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MAR 15 2024

11:15am

TOWN OF AYER
TOWN CLERK

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



Tuesday March 19, 2024
Open Session Meeting Agenda

This meeting/hearing of the Ayer Select Board will be held in-person at the location provided on this notice. Members of the public are welcome to attend this in-person meeting. Please note that while an option for remote attendance and/or participation via Zoom 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. This meeting will be live on Zoom and Channel 8. The public may access the proceedings by joining Zoom (Meeting ID# 897 9080 0793) or by calling (929-205-6099). For additional information about remote participation, please contact Carly Antonellis, Assistant Town Manager at atm@ayer.ma.us or 978-772-8220 ext. 100 prior to the meeting.

6:00 PM

Call to Order

Pledge of Allegiance; Review and Approve Agenda; Announcements

Public Input

Public Hearing – M.G.L. 148 sec. 13 – Amendment to Storage of Flammable and Combustible Liquids, Gases and Solids License

JAR Realty Corporation, 1 Nemco Way

6:05 PM

Public Hearing – FY '25 Water & Sewer Rates

6:10 PM

Dan Van Schalkwyk, Director, Dept. of Public Works

1. Change Order 1 – Pulpit Rock Drainage and Pathway Improvement Project
2. Main Street Reconstruction Project – Support Letter
3. Stormwater Utility Advisory Workgroup Update
4. Water Supply Update
5. Out-of-Town Wastewater Service Connection Application
6. DPW Project Updates

6:30 PM

Chief Brian Gill, Ayer Police Department

Ayer Special Meeting, October 23, 2023: Articles Approved by Attorney General

6:40 PM

Town Manager's Report

1. Administrative Update/Review of Warrants
2. FY 2025 Budget Process Update
3. Proposed Funding Plan for 71 Sandy Pond Road
4. Proposed Funding Plan for FY '24 MNHG Dissolution Invoice
5. DRAFT Annual Town Meeting Warrant Update

7:00 PM

New Business/Select Board Member Questions

7:05 PM

Approval of Meeting Minutes

March 6, 2024

7:10 PM

Executive Session Pursuant to MGL Chapter 30A, Section 21A:

Exemption #2 (Non-Union Personnel) Finance Manager Personal Services Contract

*The next regularly scheduled meeting of the Ayer Select Board will be Tuesday April 2, 2024 at 6:00 PM, both in-person and via Zoom.
The 2nd Public Budget Forum will be held on Wednesday March 27, 2024 at 6:00 PM, both in-person and via Zoom.
The Annual Town Meeting will be held on Monday April 22, 2024 at 7:00 PM at the ASRHS Auditorium.*

Exemption #2 (Non-Union Personnel) DPW Director Personal Services Contract
Exemption #2 (Non-Union Personnel) Police Chief Personal Services Contract
Exemption #3 (Collective Bargaining) Ratification of Dispatchers Contract MOA

**Agenda Times are approximate and do not constitute exact times*

***The Select Board will adjourn at the conclusion of the Executive Session*

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11:50am
TOWN OF AYER
TOWN CLERK


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



The Ayer Select Board will be conducting an in-person and remote* Public Hearing at 6:00 PM on Tuesday March 19, 2024 regarding an application by JAR Realty Corporation, 1 Nemco Way (Assessor's Map 17 Parcel 21) Ayer, MA. The applicant is seeking an amendment to a current Flammable and Combustible Liquids, Gases and Solids License for the increased storage of up to 2,500,000 gallons of vegetable and olive oils pursuant to M.G.L. 148 sec. 13. Applicant is currently licensed for the storage of up to 2,080,000 gallons of vegetable and olive oils. For Zoom/Call-In* information please contact atm@ayer.ma.us or 978-772-8220 x100.

Name of Applicant: JAR Realty Corporation
1 Nemco Way
Ayer, MA 01432

Date of Public Hearing: Tuesday March 19, 2024

Time of Public Hearing: 6:00 PM

Location of Public Hearing: Ayer Town Hall
1 Main Street
Ayer, MA 01432

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

**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 via Zoom is being provided as a courtesy to the public, the meeting/hearing will not be suspended or terminated if technological problems interrupt the virtual broadcast, unless otherwise required by law. Members of the public with particular interest in a specific item on this agenda should make plans for in-person vs. virtual attendance accordingly.*



The Commonwealth of Massachusetts
City/Town of Ayer

GIS Coordinates

LAT.

LONG.

License Number

FP-002
(Rev. 6/23)

License

Massachusetts General Law, Chapter 148 §13

New License Amended License

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

Location of Land: 1 Nemo Way Lot 2E
Number, Street and Assessor's Map and Parcel ID

Owner of Land: JAR Realty Corporation

Address of Land Owner: 90 Nemo Way, Ayer, MA 01432

Flammable and Combustible Liquids, Flammable Gases and Solids

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

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
<u>Vegetable + Olive Oils</u>	<u>B</u>	<u>2,500,000</u>	<u>gallons</u>	<u>AST/IBC/Drums</u>

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

- ❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____
List sizes and capacities of all aboveground containers used for storage _____
 - ❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____
List sizes and capacities of all underground containers used for storage _____
- Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

- ❖ Maximum amount (in pounds) of Class 1.3G: _____
 - ❖ Maximum amount (in pounds) of Class 1.4G: _____
 - ❖ Maximum amount (in pounds) of Class 1.4: _____
- Total aggregate quantity of all classes of fireworks to be stored: _____

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

Explosives (Complete this section for the storage of explosives)

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

Licensing Authority Use:

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

ADDITIONAL RESTRICTIONS:

Signature of Licensing Authority _____ Title _____ Date _____

PLEASE NOTE THAT ONLY APPLICATIONS WITH ORIGINAL WET SIGNATURES WILL BE ACCEPTED. PHOTOCOPIES OF APPLICATIONS WILL NOT BE PROCESSED.

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



FP-2
(Rev. 05-2009)

The Commonwealth of Massachusetts
City/Town of Ayer
License

Massachusetts General Law, Chapter 148 §13

New License Amended License

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GIS Coordinates

LAT.

LONG.

License Number

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Owner of Land: JAR Realty Corporation
Address of Land Owner: 3 Nemo Way Ayer, MA 01432

Flammable and Combustible Liquids, Flammable Gases and Solids

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PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
<u>Vegetable + Olive Oils</u>	<u>B</u>	<u>16,000,000</u>	<u>pounds</u>	<u>AST/IBC/Drums</u>
		<u>OR</u>		
		<u>2,080,000</u>	<u>gallons</u>	

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❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____
List sizes and capacities of all aboveground containers used for storage _____

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

Total aggregate quantity of all LP-gas to be stored: _____

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Total aggregate quantity of all classes of fireworks to be stored: _____

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SELECTMEN'S OFFICE

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ADDITIONAL RESTRICTIONS:


Signature of Licensing Authority

Chair, Auer Board
of Selectmen

11/17/15

Date

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FEB 08 2024



TOWN OF AYER
TOWN CLERK

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



Fiscal Year 2025 Water & Sewer Rates

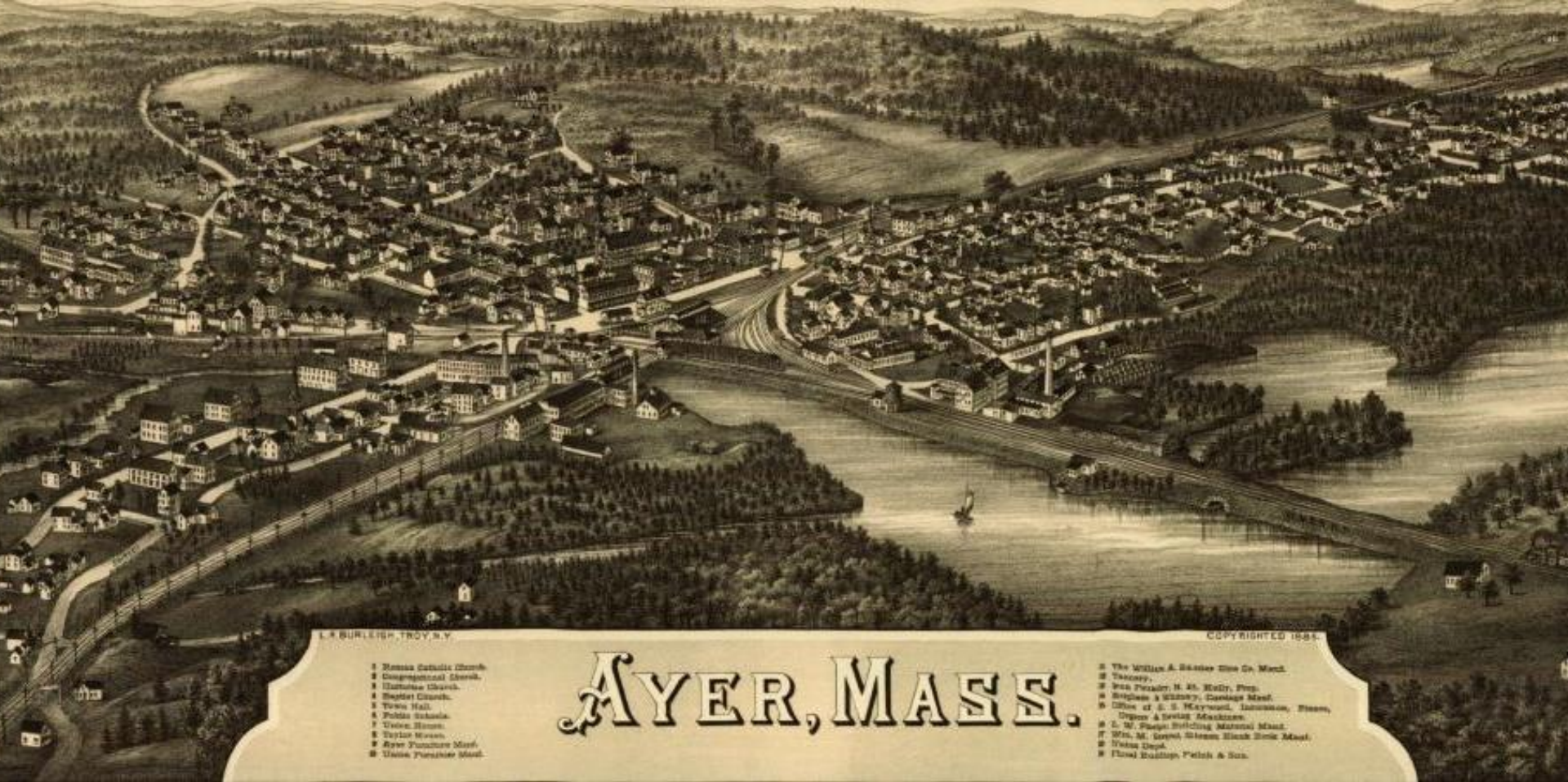
The Ayer Select Board will be conducting an in-person and remote Public Hearing on Tuesday March 19, 2024 at 6:05 PM. The Select Board, in their legal capacity as the Town's Water and Sewer Commissioners will hear the report and recommendation(s) of the Town's Rate Review Committee; take public comment(s); and consider approval and adoption of the FY' 2025 Water and Sewer Rates. Zoom Meeting ID is 897 9080 0793 and Call-In number is 929-205-6099. For more information, please contact atm@ayer.ma.us or 978-772-8220 x100.

Date of Public Hearing: Tuesday March 19, 2024

Time of Public Hearing: 6:05 PM

Location of Public Hearing: Remote Participation Meeting held on Zoom (See above for Zoom details)

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



L. S. BURLINGHAM, TROY, N. Y.

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- 1 Roman Catholic Church.
- 2 Congregational Church.
- 3 Baptist Church.
- 4 Town Hall.
- 5 Public School.
- 6 Union House.
- 7 Taylor House.
- 8 Ayer Furniture Manuf.
- 9 Town, Parsonage Manuf.

AYER, MASS.

- 10 The William A. Hilday Co. Manuf.
- 11 Talcott.
- 12 Iron Foundry, H. M. Holt, Prop.
- 13 Briggs & Wadsworth, Cardage Manuf.
- 14 Office of S. S. Raymond, Insurance, Steam, Dynamite & Sewing Machine Manuf.
- 15 S. W. Paine, Sewing Machine Manuf.
- 16 Wm. M. Gaynes, Steam Black Iron Manuf.
- 17 Water Dept.
- 18 Floral Building, Patrick & Son.

FY 2025
Water and Sewer Rate Hearing
Town of Ayer Rate Review Committee
March 19, 2024

DRAFT

AGENDA

- Committee members and rate review process
- Overview of infrastructure
 - Water
 - Wastewater
- Regulatory requirements
- Water and Sewer Rate Model
- Recommendation and impacts on typical bill



Rate Review Committee Members

- SB Member, Jannice Livingston, Chair
- Mr. Andy Loven, Citizen Representative
- Mr. Robert France, Finance Committee
- Mr. Dan Van Schalkwyk, P.E., DPW Director
- Ms. Kimberly Abraham, Water and Sewer Superintendent
- Ms. Barbara Tierney, Finance Manager
- Mr. Robert Pontbriand, Town Manager

Meeting Goals

- Set Water rates for FY25
- Set Sewer rates for FY25

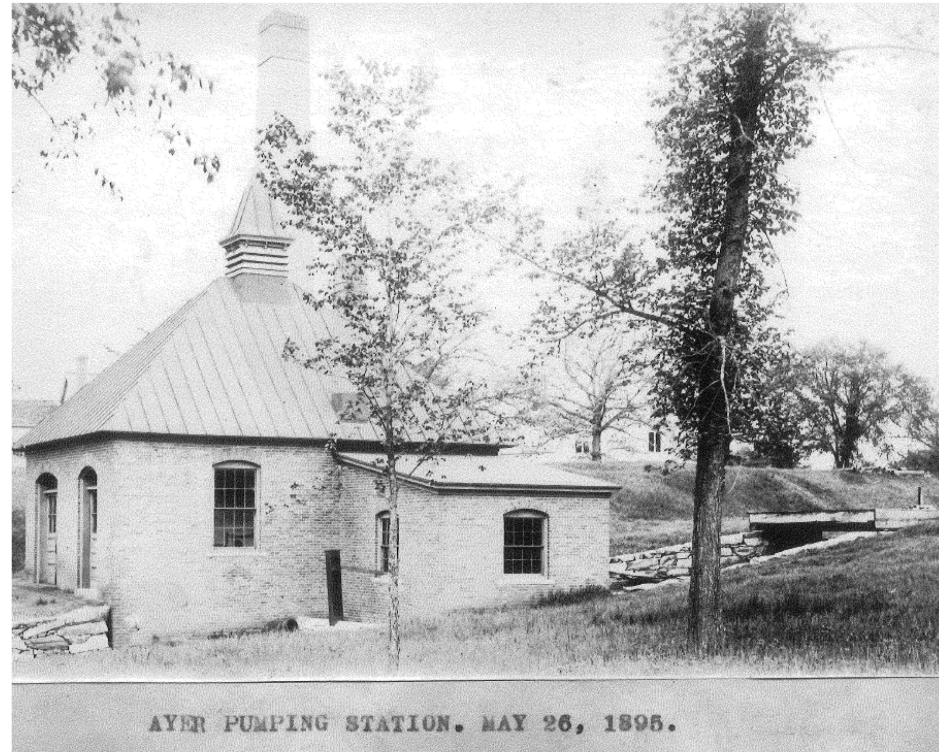


Ayer DPW Water and Wastewater

- DPW provides drinking water and collects and treats wastewater for the citizens and businesses
- DPW focuses on water and wastewater 24 hours a day, 7 days a week
 - Maintain and protect our drinking water supply wells
 - Treat water to regulatory standards
 - Test water to meet quality standards
 - Deliver water to your home and business
 - Collect wastewater from throughout the Town
 - Treat the wastewater to remove contaminants and nutrients before discharging to Nashua River

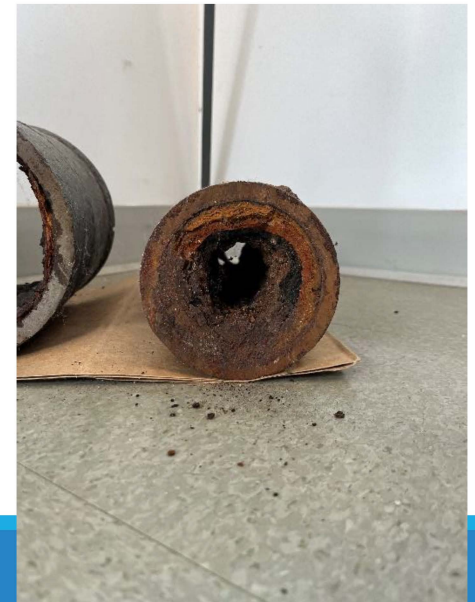
Ayer Water System

- Constructed in 1895
- Serves 3,370 customer accounts
- Provides water for domestic use, commercial use and fire protection
- 50 miles of pipe
- 5 wells and 2 treatment plants, PFAS treatment
- 2 water storage tanks



Ayer Water Infrastructure Issues

- Aging pipes resulting in numerous breaks and “dirty water” complaints
- Numerous dead-end pipes result in water quality problems
- PFAS Contamination in all Ayer wells – treatment construction complete, operational challenges with new process
- Drinking water is highly regulated, requiring special license, testing and reporting
- Water is tested for over 100 quality parameters



