain as Clerk. **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 6:55 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: _____