Ayer, one of the first in the Nation with PFAS Treatment

- PFAS is a new regulated group of contaminants and is present in all Town wells
- So far total cost is **\$11.5M**
- Grove Pond PFAS Treatment Cost \$ 4.4M
 - Obtained grant from Army for construction
 - O&M costs are still being understood
- Spectacle Pond PFAS Treatment Cost \$ 6.2M
 - Obtained MADEP Grant of \$200,000 for engineering
 - Received State SRF Funding (Low Interest Loan) for construction
 - O&M costs are still being understood

Grove Pond PFAS Treatment Plant



- Completed in October 2020
- Treats approximately 40% of Town water supply
- PFAS is removed to non-detect levels



Spectacle Pond PFAS Treatment



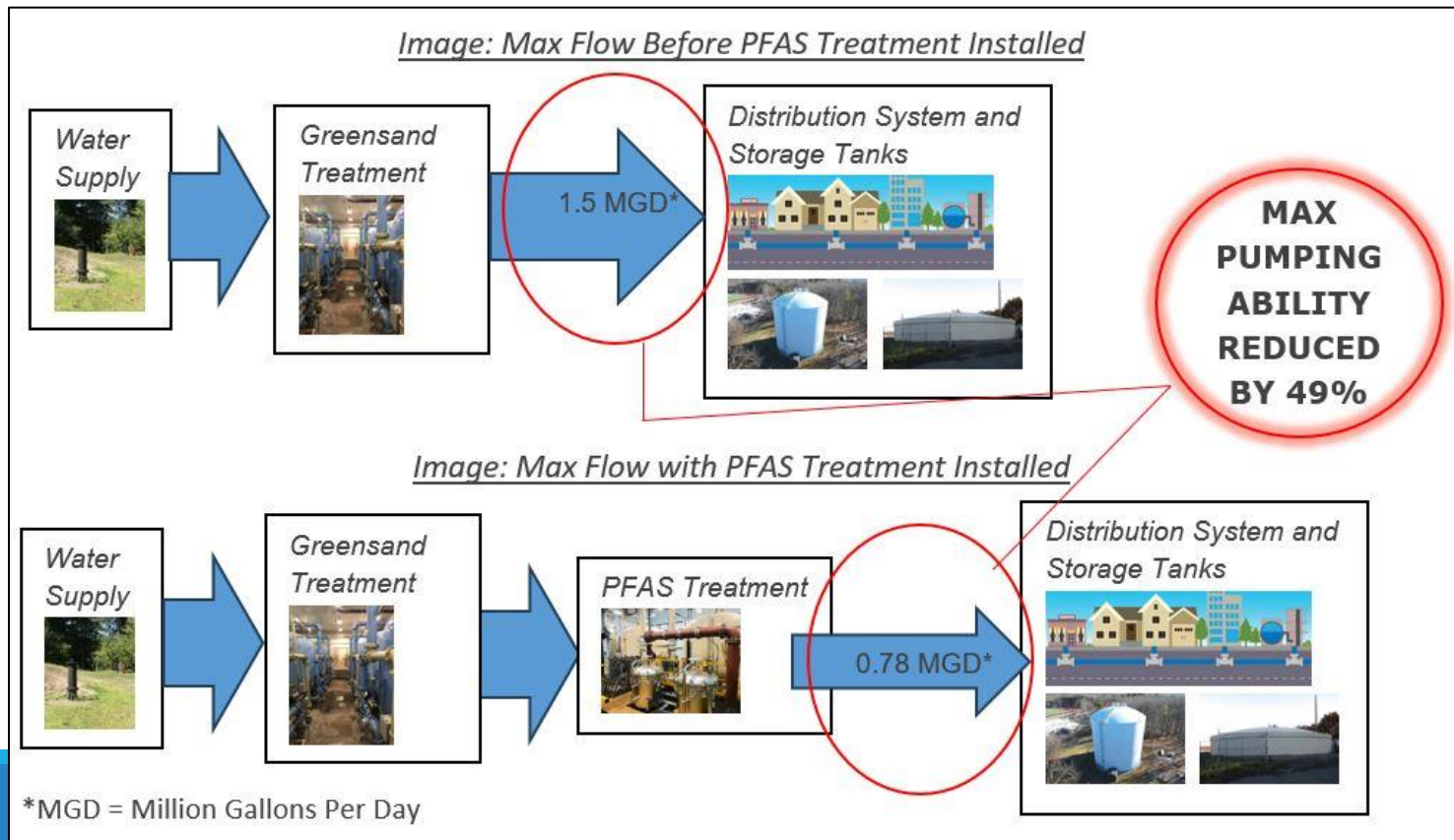
- Completed in July 2022
- Includes roofing and electrical upgrade to existing water treatment plant
- PFAS is removed to non-detect levels



Water Supply Issues

What's the Situation?

- The PFAS Treatment System at Grove Pond WTP has caused a restriction, reducing the amount of water the Town can pump through the Plant:



Water Supply Issues

- What's Being Done in the Short Term?
 - Increased pumping at the Spectacle Pond Water Treatment Plant
 - Worked with Industry to reduce industrial consumption
 - Recommended outdoor water restrictions
 - Ensured emergency water interconnections with Devens and Littleton are ready if needed
 - Began design of a long-term solution

Water Supply Issues

- What's Being Done in the Long Term?
 - Because the issue is related to the infrastructure of the water system, and not due to lack of water supply, there is an engineering solution – Clearwell Storage Tank
- The Clearwell Storage Tank will:
 - Improve pumping capacity to near pre-PFAS treatment volumes
 - Act as additional storage for the water system
- Goal is to have construction completed prior to Spring 2025



Ayer Sewer System

- Original system constructed in 1945
- System includes:
 - 34 miles of gravity sewer
 - 3.5 miles of force mains
 - 19 pump stations
 - Tertiary Wastewater Treatment Plant
- We have our sludge trucked to RI and is costly



Ayer Sewer Infrastructure Issues

- Wastewater treatment must meet strict water quality standards
- We are in the middle of a 10-year improvement program for the 44-year-old treatment plant
- Plant operation requires dozens of pumps, motors and mechanical equipment – costly to operate and maintain
- Continuing repairs to aging sewer pipe- estimated \$5M over a phased implementation - \$750K per year



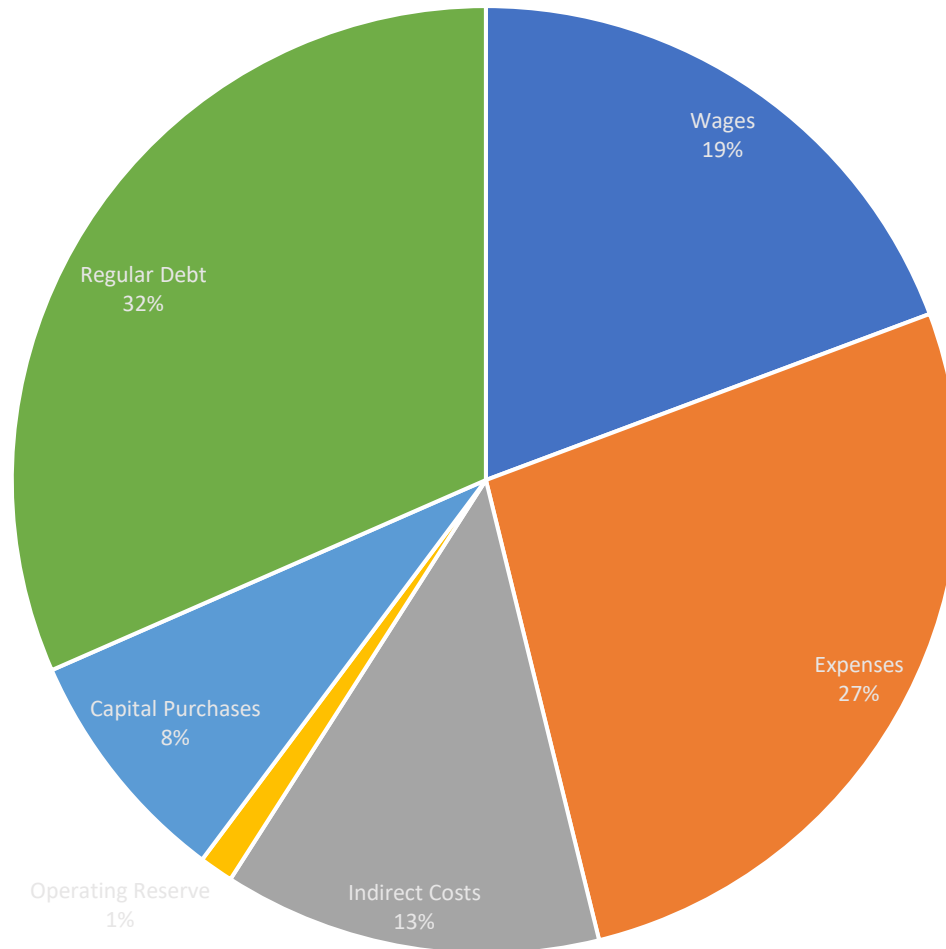
Wastewater Treatment Plant Upgrades Completed to Date

- Electrical system upgrades
- HVAC in WWTP / Motor Control / Electrical Building
- Plant- wide architectural and structural repairs
- Grit removal system improvements
- SCADA / control upgrade (including cybersecurity)
- Fire Protection System
- Construction of Alum Chemical Feed System
- Plant Water System replaced
- Process upgrades including pump replacements and installation of sludge dewatering system

Water Division Budget

	FY2023 Actual	FY2024 Budget	FY2025 Budget
Wages	459,862	500,501	538,753
Expenses	828,948	696,500	791,500
Regular debt	510,036	818,666	846,986
Capital purchases	414,850	213,000	50,000
Indirect costs	311,705	334,600	334,600
Operating reserve	-	30,000	30,000
Totals	\$2,525,401	\$2,593,267	2,606,839

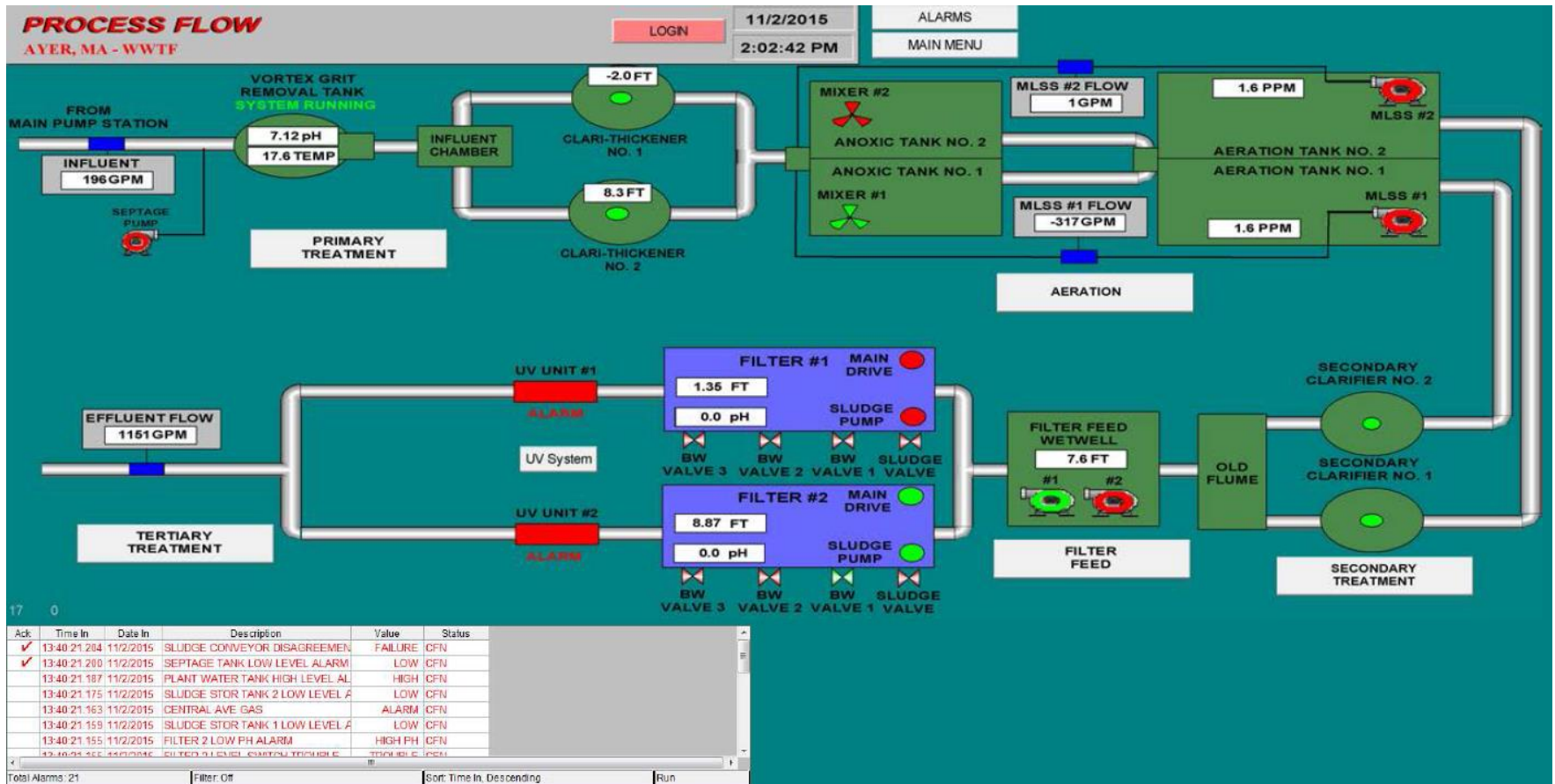
Water Division Budget



Water Division Capital Plan

	Item Requested	FY25	FY26	FY27	FY28	FY29
1	Annual Water Main Rehabilitation/Replacement	\$300,000	\$350,000	\$350,000	\$350,000	\$350,000
2	Spec Pond Well 3 Pumping Station and Transmission Main	\$350,000	\$2,100,000			
3	Spec Pond GAC Upgrade for Well 3			\$650,000		
4	Grove Pond AIX Media Replacement	Army Grant	\$200,000	\$200,000	\$200,000	\$200,000
5	Spec Pond GAC Media Replacement	\$100,000		\$100,000		\$100,000
6	Grove Pond Greensand Valve Replacement	\$50,000	\$50,000			
7	6-Wheel Dump Truck	\$95,000				
8	Spec Pond Chlorine Chemical Skid	\$75,000				
Yearly Totals		\$970,000	\$2,700,000	\$1,300,000	\$550,000	\$650,000

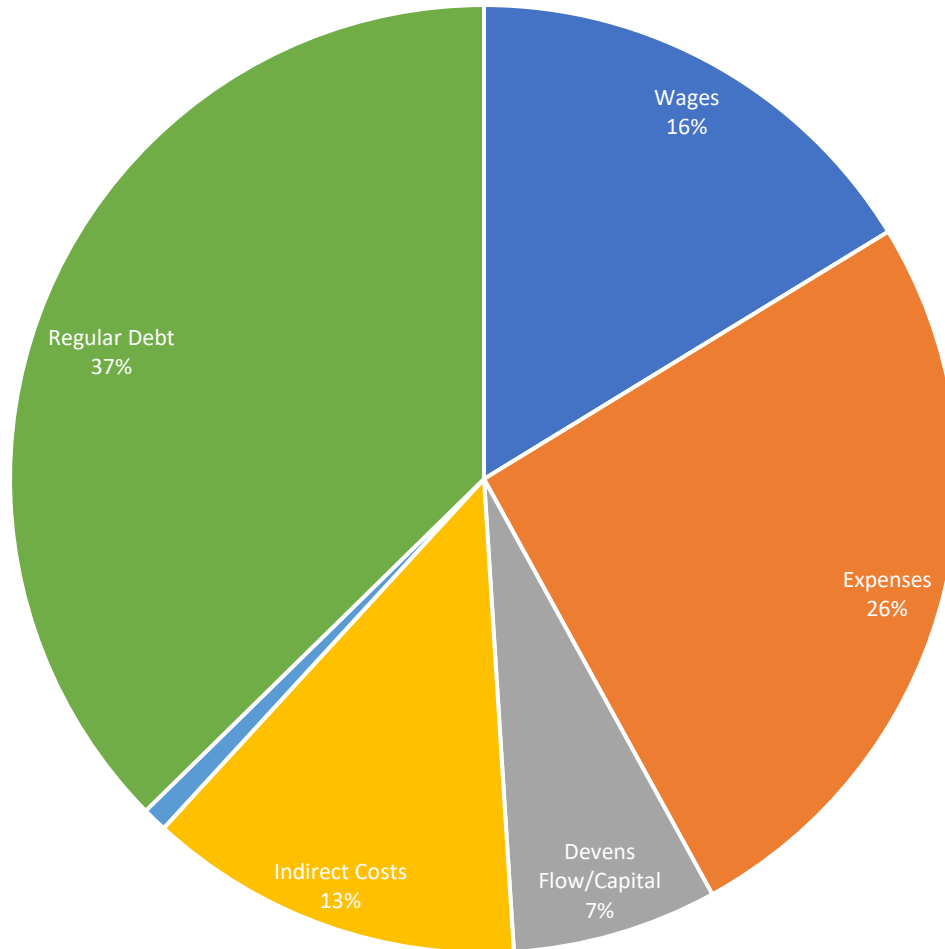
Wastewater Division Budget



Wastewater Division Budget

	FY23 Actuals	FY24 Budget	FY25 Budget
Wages	478,218	580,188	623,589
Expenses	999,898	918,400	863,400
Devens flow/capital	156,443	249,583	250,000
Regular debt	1,134,161	1,332,501	1,131,095
Indirect costs	431,717	457,400	480,270
Operating reserve	-	30,000	30,000
Totals	\$ 3,200,437	\$3,568,071	\$3,348,354

Wastewater Division Budget



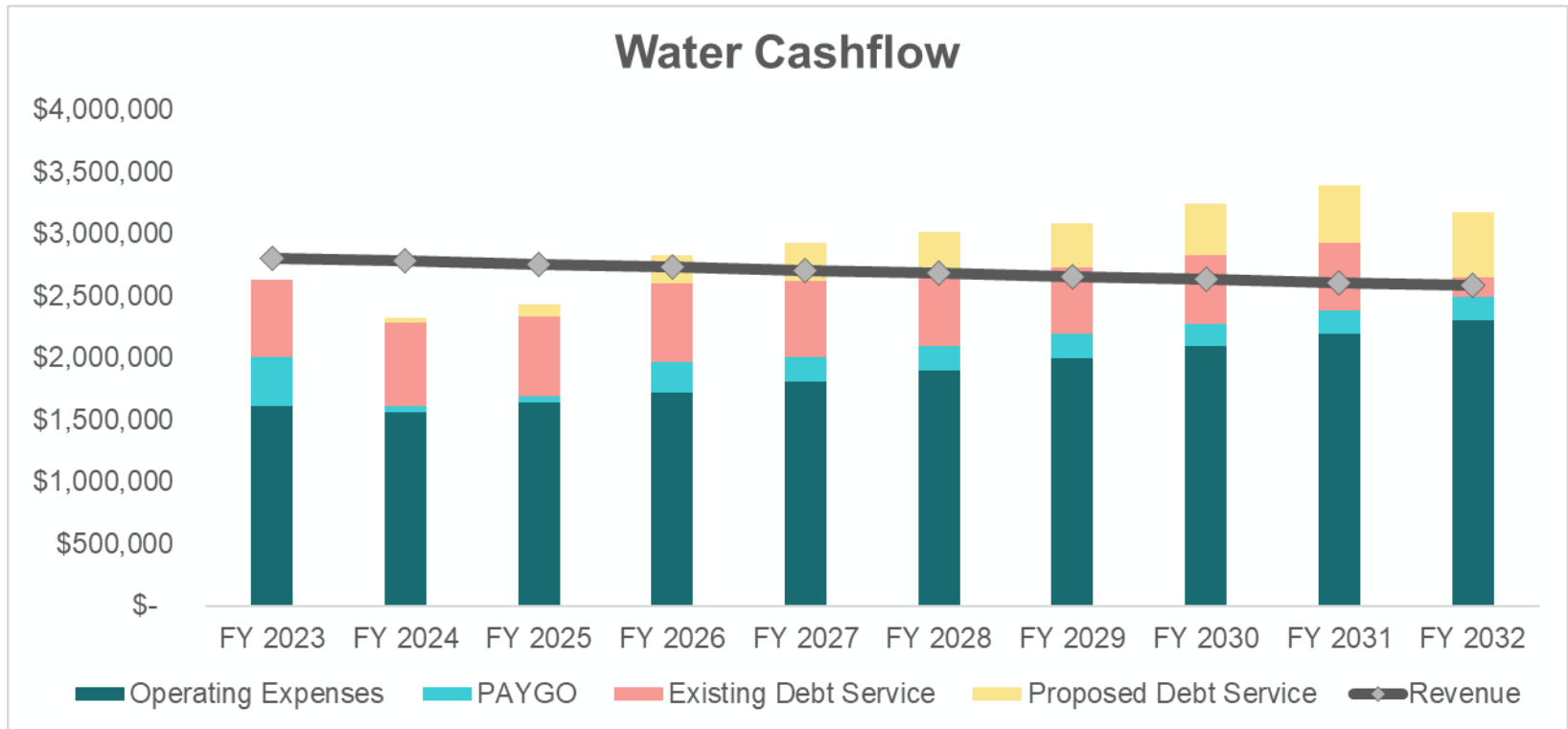
Wastewater Capital Plan

	Item Requested	FY25	FY26	FY27	FY28	FY29
1	Inflow/ Infiltration Repairs	\$750,000	\$750,000	\$750,000	\$750,000	\$750,000
2	WWTP Upgrades	\$4,000,000		\$3,300,000		
3	Pump Impeller/Volute Replacement at Main and Central	\$33,000	\$33,000	\$33,000		
4	Pickup Truck Replacement	\$45,000				
5	Pump Station Upgrades	\$500,000				
6	Pump Station Generator Connections	\$80,000				
7	Garage/Storage Facility		\$350,000			
Yearly Totals		\$5,408,000	\$1,133,000	\$4,083,000	\$750,000	\$750,000

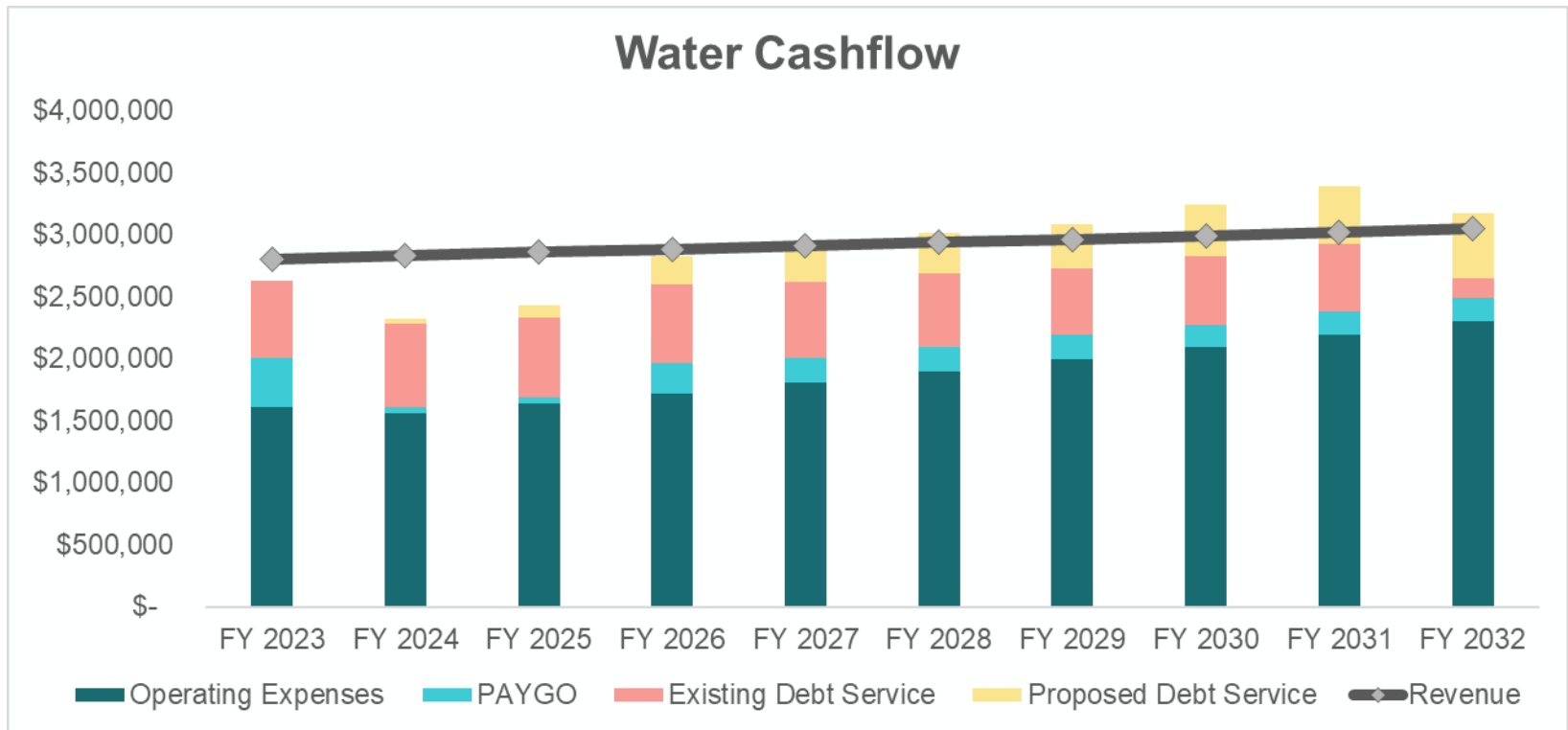
Rate Model

- The Town updated its water and sewer rate model for FY2024 with Raftelis (consultant)
- Town staff updated the model for FY2025, with assistance from Raftelis where needed
- A summary of the model results and Committee recommendation will be discussed next

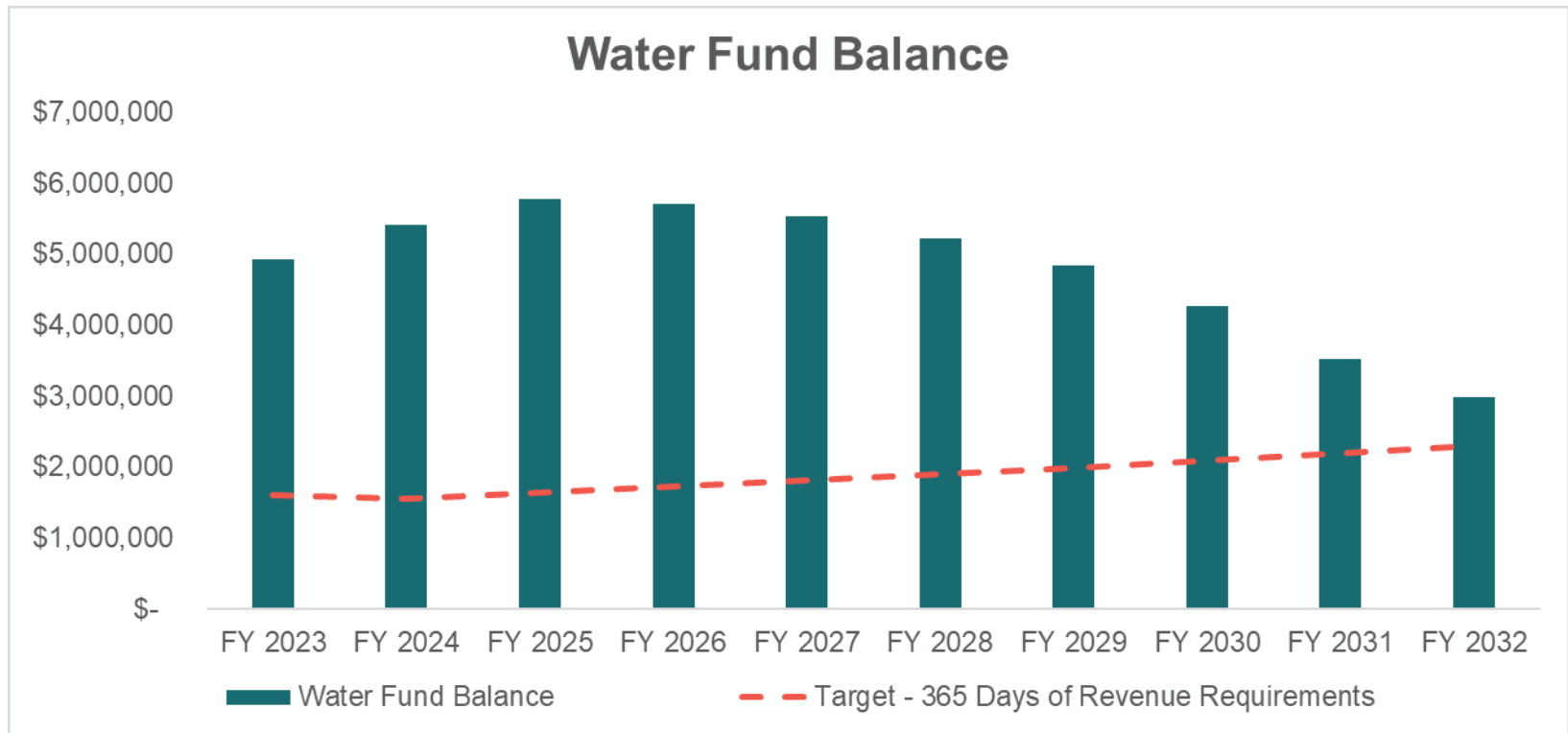
Projected Water Cash Flows with No Rate Increases



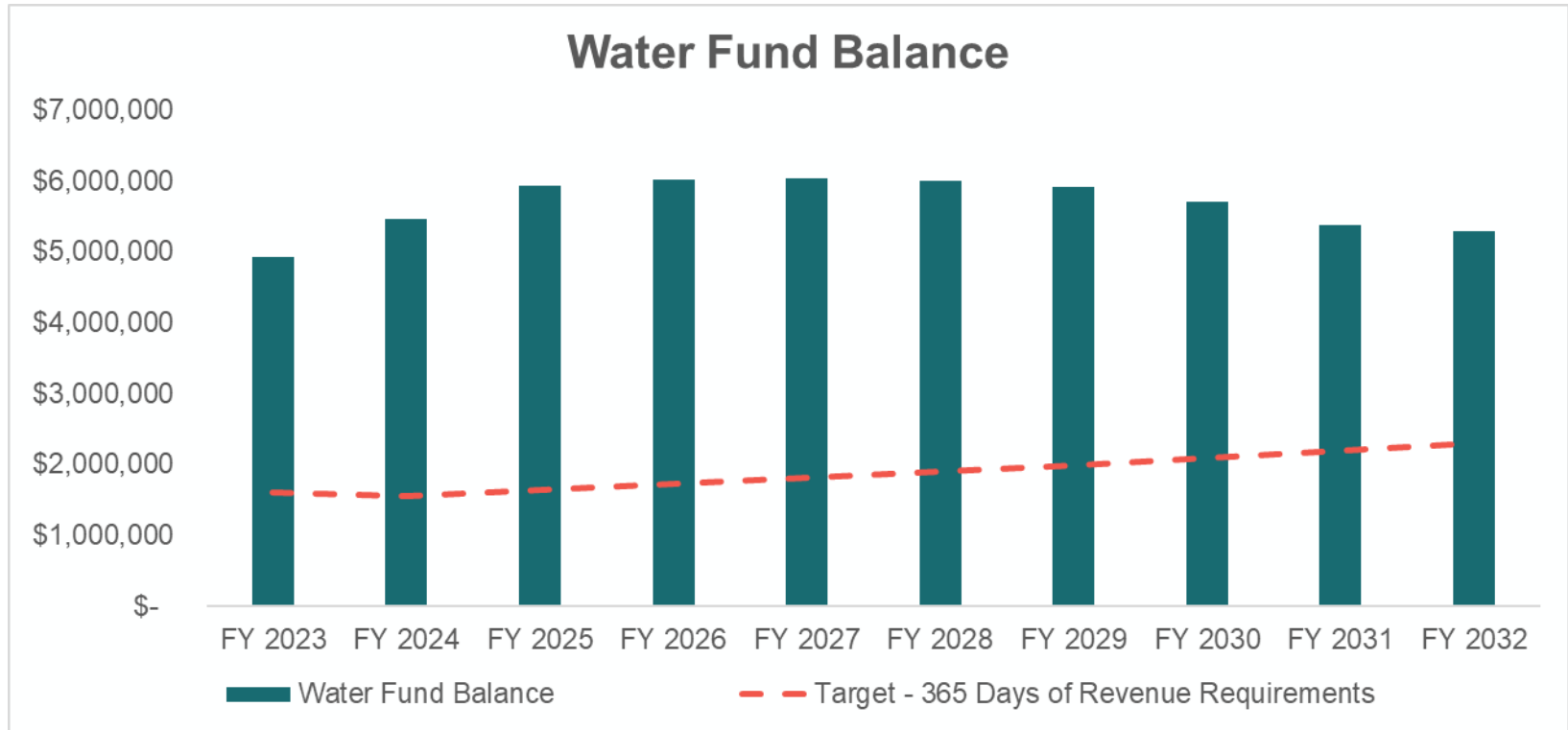
Projected Water Cash Flows with Recommended Rate Increase



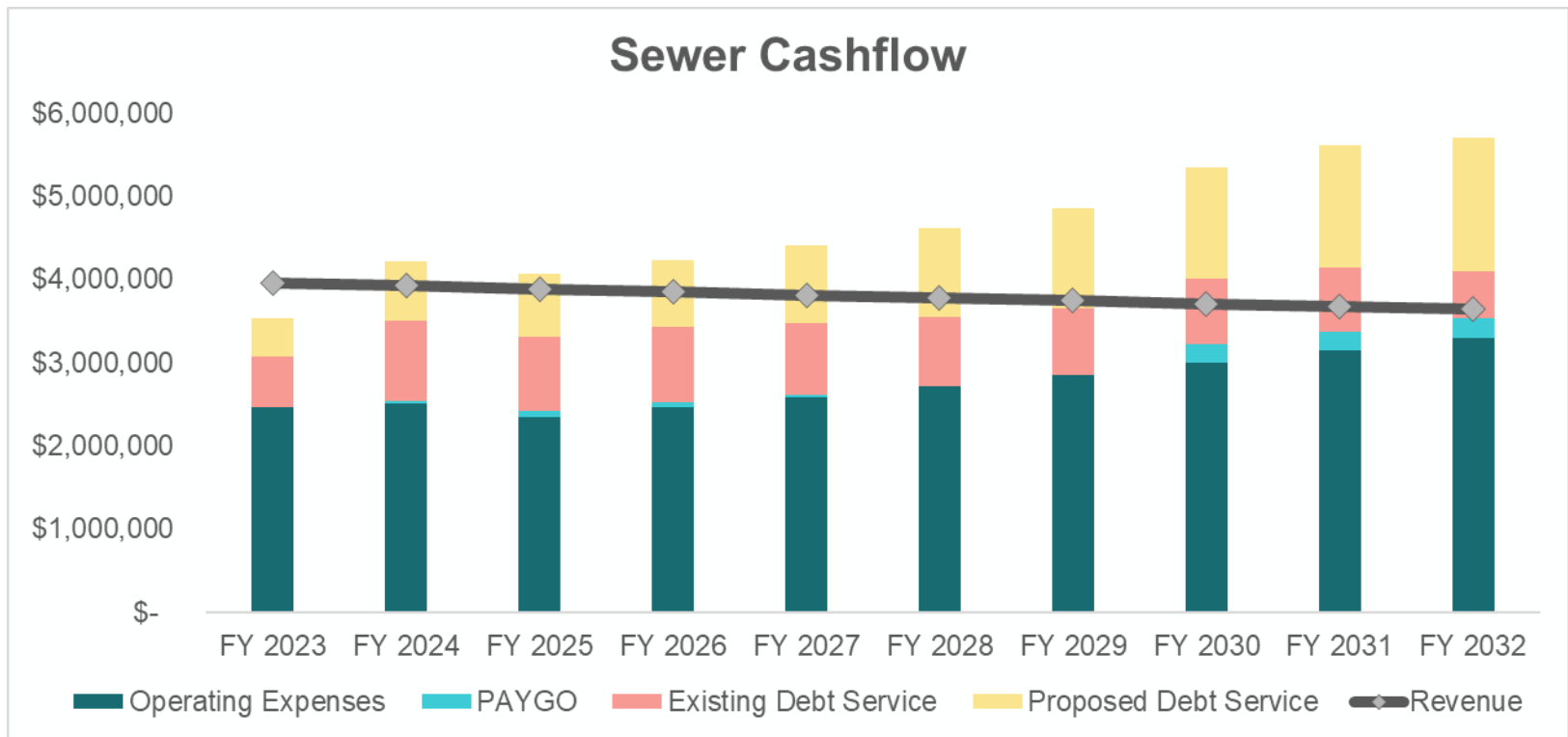
Projected Water Reserve Fund Balance with No Rate Increases



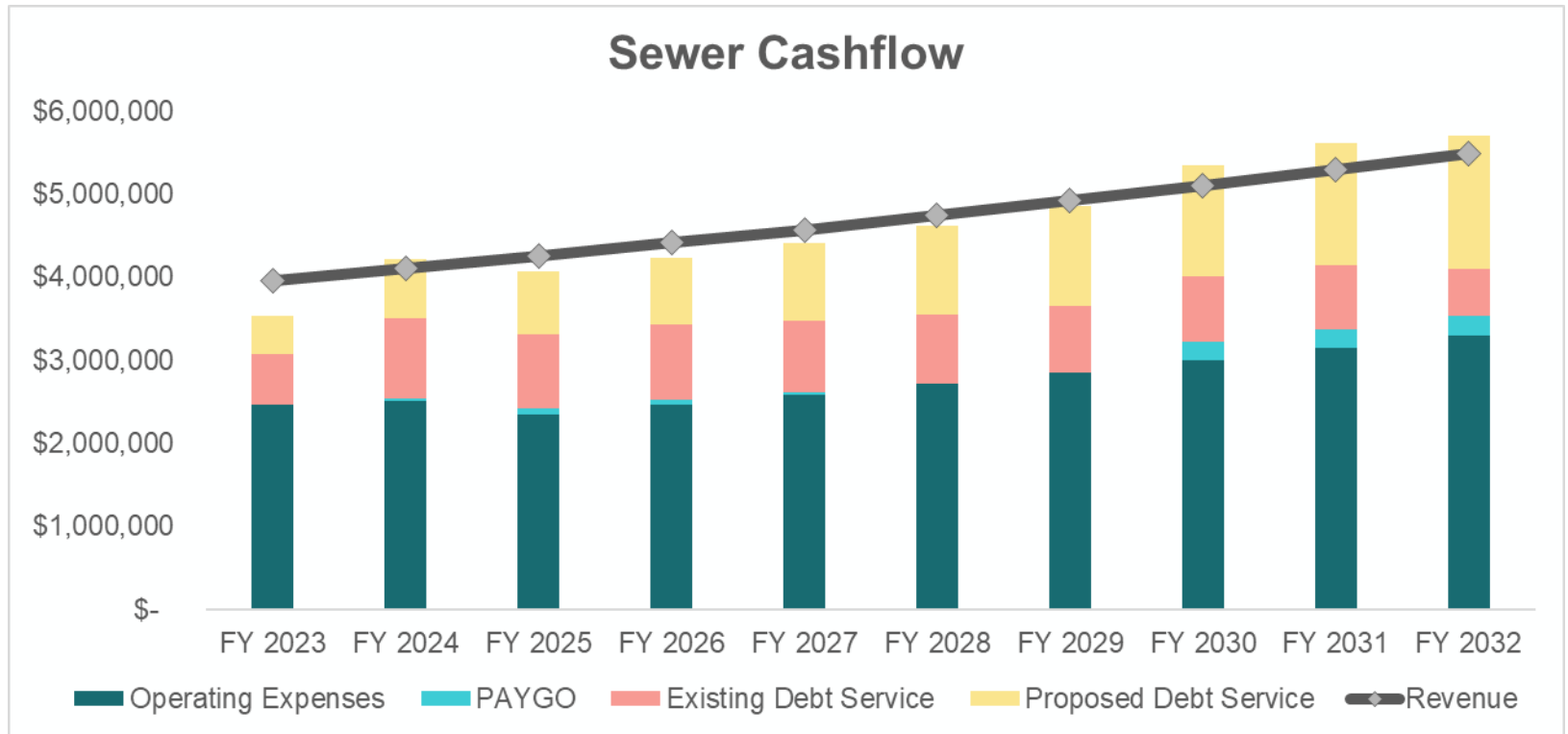
Projected Water Reserve Fund Balance with Recommended Rate Increase



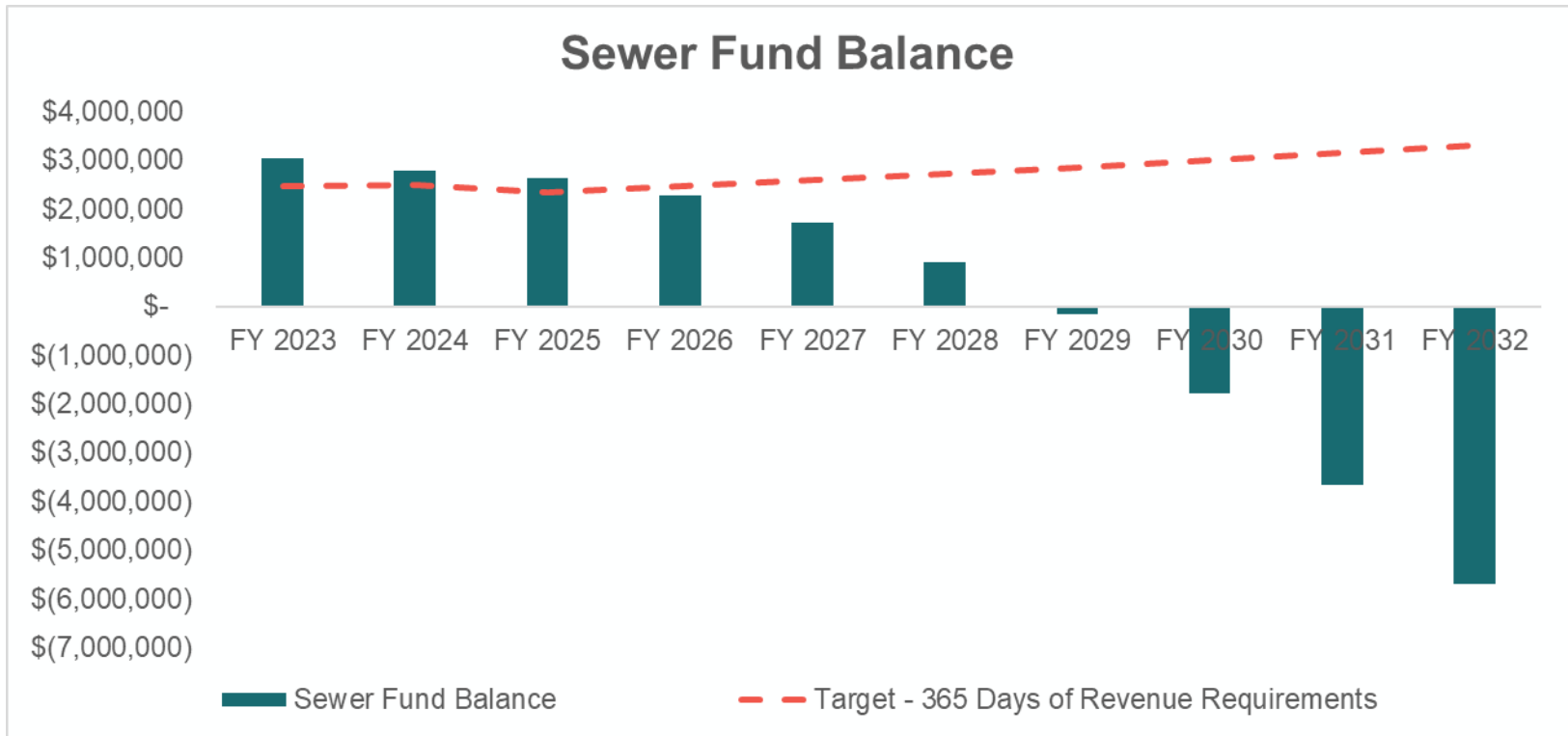
Projected Sewer Cash Flows with No Rate Increases



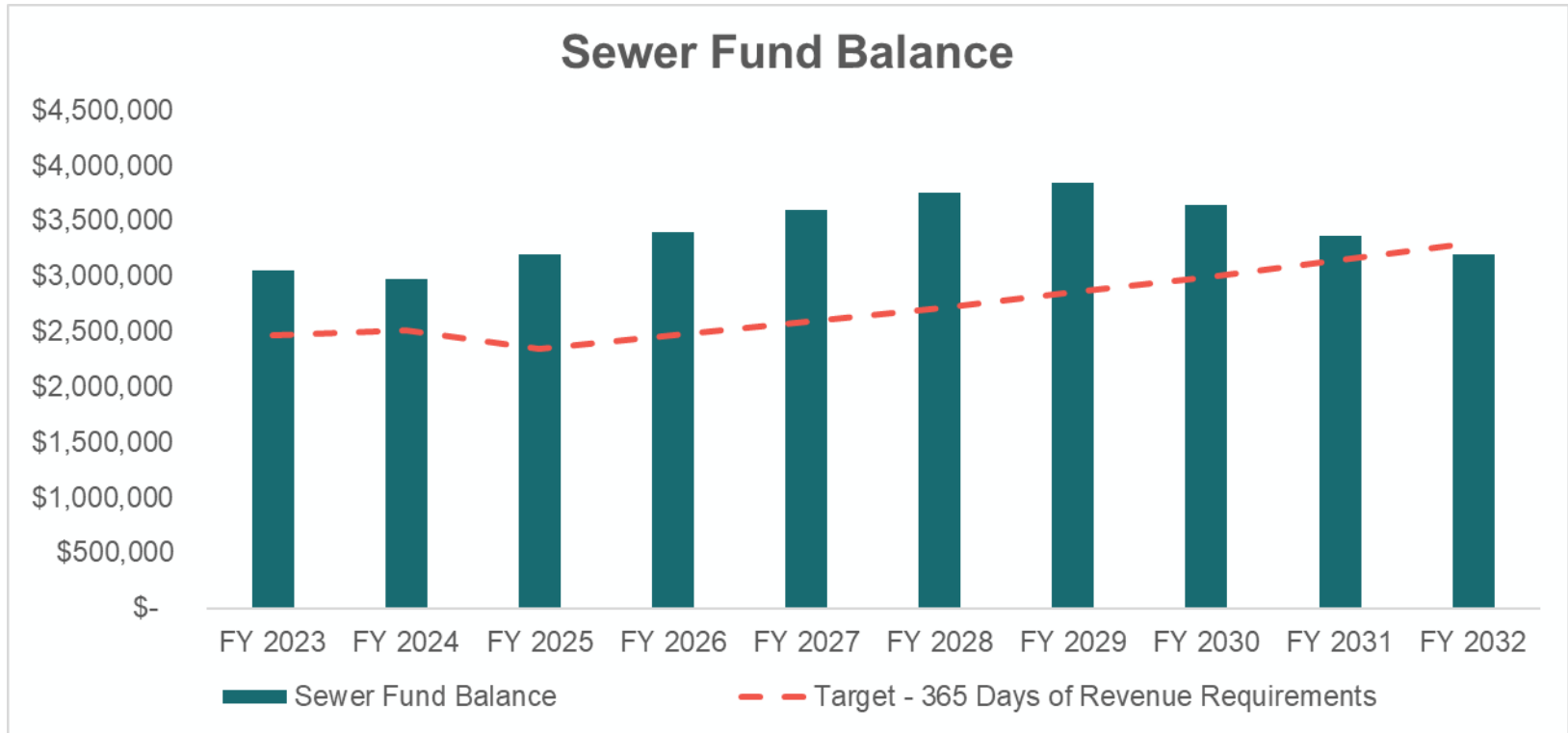
Projected Sewer Cash Flows with Recommended Rate Increases



Projected Sewer Reserve Fund Balance with No Rate Increases

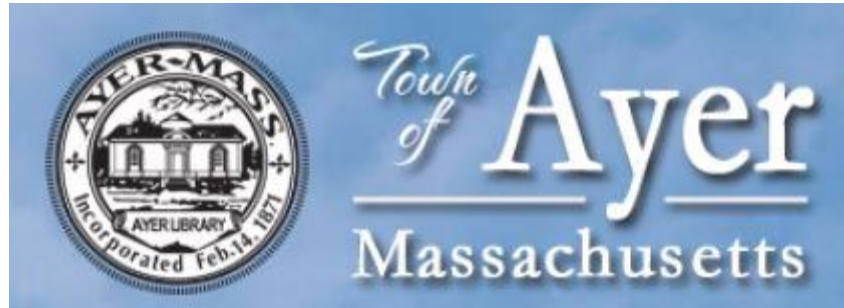


Projected Sewer Reserve Fund Balance with Recommended Rate Increase



Proposed Water and Sewer Rates

- The following slides contain the FY25 water and sewer rates as recommended by the Rate Review Committee



Rate Review Committee

Quarterly Minimum Proposed Rates

Utility	Class Type	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025 (\$0.20 increase)
Water	Residential	\$10.00	\$10.00	\$10.00	\$10.20	\$10.40
Water	Irrigation	\$10.00	\$10.00	\$10.00	\$10.20	\$10.40
Water	Commercial	\$10.00	\$10.00	\$10.00	\$10.20	\$10.40
Utility	Class Type	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025 (\$0.53 increase)
Sewer	Residential	\$10.00	\$10.00	\$10.00	\$10.50	\$11.03
Sewer	Commercial	\$10.00	\$10.00	\$10.00	\$10.50	\$11.03

PROPOSED WATER RATES (Residential) Per Hundred Cubic Feet (750 gallons)

	Current	Proposed	\$ Increase
Step 1	\$3.07	\$3.13	\$0.06
Step 2	\$3.79	\$3.87	\$0.08
Step 3	\$4.51	\$4.60	\$0.09
Conservation Rate	\$4.51	\$4.60	\$0.09

*Current and proposed rate steps increase at 3,000 cubic feet.

PROPOSED SEWER RATES (Residential) Per Hundred Cubic Feet (750 gallons)

	Current	Proposed	\$ Increase
Step 1	\$9.22	\$9.68	\$0.46
Step 2	\$10.56	\$11.09	\$0.53
Step 3	\$12.01	\$12.61	\$0.60

*Current and proposed rate steps increase at 3,000 cubic feet.

Impact on Average Ayer Resident

	Proposed Quarterly FY24	Quarterly FY24	Quarterly Increase	Annual Increase
Water	\$ 31.30	\$ 30.70	\$ 0.60	\$ 2.40
Sewer	\$ 96.80	\$ 92.20	\$ 4.60	\$ 18.40
Total	\$ 128.10	\$ 122.90	\$ 5.20	\$ 20.80

*Impact on single family residential quarterly bill based on average quarterly usage of 1,000 cubic feet

Rate Review Committee Recommends

- Select Board vote to increase water & sewer rates as proposed by the Rate Committee effective July 1, 2024
- Summary of Recommendations:
 - **Increase the Water Rates by 2% effective July 1, 2024**
 - **Increase the Sewer Rates by 5% effective July 1, 2024**



Rate Review Committee Future Considerations

- The Rate Review Committee will consider evaluating the tiered rate structure as part of the FY26 water and sewer rate review

FY24 Tiered Rates

Water and Sewer Rates (Rates are per 100 cubic feet)

Residential-billed 4 times per year

	Water Rate	Sewer Rate
Minimum .	\$10.20	\$10.50
0-3000 C.F.	\$3.07	\$ 9.22
3001-6000 C.F.	\$3.79	\$10.56
>6000 C.F.	\$4.51	\$12.01

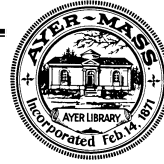
Outdoor Water Use - Residential

billed 4 times per year

	Water Rate
Minimum	\$10.20
0-3000 C.F.	\$4.51
3001-6000 C.F.	\$4.51
>6000 C.F.	\$4.51

Commercial- Billed 4 times per year

	Water Rate	Sewer Rate
Minimum	\$10.20	\$10.50
0 to 3000 CF	\$3.07	\$ 9.22
3001 to 6000 CF	\$3.79	\$10.56
> 6,000 CF	\$4.51	\$12.01



MEMORANDUM

Date: March 14, 2024
To: Select Board
From: Dan Van Schalkwyk, P.E., Director
Kimberly Abraham, Water and Sewer Superintendent
Matt Herson, P.E., Town Engineer
Subject: **Agenda Items for March 19, 2024, Select Board Meeting**

1. Change Order 1 – Pulpit Rock Drainage and Pathway Improvement Project

Attached is Change Order 1 for the Pulpit Rock Drainage and Pathway Improvements Project. This project is located at the intersection of Third Street and Marshall Street, an area also known as “Pulpit Rock”. The project began construction in late February 2024 and includes installation of drainage, granite curb, crushed stone path, grading, and landscaping improvements.

The change order is for replacing the failed railings on the footbridge crossing over Grove Pond, and for raising the height of a hydrant in the work area.

I recommend approval of Change Order No. 1 for the Pulpit Rock Drainage and Pathway Improvements project in the amount of \$15,255.00 and including the time extension for signature by the Chair.

2. Main Street Reconstruction Project – Support Letter

The Director will give a brief update on the Main Street Transportation Improvement Program (TIP) project and recommends the Board submitting a letter supporting the project for programming by the Metropolitan Planning Organization (MPO), Montachusett Regional Planning Commission (MRPC).

3. Stormwater Utility Advisory Workgroup Update

The Director will give a brief update on the stormwater utility evaluation being performed by the Stormwater Utility Advisory Workgroup. Please note, all materials for the Workgroup can be found on the Workgroup’s website: <https://www.ayer.ma.us/storm-water-utility-advisory-workgroup>

4. Water Supply Update

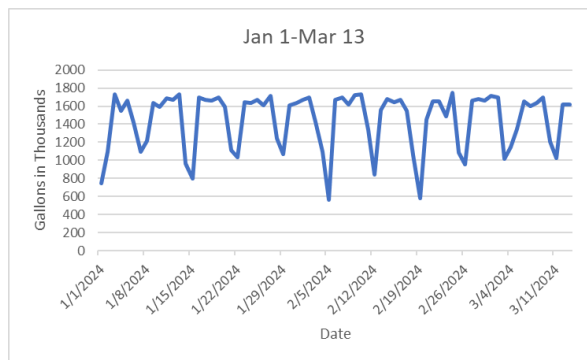
As discussed at previous Board meetings, the DPW will provide status updates of the Town’s water supply.

- Since the last update, water production continues to face challenges meeting demand. During the months of January, February, and early March, the Spectacle Pond treatment facility did not rest for more than a few hours on the weekends except on 2/4 and 2/19 when it got a full day of rest. Grove Pond treatment facility

had a few hours of break on the weekends except on 2/11, 2/18, and 3/11 when it got a full day of rest.

- The tank levels, which is an indication of our ability to meet demand, have been full or nearly full most mornings during this last update period. They took a slight daily decline during the week of 2/5.

The trend that the tanks are generally full each morning indicates that we are meeting demand. However, the wells get little to no break to satisfy that demand. It is important to remember that this was not the case in the pre-PFAS era. It is also important to remember that this is winter demand. The continued help we are receiving from our large customers who have made production adjustments can't be understated. It is with their support that we are able to meet demand with our current capacity issues.



- With his chart it becomes easy to see the effect that large water using industries have on our demand during the week and why the Plants get some small breaks during the weekends. Not having production spikes from the industries has helped to maintain our ability to meet demand.

At this time, we do not recommend any changes to the existing water use restrictions or other directive from the Water and Sewer Commissioners.

4. Out-of-Town Wastewater Service Connection Application

Please find attached a completed application for an out-of-town wastewater service connection. Please also find a memo prepared by DPW summarizing the request and DPW's recommendations.

5. DPW Project Updates

The Director will give brief updates for the following major projects:

- Sandy Pond Road Complete Street
- Kiddie Junction Playground
- Grove Pond Clearwell Storage Tank
- West Main Street BRI

Pulpit Rock Bioretention Cell (Rain Garden)



Pulpit Rock Bioretention Cell (Rain Garden)



Pulpit Rock Bioretention Cell (Rain Garden)



SECTION 00842
CHANGE ORDER

No. 1

Date of Issuance: 3/6/2024 Effective Date: 3/19/2024

Project:	Owner: Town of Ayer	Owner's Contract No.: 23DPW08
Contract: Pulpit Rock Drainage and Pathway Improvements	Date of Contract:	
Contractor: Belko Landscaping	Engineer's Project No.:	

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

Description: Repair an existing hydrant in the work area; Replace failed railings on a bridge within the work area.

Attachments: (List documents supporting change):

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>74,500.00</u>	Original Contract Times: Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): <u>4/26/2024</u> Ready for final payment (days or date): <u>5/26/2024</u>
[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: \$ _____	[Increase] [Decrease] from previously approved Change Orders No. _____ to No. _____: Substantial completion (days): _____ Ready for final payment (days): _____
Contract Price prior to this Change Order: \$ <u>74,500.00</u>	Contract Times prior to this Change Order: Substantial completion (days or date): <u>4/26/2024</u> Ready for final payment (days or date): <u>5/26/2024</u>
<input checked="" type="radio"/> [Increase] [Decrease] of this Change Order: \$ <u>15,255.00</u>	<input checked="" type="radio"/> [Increase] [Decrease] of this Change Order: Substantial completion (days or date): <u>14 Days</u> Ready for final payment (days or date): <u>14 Days</u>
Contract Price incorporating this Change Order: \$ <u>89,725.00</u>	Contract Times with all approved Change Orders: Substantial completion (days or date): <u>5/10/2024</u> Ready for final payment (days or date): <u>6/10/2024</u>

RECOMMENDED: By: <u>Matthew Hernandez</u> Engineer (Authorized Signature) Date: <u>3/6/2024</u>	ACCEPTED: By: _____ Owner (Authorized Signature) Date: _____	ACCEPTED: By: <u>[Signature]</u> Contractor (Authorized Signature) Date: <u>3/6/24</u>
APPROVED: _____ Agency (Authorized Signature)	Date: _____	



Monday March 4, 2024

Town of Ayer
Ayer, MA

RE: Pulpit Rock Drainage and Pathway Improvements

Belko Landscaping is pleased to tender the following change order of Pulpit Rock Drainage and Pathway Improvements in accordance with the request detailed out by your office.

Scope: 1' lift for hydrant extension

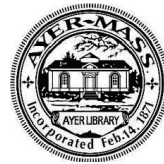
Material and Labor:.....\$3,020.00

Scope: Remove and replace railings

Material and Labor:.....\$12,205.00

Many thanks for the opportunity to be of service. Should you have any questions please do not hesitate to contact our office at (603) 458-1421

Respectfully Submitted,
John Belko
Owner



TOWN OF AYER
DEPARTMENT OF PUBLIC WORKS
25 BROOK STREET
AYER, MA 01432

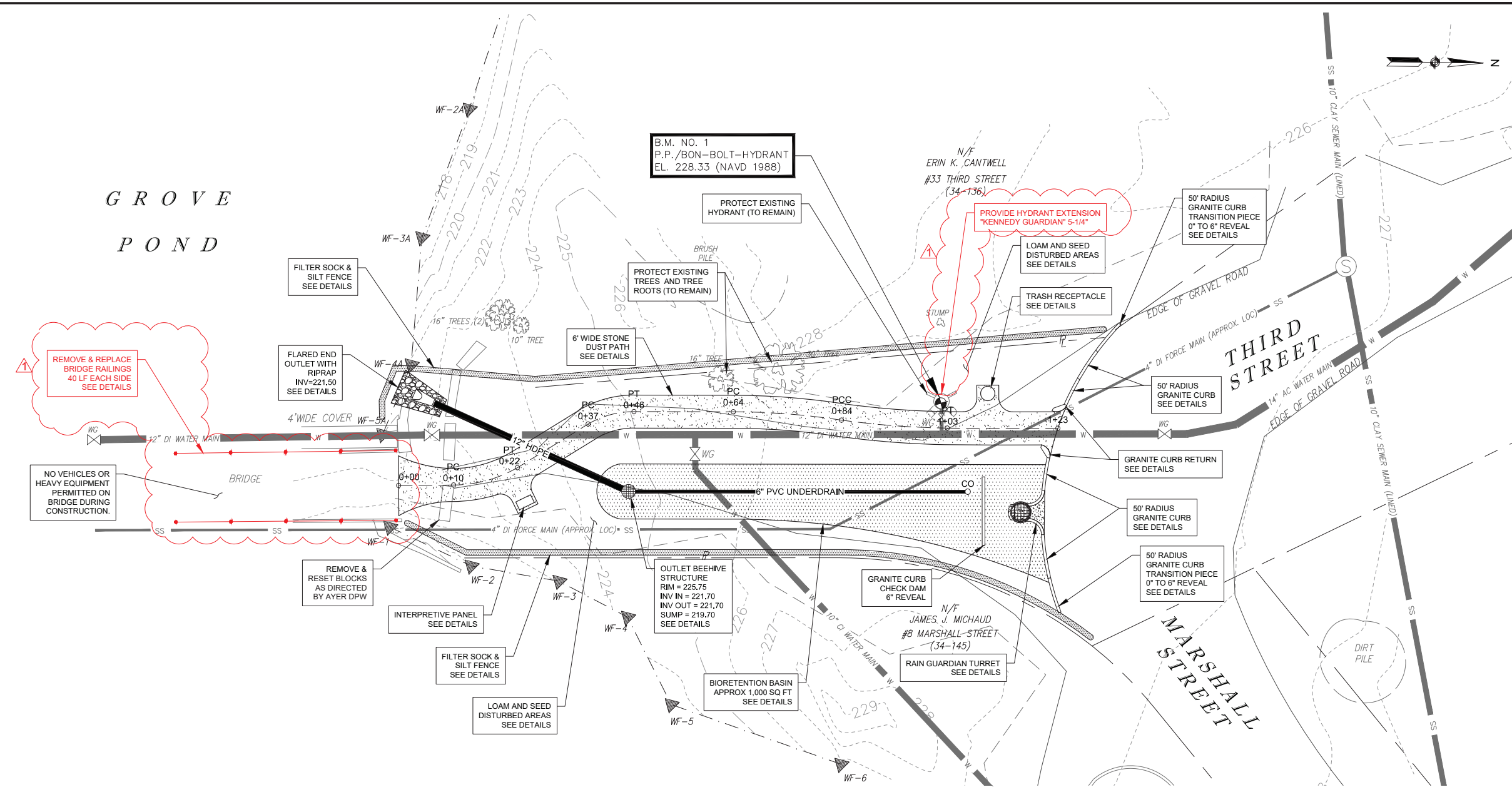
PULPIT ROCK DRAINAGE AND PATHWAY IMPROVEMENTS

CONTRACT: 24DPW10

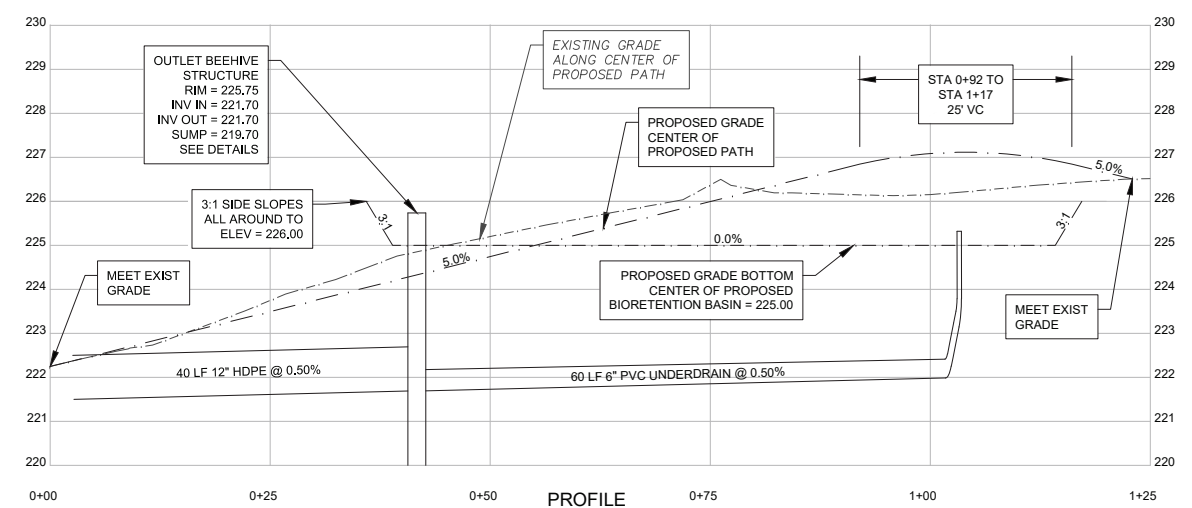
PROPOSED CONDITIONS

DESIGNED BY: M. HERNON
DRAWN BY: M. HERNON
CHECKED BY: D. VAN SCHALKWYK

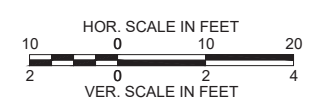
REVISIONS		
REV.	COMMENTS	DATE
△	PCO 1 - RAILING / HYD	2-26-2024



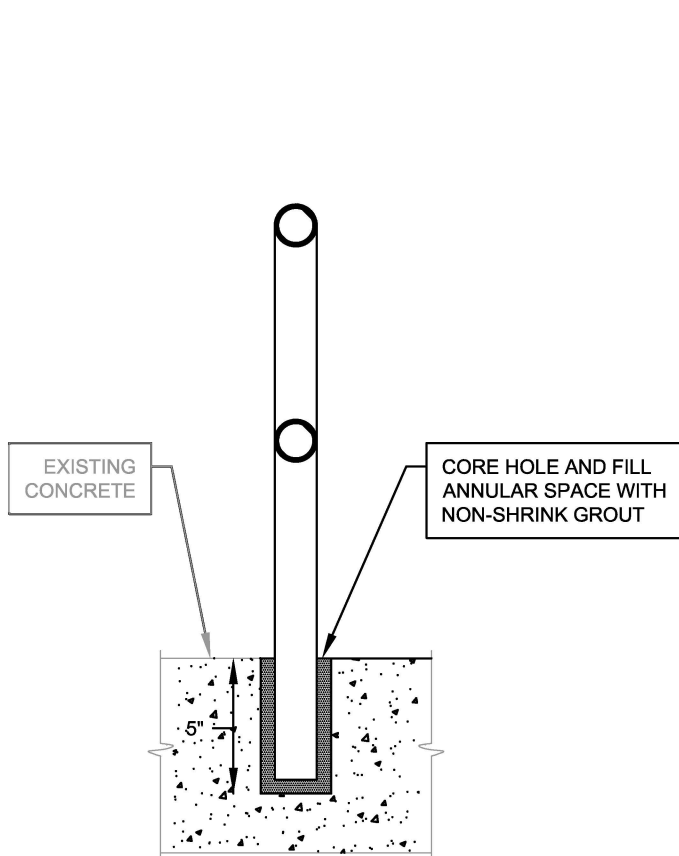
PLAN
SCALE: 1"=10'



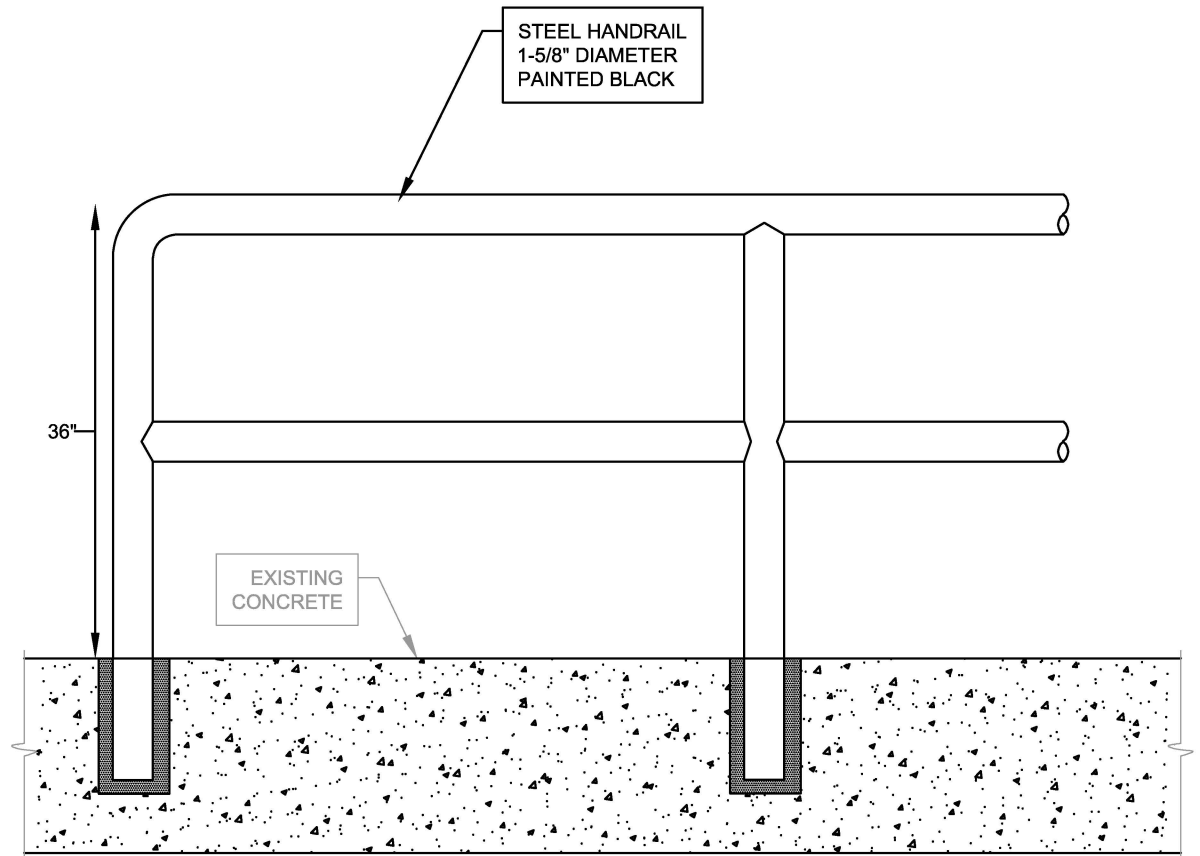
PROFILE
SCALE: 1"=10' (HOR.)
SCALE: 1"=2' (VER.)



C-2_PROPOSED CONDITIONS.DWG Plotted on 27-Feb-2024 8:56 AM



SECTION



ELEVATION

BRIDGE RAILING
SCALE: NONE



TO: Interested Parties
FROM: Glenn Eaton, Executive Director
RE: Development of the Montachusett FFY 2025-2029
Transportation Improvement Program (TIP)
DATE: December 6, 2023

As part of the annual development of the Montachusett Transportation Improvement Program (TIP), the Montachusett Regional Planning Commission (MRPC) and the Montachusett Metropolitan Planning Organization (MMPO) seek input from interested organizations, agencies and citizens. The TIP is a prioritized listing of transportation and transit projects proposed for implementation during the next five federal fiscal years (FFY) and is the product of a comprehensive, continuing and cooperative effort to improve the regional transportation system by local officials, the Montachusett Joint Transportation Committee (MJTC), the Montachusett Regional Transit Authority (MART), the MRPC, the MMPO and the Massachusetts Department of Transportation (MassDOT). It is required to be updated annually by Federal Regulations issued jointly by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA). The MRPC, as staff to the MMPO, annually develops the TIP project listing from sources including MassDOT Highway Division Districts 2 and 3, the Long- and Short-Range Elements of the Regional Transportation Plan (RTP), the MMPO, and local officials. Priorities for each federal fiscal year listed in the TIP are established through the use of a Transportation Evaluation Criteria (TEC) process, input from the MMPO and MJTC, public input through meetings and a federally mandated public review and comment period for the draft TIP document.

Discussions related to the development of the FFY 2025-2029 Montachusett TIP will be held over the next several weeks at meetings of the MRPC, the MJTC and the MMPO. As such, we invite those organizations, agencies, local boards and citizens with an interest or responsibility for planning that may be affected by transportation in the Montachusett region to provide their input to the draft development process.

Please note that all meetings will be held remotely. To access these meetings online or through your smart device, please obtain the necessary login information for that particular meeting from the MRPC website under the "Upcoming Meetings" table found on the left-hand side of the MRPC home page. If you have any issues related to joining one of these online meetings, please contact the MRPC directly at geaton@mrpc.org or bdoherly@mrpc.org.

Upcoming meetings are scheduled as follows:

Montachusett Regional Planning Commission (MRPC)	Thursday January 4, 2024	7:00 PM
	Thursday February 8, 2024	MRPC Offices
	Thursday March 7, 2024	
	Thursday April 4, 2024	
	Thursday May 9, 2024	
	Thursday June 6, 2024	
Montachusett Joint Transportation Committee (MJTC)	Wednesday January 10, 2024	2:30 PM
	Wednesday February 14, 2024	MRPC Offices
	Wednesday March 13, 2024	

Wednesday April 10, 2024
Wednesday May 8, 2024
Wednesday June 12, 2024

Montachusett Metropolitan Planning Organization (MMPO)	Wednesday January 17, 2024	1:00 PM
	Wednesday February 21, 2024	MRPC Offices
	Wednesday March 20, 2024	
	Wednesday April 17, 2024	
	Wednesday May 15, 2024	
	Wednesday June 19, 2024	
	Wednesday July 17, 2024	

Additionally, please consult the Calendar on the MRPC website (www.mrpc.org) for possible changes regarding meeting times and topics.

Information regarding the TIP and input from interested organizations, agencies, local boards and citizens can be presented for consideration at these meetings as well as through emails, letters and faxes directly to the MRPC. Please feel free to send comments, etc., to the following addresses:

Via mail:
TIP Input
MRPC
464 Abbott Avenue
Leominster, MA 01453

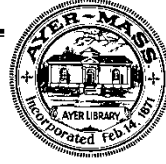
Via email:
mrpc@mrpc.org
Subject: TIP Input

Phone/fax:
Tel. (978) 345-7376
Fax (978)348-2490

If there are questions on the TIP development process or this request for input, please contact Brian Doherty of my staff at (978) 345-7376 ext. 316. Information will also be available at the MRPC web site regarding the TIP and any applicable documents will be made available for download.

Thank you.

Dan Van Schalkwyk, P.E., Director
Kimberly Abraham, Water and Sewer Superintendent
Matt Herson, P.E., Town Engineer
Pam Martin, Business Manager



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

Memorandum

Date: March 14, 2024

To: Ayer Select Board

From: Dan Van Schalkwyk, P.E., DPW Director

**Re: Out-of-Town Wastewater Service Connection
254-260 Ayer Road, Littleton, MA (Gas Station)**

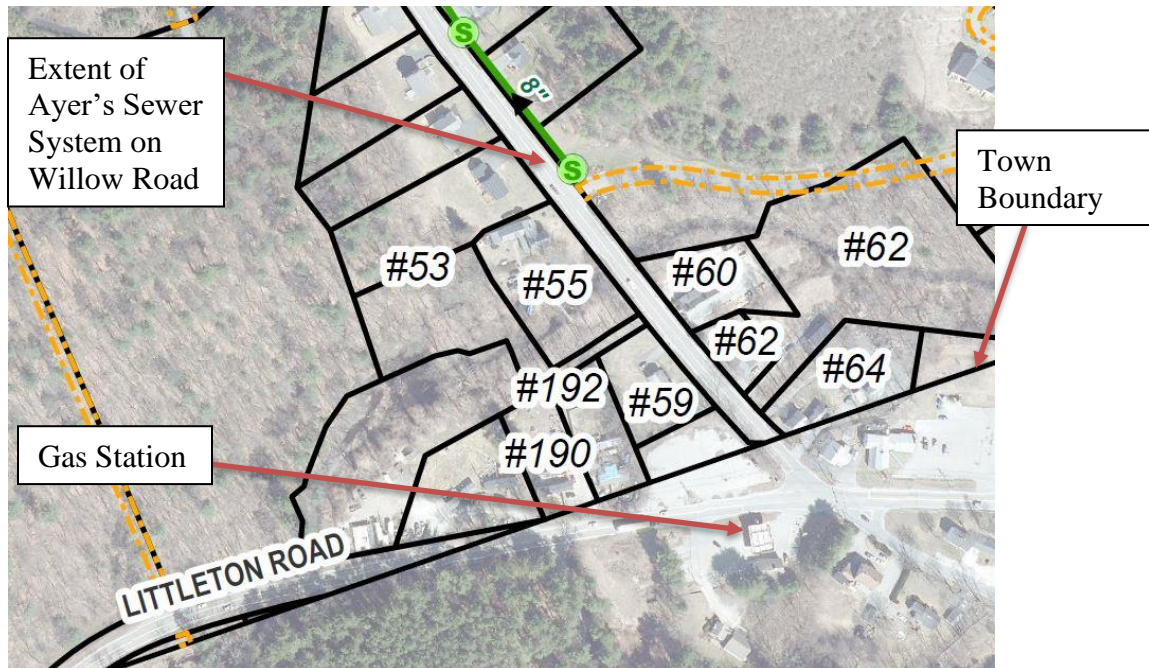
Dear Select Board,

Please find attached a completed Application for Out-of-Town Water and/or Sewer Connection, including the owner’s authorized representation and draft utility plan.

In summary, the proponent is requesting a sewer service connection to the Ayer sewer collection system for the gas station located at 254-260 Ayer Road in Littleton. The proponent has plans to reconstruct the gas station to include 24-hour operation, separate diesel and gasoline pumps, and a convenient store with pizza and coffee/donut shop.

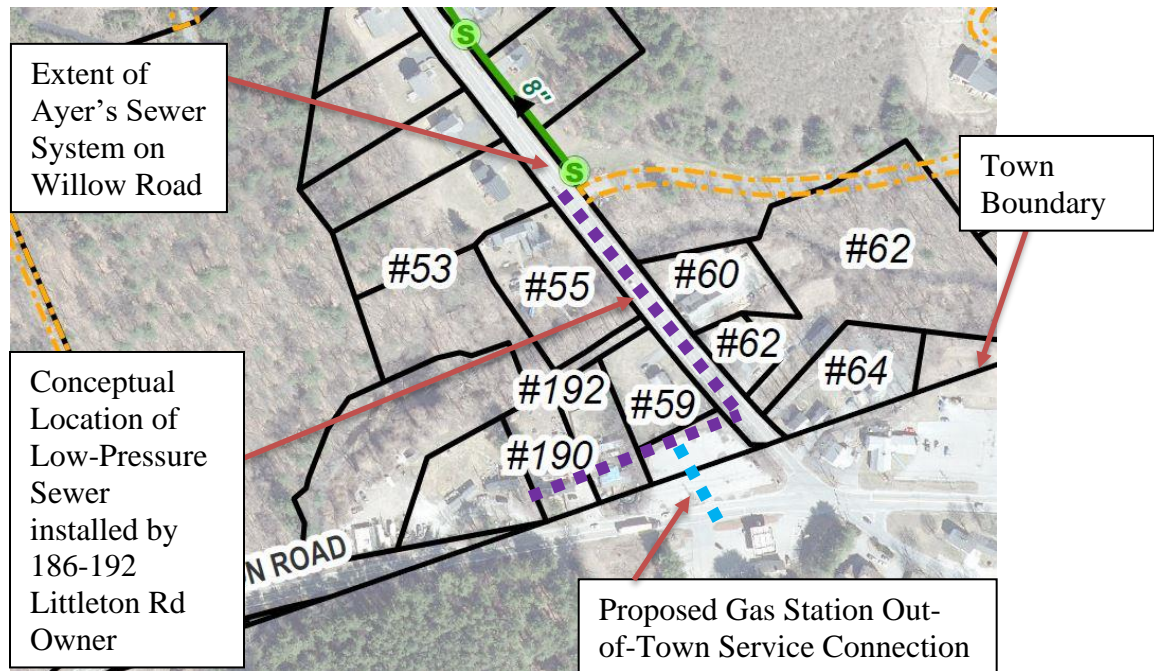
Existing Conditions

The existing gas station is currently on septic. The nearest sewer system is Ayer’s sewer collection system, currently located near the intersection of Willow Road and Longview Circle. The Town of Littleton does not have wastewater collection near the site.



186-192 Littleton Road (Ayer) Proposed Sewer Connection

In October 2023, the Town was approached by the Owner of 186-192 Littleton Road in Ayer with a request to connect to Town sewer. The Town Manager's Office and DPW have been working with the Owner of 186-192 Littleton Road to review his proposed connection plan. The Owner is proposing to install low pressure sewer, within the Town of Ayer, and connecting to the Town's sewer at Longview Circle. Please see below image of the current concept:



In addition to the private owner of 186-192 Littleton Road connecting his properties to sewer, there would be benefits for the Town. The contractor would install the sewer to the Town's standards at the Owner's expense. The new sewer main installed in Willow Road would be owned by the Town allowing for future connections of properties along Willow Road (59, 60, 62, 64). Note, 62 Willow Road recently had a deficient percolation test and has inquired about connection to Town sewer.

Application Review and Comments

The DPW and Town Manager's office have been working with the applicant for the Gas Station since December 2023 and the private owner of 186-192 Littleton Road since October 2023. We've had several meetings with all three parties (Town, 186-192 Littleton Road, Gas Station) to review and coordinate the proposed sewer. I would like to emphasize two requirements of the Out-of-Town sewer application: one is a requirement for the application to be submitted 90-days prior to the Town Meeting warrant approval, and the second is for a public hearing scheduled by the Select Board. These two requirements were unfortunately an oversight through the coordination process with the Gas Station applicant. However, the DPW recommends waiving the 90-day requirement in this instance. The Out-of-Town sewer connection application is not complex or a significant capacity request, and a 90-day review period is not warranted in DPW's opinion. Also, at the purview of the Board, a public hearing could be held but for similar reasons does not appear warranted. The

meeting on March 19th, to which this memo is subject, would appear to suffice. However, a formal public hearing could be scheduled at a Select Board meeting in April if the Board feels it is necessary.

Sewer Availability

The DPW has reviewed its current sewer availability and there is capacity to support the Out-of-Town request. Furthermore, connections of all existing properties on the new low-pressure sewer installed in the area would also be supported by the Town's existing sewer capacity.

The Town's sewer capacity was analyzed closely during the 2022 agreement with Mass Development. The Agreement with MassDevelopment was developed to include 350,000 gallons per day of reserve capacity for the Town of Ayer's future projections (including known development of both domestic and industrial, and population growth).

The Gas Station will require 1,220 gallons per day of wastewater flow capacity. The remaining residential lots which could join the new low-pressure sewer line are estimated to total 3,960 gallons per day. There is approximately 100,000 gallons per day of flow capacity available for population growth projects, of which the 1,220 and 3,960 gallons per day would use up.

Billing

The site will be metered for water by the Littleton Water Department. Billing would be based on water usage and would be billed at the top tier.

Next Steps

The Select Board must vote for or against a Town Meeting Warrant Article. Prior to that decision, the Board must decide whether to waive the 90-day application submission requirement (DPW recommends) and whether to schedule a public hearing.

As described above, the DPW has confirmed there is sewer availability to accommodate the project. The DPW also recommends waiving the 90-day application submission requirement in this instance. The DPW recommends allowing this application to be presented as a Town Meeting Warrant Article.



AYER POLICE DEPARTMENT

54 Park Street · Ayer, Massachusetts 01432-1161
Tel. (978) 772-8200 · Fax (978) 772-8202



Brian P. Gill
Chief of Police

Jennifer D. Bigelow
Deputy Chief of Police

To: Town Manager Robert A. Pontbriand
From: Chief Brian P. Gill
Date: Thursday March 14, 2024
RE: Ayer Special Meeting, October 23, 2023: Articles Approved by Attorney General

Dear Mr. Pontbriand,

On February 5, 2024, the Town Clerk’s Office received notification from the Massachusetts Attorney Generals Office that it has **reviewed** and **approved** the changes to Ayer Town By-Laws, found in Article 3 (DOGS) and Article 4 (TRANSIENT MERCHANTS) of the October 23, 2023 Ayer Special Town Meeting.

As we begin to roll out these newly amended By-Laws, I would like to update the Select Board on the status of both and am requesting that the Select Board review and set the Transient Merchant Permits fees at their upcoming March 19, 2024 meeting.

Pursuant to the Ayer Town By-Laws Chapter 265“*Transient Merchants*”, Section 4, Subsection C:

“Permit fee structure shall be issued for 1 day, 1 week, 1 Month, or 1 Year. The fees for each duration shall be set from time to time by the Select Board. 1 Year duration permits will be pro-rated from the set fee if not obtained in the Month of January.”

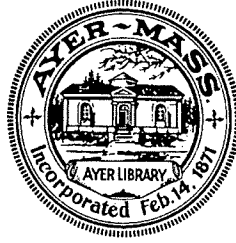
Therefore, I am requesting that the Select Board set the fees associated with the application and duration of Transient Merchant Permits as recommended below:

- Application and Investigation Fee: \$25
- Permit Duration Fees:
 - o 1 Day: \$5
 - o 1 Week: \$25
 - o 1 Month: \$50
 - o 1 Year: 100

Thank you for your consideration in this matter.

Sincerely,

Brian P. Gill
Chief of Police



ARTICLE 3: BY-LAW CHAPTER 130 (DOGS)

§ 130-1 Applicable Law and Definitions.

- A. In addition to the requirements set forth in this Bylaw, the licensing, keeping and control of dogs shall be in accordance with all applicable provisions of the Massachusetts General Laws, including but not limited to the provisions of MGL c. 140, §§136A to 174E, inclusive, as may be amended from time-to-time, which provisions are incorporated herein.

- B. The terms used in this Bylaw shall be as defined in MGL 140, §136A, as may be amended from time-to-time, and the following additional terms shall have the meanings indicated:

ABANDON:

A dog is considered abandoned within the meaning of this chapter when it has been left alone or unattended by the owner for any period greater than 24 hours without the owner providing for its needs.

AT LARGE:

A dog that is off the premises of the owner or keeper and not under the physical control of the owner or keeper by means of a leash held by a person capable of controlling the dog.

COMPLAINANT:

Any person, including the Animal Control Officer, who makes a written complaint regarding an animal committing a violation under this chapter. In the case where the complaint is from someone other than the Animal Control Officer, the Ayer Dog Incident Complaint Form should be used.

COMPLAINT: A formal written report of a dog incident.

DOG:

Any animal of the canine species.

DOMESTIC ANIMAL:

An animal designated as domestic by regulations promulgated by the Department of Fish and Game, as may be amended from time-to-time.

HEARING AUTHORITY:

The Select Board or their designee is charged with the responsibility of handling nuisance or dangerous dog complaints.

LICENSE:

A valid and current municipal dog license and dog license tag.

OWNER:

Any person or persons, firm, association or corporation owning, keeping or harboring a dog.

PHYSICAL CONTROL:

Control of a dog with a restraint.

PUBLIC DISTURBANCE

Any dog shall be deemed a public disturbance when such dog is engaged or has engaged in any combination of one or more of the following activities. Each instance of a public disturbance is considered to be a violation. Each day of a violation is determined to be a separate violation.

- A. Destroying, disturbing or otherwise molesting the property, including refuse, of another while outside the property of its owner, whether under such owner's physical control or not.
- B. Being upon any public park, playground, schoolyard, beach or in any place to which the public has a right of access while not under the restraint of its owner or keeper.
- C. Being permitted to run unrestrained at large. The running of hunting dogs, certified service dogs and search and rescue dogs shall not constitute a public disturbance hereunder. The exercising of other dogs which are under the physical control of their owner or keeper shall not constitute a public disturbance hereunder, providing permission of the landowner has been obtained.
- D. Being an unspayed female or unneutered male at large.

- E. Being over the age of six months and not wearing a suitable collar and current municipal dog license tag issued for it and while not on the property of the owner.
- F. Being a dog, which has been abandoned.
- G. Being a dog, which deposits solid waste not removed, or not properly disposed of, by the dog's owner or keeper upon any public park, playground, schoolyard, beach, public or private way sidewalk, in any place to which the public has a right of access or any property other than that of its owner.

RESTRAINT:

The control of a dog by physical means, such as a leash, fence or other means of physically confining or restraining a dog.

RESTRAINT ORDER

Order to confine or restrain a dog with conditions determined by the Animal Control Officer.

§ 130-2 Nuisance Dog / Dangerous Dog / Public Disturbance Prohibited; Enforcement

- A. No owner or keeper of any dog shall permit such dog to become a Nuisance Dog, Dangerous Dog or Public Disturbance within the Town at any time.
- B. If the owner or keeper of a dog is a minor, the parent or guardian of such minor shall be held liable for any violation of the bylaw.
- C. It shall be the duty of the Animal Control Officer to apprehend any dog which is found at large and to impound such dog in a suitable place or to order the owner to restrain such dog.
- D. If such a dog is impounded and has upon it the name and/or address of the owner, or owner if otherwise known, the Animal Control Officer shall immediately notify the owner.
- E. The owner of any dog impounded may reclaim such dog upon payment of a \$25 pick-up fee, together with any kennel fees incurred; provided, however, that if the dog is not licensed, a license must be secured from the Town Clerk before the dog is released. The sums collected pursuant to the provisions of this section shall be accounted for and paid over to the Town Treasurer/Tax

Collector. Any dog which has been impounded and has not been redeemed by the owner within 7 days shall be disposed of as provided by the laws of the Commonwealth of Massachusetts.

- F. The Animal Control Officer, members of the Police Department, or whoever else may be designated by the Select Board shall enforce the provisions of this bylaw and shall attend to all complaints pertaining to dogs in the Town.

§ 130-3 Nuisance or Dangerous Dog Complaints.

- A. Complaints concerning Nuisance Dogs or Dangerous Dogs shall be addressed in accordance with MGL c. 140, §157, as may be amended from time-to-time.
- B. The Select Board is designated as the Hearing Authority to oversee the process of responding to all nuisance or dangerous dog complaints. The Select Board may designate another Town Employee as the Hearing Authority.
- C. The Hearing Authority shall notify the Town Clerk of any complaints filed and shall report any findings that a dog is a nuisance or dangerous dog to the Town Clerk.
- D. Issuance of temporary restraint orders. The Animal Control Officer may issue a temporary restraint order to the owner or keeper of any dog that is alleged to be a nuisance or dangerous dog and is awaiting a decision under this chapter. The Animal Control Officer's order shall expire upon receipt of a decision from the Hearing Authority on the nuisance dog or dangerous dog hearing.

§ 130-4 Dog Licenses; Fees

- A. MGL c. 140, § 137 requires that all owners or keepers of dogs shall cause the dog to be registered, numbered, described, and licensed each year. All dogs must be vaccinated against rabies. A Valid rabies certificate must be presented each time a dog is licensed.
- B. The annual license period shall be January 1 to December 31 of the calendar year.
- C. Fees.
 - 1. The annual dog licensing fee in the Town of Ayer shall be:

- i. Unaltered: \$15
- ii. Spayed / Neutered: \$10
- iii. Dangerous Dog: \$300

NOTE: Dogs for which it can be verified by a veterinarian in writing that they cannot be spayed or neutered due to medical reasons shall pay the same fee as spayed or neutered dogs

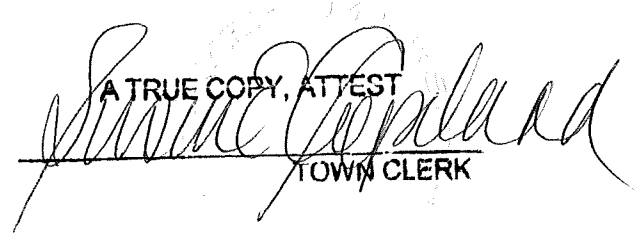
- 2. Fee exemptions. In accordance with MGL c. 140, § 139, no fee shall be charged for a license issued for a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder; or for a license for a dog owned by a person aged 70 years or over.
- 3. The annual kennel licensing fee in the Town of Ayer shall be:
 - i. One to four dogs: \$40
 - ii. Five to ten dogs: \$70
 - iii. Over Ten dogs: \$100

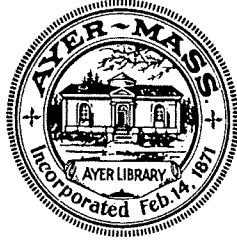
§130-5 Violations and Penalties.

- A. Any person or entity who fails to register and license their dog each year by the last day of February in the Town of Ayer and pay the required fees and charges will be required to pay to the Town a late fee, in the amount of \$50, in addition to the original licensing fee and any fines assessed. Anyone acquiring a dog over the age of six months, after that date, shall have 30 days from the date the dog was received to register and license the dog or be subject to the late fee of \$50.
- B. This Bylaw may be enforced by the Animal Control Officer or any police officer of the Town through any means available in law or equity, including but not limited to by the noncriminal disposition statute, MGL c. 40, § 21D, MGL c. 140, §173A and the Town Code, Chapter 1, Article I, § 1-4. When so enforced, the fines shall be as follows:
 - (a) First violation: \$50.
 - (b) Second violation: \$100.
 - (c) Third violation: \$300.
 - (d) Fourth and subsequent violations: \$500

§130-6 Severability

The invalidity of any section, provision, paragraph, sentence, or clause of this bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

A TRUE COPY, ATTEST

TOWN CLERK



ARTICLE 4: BY-LAW AMENDMENT: Chapter 265 (TRANSIENT MERCHANTS)

§ 265-1 Definitions.

For the purpose of this bylaw, the following terms shall have the meanings indicated below:

PEDDLER

Any person who sells and makes immediate delivery of, or offers for sale and immediate delivery of, any goods, wares or merchandise, in possession of the seller, at any place within the Town of Ayer other than from a fixed place of business.

PERSON

Includes the singular and the plural and shall also mean and include any person, firm or corporation, association, club, partnership or society, or any other organization.

SOLICITOR

Any person who sells or takes orders or offers to sell or take orders for goods, wares, or merchandise for future delivery, or for services to be performed, at any place within the Town of Ayer other than a fixed place of business.

TRANSIENT MERCHANT

Any person, firm, or corporation, whether as owner, agent, or employee, whether a resident of the Town or not, who engages in or transacts any temporary business within the Town, either in one location or by moving from one place to another, selling or buying goods, wares, merchandise, or services, or who solicits for orders, sales, subscriptions or business of any kind, or who solicits for information or donations and shall include all peddlers, canvassers and solicitors.

§ 265-2 Permit required.

Every Person intending to engage in soliciting or canvassing door-to-door as a Transient Merchant in the Town of Ayer must apply for a permit with the Chief of

Police at least fourteen (14) business days in advance by filing an application form with the Chief of Police for a permit.

§ 265-3 Exceptions.

This bylaw shall not apply to:

- A. Persons, firms or corporations selling services, goods, wares, merchandise or materials at wholesale to dealers in such articles.
- B. Newspaper Delivery.
- C. Persons vending and delivering goods, wares, or merchandise to regular customers on established routes in the regular course of business.
- D. Sales in private residences of the owner's household goods and belongings.
- E. Any activity for religious, political, or public policy purposes or other non-commercial purposes, regardless of whether such activity includes acts that would otherwise constitute soliciting or canvassing.
- F. Governmental officers or employees of the Town, county, state or federal government, or any subdivision thereof, when on official business.
- G. Insurance companies authorized to do business in Massachusetts.
- H. Individual registration shall not be required for minors under the age of 18 except in connection with canvassing or soliciting on behalf of a profit organization, newspaper carriers excepted.

§ 265-4 Application for permit.

- A. Each applicant hereunder shall obtain from and file with the Police Department an application for a transient merchant permit and accompany said application with an investigation fee to cover the cost of investigating the applicant in an amount set from time to time by the Select Board.
- B. The written application shall contain the required information:
 - a. Applicant Name, permanent address and telephone number, and temporary address if any.
 - b. Applicant date of birth

- c. Applicant height, weight, color of hair and eyes.
- d. Make, model and registration number and owner of any vehicle to be used by the applicant while soliciting or canvassing.
- e. Period of time for which the permit is needed.
- f. Brief description of nature of business and goods to be sold.
- g. Name, address and telephone number of the person or organization whom the applicant represents and the length of time the applicant has been associated with or employed by that person or organization.

C. A permit fee structure shall be issued for one (1) day, one (1) week, one (1) Month, or one (1) Year. The fees for each duration shall be set from time to time by the Select Board. One Year duration permits will be pro-rated from the set fee if not obtained in the month of January.

§ 265-5 Investigation of applicant; issuance or denial of permit.

- A. Upon receipt of each such application, , the Police Department shall initiate an investigation of the applicant as the Department deems necessary for the protection of the public good, subject to all applicable legal requirements, including authorized criminal history background checks.
- B. The Chief of Police, or in their absence, the Chief's designee, shall endorse their approval or disapproval upon said application within five (5) business days after it has been filed with said Department.
- C. The Police Chief or their designee shall refuse to register an organization or individual whose registration has been revoked for violation of this bylaw within the previous two-year period, or who has been convicted of murder/manslaughter, rape, robbery, arson, burglary/breaking and entering, assault, larceny, as such persons pose a substantial degree of danger to minors and other persons vulnerable to becoming victims of the violent crimes so listed. The Police Chief or their designee shall also refuse to register a person who is a sex offender required to register with the Sex Offenders Registry Board and who is finally classified as Level 2 or Level 3 Sex Offender, as such persons have been found to have a moderate to high risk of re-offense and pose a substantial degree of danger to minors and other persons vulnerable to becoming victims of sex crimes.

§ 265-6 Permits.

- A. Permits shall be issued, or denied, by the Chief no later than five (5) business days after the application therefore is made in writing to the Police Department.
- B. All permits shall clearly indicate the dates of issuance and expiration and the name and address of the permittee.
- C. All permits issued under this bylaw are personal; they shall not be transferable. Any holder who allows a permit to be used by any other person shall be guilty of a violation of this bylaw.
- D. Permittees under this bylaw shall carry their permit with them while engaged in permitted activities and shall display such permit to any police officer or any person being solicited upon request.
- E. Annual permits shall expire on December 31st of the year issued.

§ 265-7 Time limit for operations.

No permittee under this bylaw shall sell, peddle, or solicit between the hours of 7:00 p.m. and 9:00 a.m. or on Sundays and legal holidays, unless invited to do so by the owner or occupant of any private residence in the Town.

§ 265-8 No Solicitation List.

A No Solicitation List shall be established and maintained by the Ayer Police Department to prohibit the practice of going in or upon the private property or residence of such owner or occupant by Transient Merchants as defined. Residents may submit their property for inclusion on the list without charge. Upon approval of the issuance of a license as provided herein, each such licensed entity or individual shall be provided with a copy of the No Solicitation List and may not solicit or canvass such property.

§ 265-9 Revocation of permit; appeals

- A. Permits issued under this bylaw may be revoked by the Chief of Police for any of the following causes:
 - a. Fraud, misrepresentation, or false statements contained in the application for a permit.
 - b. Fraud, misrepresentation, or false statements in the course of carrying on his business or transient merchant.

- c. Any violation of this bylaw.
- d. Commission or conviction of a felony.
- e. Commission or conviction of any crime or misdemeanor of moral turpitude.
- f. Conducting the business of soliciting, or of canvassing, in a threatening, abusive or illegal fashion so as to constitute a menace to the health, safety, or general welfare of the public.

B. Notice of the revocation of the permit shall be given in writing, setting forth the grounds of complaint and the opportunity to appeal the decision of revocation. Such notice shall be made in-person or mailed to the permittee at their last known address, or at an address contained in the application for a permit.

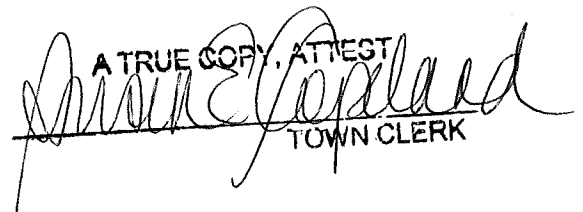
Any Person who is denied a permit or whose permit has been revoked may appeal by filing a written notice of appeal with the Select Board. Such appeal must be filed within five (5) days after receipt of the notice of denial or revocation. The Select Board shall hear the appeal at its next scheduled meeting after the filing of the written notice of appeal, provided, however, that if the Select Board fails to make a determination within thirty (30) days after the filing of the appeal, the registration shall be deemed granted or reinstated as the case may be.

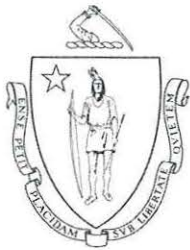
§265-10 Violations and penalties.

Any person, firm, or corporation violating any provisions of this bylaw shall be fined not more than \$300 for each offense, except as otherwise provided herein; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§265-11 Severability

Invalidity of any individual provision of this section shall not affect the validity of the bylaw as a whole.

A TRUE COPY, ATTEST

TOWN CLERK



THE COMMONWEALTH OF MASSACHUSETTS
 OFFICE OF THE ATTORNEY GENERAL
 CENTRAL MASSACHUSETTS DIVISION
 10 MECHANIC STREET, SUITE 301
 WORCESTER, MA 01608

ANDREA JOY CAMPBELL
 ATTORNEY GENERAL

(508) 792-7600
 (508) 795-1991 fax
 www.mass.gov/ago

February 5, 2024

Susan E. Copeland, Town Clerk
 Town of Ayer
 1 Main Street
 Ayer, MA 01432

RECEIVED
 FEB 05 2024
 TOWN OF AYER
 TOWN CLERK
Susan E. Copeland

Re: Ayer Special Meeting of October 23, 2023 -- Case # 11210
 Warrant Articles # 3 and 4 (General)

Dear Ms. Copeland:

Articles 3 and 4 – We approve Articles 3 and 4 from the Ayer October 23, 2023 Special Town Meeting. Our comments on Article 3 are provided.

Article 3 - Under Article 3 the Town voted to amend Chapter 130, “Dogs,” by deleting existing text and inserting new text. The Town added new definitions and new provisions regarding public disturbances, nuisance dogs, dangerous dogs, license fees and penalties.

One change adds a new Section 130-5 (A), “Violations and Penalties,” that imposes a fifty-dollar late fee for failure to register and license a dog by the last day of February and allows a five hundred dollar fine for a fourth and subsequent violation of Chapter 130 as follows:

§130-5 Violations and Penalties.

A. Any person or entity who fails to register and license their dog each year by the last day of February in the Town of Ayer and pay the required fees and charges will be required to pay to the Town a late fee, in the amount of \$50, in addition to the original licensing fee and any fines assessed. Anyone acquiring a dog over the age of six months, after that date, shall have 30 days from the date the dog was received to register and license the dog or be subject to the late fee of \$50.

B. This Bylaw may be enforced by the Animal Control Officer or any police officer of the Town through any means available in law or equity, including but not limited to by the noncriminal disposition statute. MGL c. 40. § 21D, MGL c. 140. §173A and the Town Code, Chapter 1. Article I. § 1-4. When so enforced, the fines shall be as follows:

- (a) First violation: \$50.
- (b) Second violation: \$100.
- (c) Third violation: \$300.
- (d) Fourth and subsequent violations: \$500

We approve Section 130-5 (A)'s late fee provision. However, while a municipality may impose fees, it "has no independent power of taxation." *Silva v. City of Attleboro*, 454 Mass. 165, 169 (2009). In distinguishing valid fees from impermissible taxes, the Supreme Judicial Court has noted that fees tend to share the following common traits: (1) fees, unlike taxes, are charged in exchange for a particular governmental service which benefits the party paying the fee in a manner not shared by other members of society; (2) user fees (although not necessarily regulatory fees) are paid by choice, in that the party paying the fee has the option of not utilizing the governmental service and thereby avoiding the charge; and (3) fees are collected not to raise revenues but to compensate the governmental entity providing the services for its expenses. See *Silva*, 454 Mass. at 168 (citing *Emerson College v. City of Boston*, 391 Mass. 415, 424-25 (1984)). The Town should consult with Town Counsel to ensure that the late fee charged under Section 130-5 (A) constitutes a valid fee rather than an impermissible tax.

We also approve Section 130-5 (A)'s five hundred dollars fine amount for a fourth or subsequent violation because G.L. c. 140, § 173A, regarding enforcement of animal control by-laws, allows a fine amount of five hundred dollars for fourth or subsequent by-law offenses, which is greater than the cap of \$300 for by-law violations (as provided in G.L. c. 40, § 21).

Note: Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

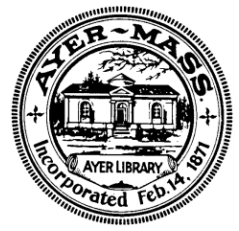
ANDREA JOY CAMPBELL
ATTORNEY GENERAL

Kelli E. Gunagan

by: Kelli E. Gunagan, Assistant Attorney General
Municipal Law Unit
Office of the Attorney General
Ten Mechanic Street, Suite 301
Worcester, MA 01608
508-792-7600

cc: Town Counsel Gregg J. Corbo

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: March 15, 2024

TO: Ayer Select Board

FROM: Robert A. Pontbriand
Town Manager

SUBJECT: Town Manager's Report for the March 19, 2024 Ayer Select Board Meeting

Dear Honorable Select Board Members,

I am pleased to transmit to you the following Town Manager's Report for the March 19, 2024 Ayer 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 Warrants:

- At the meeting I will provide a brief Administrative update on the various activities, initiatives, and projects of the Town since the Select Board last met on March 6, 2024.
- I have reviewed, approved, and signed the following Town Warrants since the Select Board last met on March 6, 2024:

Payroll Warrant #24-18 in the amount of \$404,498.21 was reviewed, approved, and signed on March 5, 2024

Accounts Payable Warrant #24-18 in the amount of \$2,061,452.02 was reviewed, approved, and signed on March 11, 2024.

FY 2025 Budget Process Update:

- At the meeting I will provide a brief update on the FY 2025 Budget Process. The FY 2025 Budget Process remains on schedule per the Town's Budget Calendar. As the Select Board is aware all FY 2025 Budget material are posted on the FY 2025 Budget webpage on the Town's website at www.ayer.ma.us/budget DRAFT #3 (FINAL DRAFT) of the FY 2025 Budget will be transmitted to the Select Board and Fin Com on March 22, 2024 in advance of the Second Public Budget Forum on Wednesday, March 27, 2024 at 6pm in the First Floor Meeting Room of the Ayer Town Hall with a Zoom link for remote participation by the Public.

Proposed Funding Plan for 71 Sandy Pond Road:

- As the Select Board is aware, at the conclusion of the Community Preservation Committee’s Public Hearing held on Wednesday, March 6, the Community Preservation Committee acted favorably on the application for funding submitted for the purchase of 71 Sandy Pond Road and voted unanimously to recommend \$350,000 in CPA Funding from the Open Space Category subject to approval by Town Meeting on April 22, 2024.
- At the Executive Bi-Board Meeting on March 14, 2024 the Bi-Board reviewed and discussed funding options for the Town’s portion of \$350,000 toward the total purchase price of \$700,000.
- The following is a recommended funding proposal for 71 Sandy Pond Road as discussed by the Bi-Board:

\$700,000	Price for Purchase of 71 Sandy Pond Road
<u>(\$350,000)</u>	CPA Funding from Open Space Category Subject to Town Meeting Approval
\$350,000	Amount to come from Town Funds
(\$100,000)	From ARPA Funds to be authorized by the Select Board
(\$250,000)	From UDAG Funds to be authorized by the Select Board and subject to replenishment of the UDAG Fund by a future Town Meeting
\$0.00	

Note: Current ARPA Fund Balance as of March 14, 2024: \$423,900
Current UDAG Fund Balance as of March 14, 2024: \$3,193,959

- It is recommended that the Select Board fund the remaining \$350,000 by authorizing \$100,000 to come from the Town’s ARPA Funds and by authorizing \$250,000 from the UDAG Fund to be replenished by a future Town Meeting(s).
- I look forward to further discussion with the Select Board at the meeting.

Proposed Funding Plan for FY 2024 MNHG Dissolution Invoice:

- As the Select Board is aware the Minuteman Nashoba Heath Group (MNHG) which is the joint health insurance purchase group that the Town has belonged to for many years has voted to dissolve effective June 30, 2024. Additionally, as the Select Board is aware, the Town had started the process through the Town’s Insurance Advisory Committee last summer to begin to look for a new health insurance provider due to increasing annual assessment costs from MNHG as well as concerns about the future viability of MNHG.
- In October of 2023 on recommendation of the Insurance Advisory Committee, the Select Board voted to authorize the Town’s intent to leave the MNHG on June 30, 2024. Subsequent to this decision by the Town of Ayer, additional member units of the MNHG initiated similar actions resulting in the MNHG voted in December of 2023 to formally dissolve the MNHG as of June 30, 2024.
- Per the terms of the MNHG Agreement with respect to the dissolution of the MNHG, all member units are responsible for a proportionate share of their estimated run out claims past June 30, 2024. Attached is the FY 2024 Invoice in the amount of \$310,512.90 for the Town of Ayer which is due by June 30, 2024 (See Attached)

- At the Executive Bi-Board Meeting on March 14, 2024, the Bi-Board reviewed and discussed this Invoice and a recommended proposal to pay this Invoice. There was consensus among the Bi-Board to recommend that the Select Board authorize \$310,512.90 from the Town's ARPA funds to pay this Invoice.
- The proposal to use ARPA funds was based on 1.) The Town has been advised to expend its ARPA funds as soon as possible before the deadline of December 31, 2024 to avoid risking potential federal claw backs of outstanding funding; 2.) The Town has completed all of its major infrastructure projects subject to funding by ARPA; 3.) By using the ARPA funds to pay this Invoice; the Town's Free Cash does not have to be used; and 4.) By using ARPA funds there would be no direct tax impact to the Ayer taxpayer on the local level.
- It is recommended that the Select Board authorize \$310,512.90 to pay the FY 2024 MNHG Dissolution Invoice.
- I look forward to further discussing this matter with the Select Board at the meeting.

DRAFT Annual Town Meeting Warrant Update:

- At the meeting I will provide a brief update on the development of the 2024 Annual Town Meeting Warrant for the Annual Town Meeting to take place on Monday, April 22, 2023 at 7pm in the Auditorium of the Ayer Shirley Regional High School. The deadline for all Warrant Articles and Citizen's Petitions is 12pm (noon) on Friday, March 29, 2024 per the Town's Budget Calendar.
- Attached is a DRAFT of the Annual Town Meeting Warrant as of March 15, 2025. The Warrant remains under Development and the deadline for Warrant Articles is March 29, 2024. As such on the attached DRAFT there are some areas still under development including final verification of funding amounts. (See Attached)
- The Select Board is scheduled to meet on Tuesday, April 2, 2024 at 6pm for the purposes of reviewing and finalizing the Warrant. The FINAL DRAFT of the Warrant will be in the Select Board Meeting Packet on March 29, 2024. The Select Board will be joined by the Finance Committee for the purposes of the final review of the FY 2025 Omnibus Article and all financial Articles on the Warrant.
- Upon approval by the Select Board on April 2, 2024, the Annual Town Meeting Warrant will be publicly posted by April 5, 2024 at which time it will be sent for printing and mailing to all Ayer households.
- At the meeting, I look forward to providing a brief update and answering any questions you may have on the DRAFT Annual Town Meeting Warrant.

Thank you.

Attachment(s): Minuteman Nashoba Health Group (MNHG) Dissolution Invoice
 DRAFT Annual Town Meeting Warrant (as of March 15, 2024)

MINUTEMAN NASHOBA HEALTH GROUP

PROPORTIONATE SHARE RUN OUT CLAIMS TABLE
PARTICIPATING GOVERNMENTAL UNIT ("PGU")

		AYER				
		ENROLLMENT AS OF 2.9.24		COLUMN G		
LINE	CALCULATION STEP	ACTIVE PLANS	CALCULATION	TYPE	* Factor	EMPLOYEES
1		PGU SINGLE SUBSCRIBER	51	IND	1	51
2	line 2 column G* 2.6	PGU FAMILY SUBSCRIBER-ADJUSTED	114.4	FAM	2.6	44
3	line 1+line 2	PGU TOTAL ADJUSTED SUBSCRIBERS	165.4			
4		MNHG SINGLE SUBSCRIBER	900	IND	1	900
5	line 5 column G* 2.6	MNHG FAMILY SUBSCRIBER-ADJUSTED	2566.2	FAM	2.6	987
6	line 4 +line 5	MNHG TOTAL ADJUSTED SUBSCRIBERS	3466.2			
7	line 3/line 6	PGU PROPORTIONATE SHARE PERCENTAGE	4.77%			
8		ACTIVE PLAN REQUIRED DEPOSIT ****	\$5,700,000.00			
9	line 7 * line 8	PGU PROPORTIONATE SHARE ACTIVE PLAN DEPOST	\$271,992.38			

LINE		MEDICARE SELF FUNDED PLANS	
1		PGU SUBSCRIBER	123
2		MNHG SUBSCRIBER	926
3	line 1/line 2	PGU PROPORTIONATE SHARE PERCENTAGE	13.28%
4		TUFTS SELF FUNDED MEDICARE DEPOSIT REQUIRED	\$290,000.00
5	line 3 * line 4	PGU PROPORTIONATE SHARE ACTIVE PLAN DEPOST	\$38,520.52

TOTAL PGU PROPORTIONATE SHARE ACTIVE/SELF FUNDED MEDICARE	
\$310,512.90	

***** CARRIER - ACTIVE PLAN REQUIRED DEPOSIT	\$5,200,000.00
SETTLEMENT ALLOWANCE	\$500,000.00
TOTAL	\$5,700,000.00



Town of Ayer

ANNUAL TOWN MEETING WARRANT

*****DRAFT*****

As of March 15, 2024

Ayer Shirley Regional High School Auditorium
141 Washington Street
Ayer, MA 01432
April 22, 2024 at 7:05 PM

Commonwealth of Massachusetts
Middlesex, ss.

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Ayer qualified to vote in Town Elections and Affairs to meet in the Auditorium of the Ayer Shirley Regional High School located at 141 Washington Street, Ayer, Massachusetts on Monday, the twenty-second (22nd) day of April 2024, at five after seven o'clock (7:05 PM) in the evening then and there to act on the following articles:

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

Given under our hands this _ day of April AD 2024.

Scott A. Houde, Chair

Jannice L. Livingston, Vice Chair

Shaun C. Copeland, Clerk

The Ayer Select Board

Any persons needing disability related assistance (such as signing, etc.) at the Town Meeting please contact the Select Board's Office at 978-772-8220 ext. 100 before April 19, 2024. We shall make every reasonable effort to assist you. Large print version of the text of this warrant is available upon request.

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

ARTICLE 1: SALARIES OF ELECTED OFFICIALS

To see if the Town will vote to fix the salary and compensation of elected officers of the Town of Ayer, as provided by Section 108, Chapter 41 of the General Laws, as amended; or take any action thereon or in relation thereto.

	<u>FY-24 SALARY</u>	<u>FY - 25 SALARY</u>	<u>% OF CHANGE</u>
Moderator	\$574	\$586	2%
Select Board: Chair	\$2,878	\$2,936	2%
Select Board: Members (2)	\$2,567	\$2,619	2%
Assessors: Chair	\$2,851	\$2,908	2%
Assessors: Members (2)	\$2,539	\$2,590	2%

Sponsor: Select Board
Finance Committee: Simple Majority Vote Required

Explanatory Note: This Article is required as Town Meeting sets the salaries of elected officials pursuant to Section 108, Chapter 41 of the General Laws. The two percent (2%) increase is the FY 2025 Cost of Living Adjustment approved by the Select Board on February 20, 2024, on recommendation of the Town Manager and Benefits & Payroll Manager in accordance with the Town's Financial Policies.

ARTICLE 2: CONTRACT FUNDING: AYER POLICE PATROL ASSOCIATION (APPOA) – PATROL DIVISION

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first-year cost items of a collective bargaining agreement between the Town of Ayer and the Ayer Police Patrol Association (APPOA) – Patrol Division for the period of July 1, 2024, through June 30, 2027; or take any action thereon or in relation thereto.

Sponsor: Select Board
Finance Committee: Simple Majority Vote Required

Explanatory Note: Per Chapter 150E of the General Laws, Union Contracts are subject to the appropriation of funds by Town Meeting. The FY 2025 estimated total cost of the Contract is \$ [REDACTED]. Contract Memorandum of Agreement is available on the Town's website (www.ayer.ma.us). Presentation to be made at Town Meeting.

ARTICLE 3: CONTRACT FUNDING: AYER POLICE PATROL ASSOCIATION (APPOA) – DISPATCHERS DIVISION

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to fund the first-year cost items of a collective bargaining agreement between the Town of Ayer and the Ayer Police Patrol Association (APPOA) – Dispatchers Division for the period of July 1, 2024 through June 30, 2027; or take any action thereon or in relations thereto.

Sponsor: Select Board
Finance Committee: Simple Majority Vote Required

Explanatory Note: Per Chapter 150E of the General Laws, Union Contracts are subject to the appropriate of funds by Town Meeting. The FY 2025 estimated total cost of the Contract is \$ [REDACTED]. Contract Memorandum of Agreement is available on the Town's website (www.ayer.ma.us). Presentation to be made at Town Meeting.

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

ARTICLE 4: FY 2025 OMNIBUS BUDGET

To see if the Town will vote to raise and appropriate a sum of money for the FY 2025 Omnibus Budget items; or take any action thereon or in relation thereto:

- Dept. 100: General Government
- Dept. 200: Finance
- Dept. 300: Public Safety
- Dept. 400: Public Works
- Dept. 500: Human Services
- Dept. 600: Management Support

Sponsor: Select Board
Finance Committee:

Simple Majority Vote Required

Explanatory Note: Please see insert for the FY 2025 Omnibus Budget. Presentation on the budget to be made at Town Meeting. The FY 2025 Omnibus Budget includes a 2% Cost of Living Adjustment (COLA) for Non-Union Personnel, as recommended by the Town Manager and Benefits & Payroll Manager in accordance with the Town's Financial Policies and approved by the Select Board on February 20, 2024. All materials related to the FY 2025 Budget are available on the Town's website at www.ayer.ma.us/budget or by contacting the Town Manager's Office at 978-772-8220 x100 or by email at tm@ayer.ma.us

ARTICLE 5: FY 2025 AYER SHIRLEY REGIONAL SCHOOL DISTRICT ASSESSMENT

To see if the Town will vote to raise and appropriate the sum of \$13,379,402 as required to fund the Town's FY 2025 assessment for the Ayer Shirley Regional School District and to raise and appropriate the sum of \$992,710 for the Town's portion of the ASRSD high school building project and fields project debt service; or take any action thereon or in relation thereto.

Sponsor: Ayer Shirley Regional School Committee
Select Board:
Finance Committee:

Simple Majority Vote Required

Explanatory Note: This Article will fund the FY 2025 Ayer Shirley Regional School District Assessment and the Town's portion of the ASRSD high school building project. Brief presentation to be made at Town Meeting.

ARTICLE 6: FY 2025 NASHOBA VALLEY REGIONAL TECHNICAL VOCATIONAL SCHOOL ASSESSMENT

To see if the Town will vote to raise and appropriate the sum of \$1,074,675 required to fund the Town's FY 2025 assessment for the Nashoba Valley Regional Technical High School; or take any action thereon or in relation thereto.

Sponsor: Nashoba Valley Regional Technical Vocational School Committee
Select Board:
Finance Committee:

Simple Majority Vote Required

Explanatory Note: This Article will fund the FY 2025 Nashoba Valley Regional Technical High School Assessment. Brief presentation to be made at Town Meeting.

ENTERPRISE FUND ARTICLES

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

**The Annual Budget Book will be provided at Town Meeting with further detail on
Articles No. 7 – 10**

(Funding Amounts Under Review and Verification)

ARTICLE 7: SOLID WASTE

To see if the Town will vote to raise and appropriate or transfer from available funds the following funds to operate the solid waste department:

Direct costs of \$_____ of which \$_____ is to come from solid waste revenue, \$_____ is to come from solid waste retained earnings and \$_____ is to come from the tax levy, and indirect costs of \$_____ is to come from the tax levy; or take any action thereon or in relation thereto.

Sponsor: Select Board
Finance Committee:

Simple Majority Vote Required

ARTICLE 8: AMBULANCE

To see if the Town will vote to raise and appropriate or transfer from available funds the following funds to operate the ambulance department:

Direct costs of \$_____ is to come from ambulance revenue, and indirect costs of \$_____ of which \$_____ is to come from ambulance revenue, \$_____ is to come from ambulance retained earnings and \$_____ is to come from the tax levy; or take any action thereon or in relation thereto.

Sponsor: Select Board
Finance Committee:

Simple Majority Vote Required

ARTICLE 9: SEWER

To see if the Town will vote to raise and appropriate or transfer from available funds the following funds to operate the sewer department:

Direct costs of \$_____ to come from sewer revenue and indirect costs of \$_____ is to come from sewer revenue; or take any action thereon or in relation thereto.

Sponsor: Select Board
Finance Committee:

Simple Majority Vote Required

ARTICLE 10: WATER

To see if the Town will vote to raise and appropriate or transfer from available funds the following funds to operate the water department:

Direct costs of \$_____ to come from water revenue and indirect costs of \$_____ to come from water revenue; or take any action thereon or in relation thereto.

Sponsor: Select Board
Finance Committee:

Simple Majority Vote Required

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

BORROW ARTICLE

ARTICLE 11: CAPITAL BUDGET REQUESTS

To see if the Town will vote to authorize the Treasurer, with the approval of the Select Board, to borrow the sums set out in the Warrant and hereby listed for the purposes of funding the following equipment, services, and public works projects, and all costs incidental or related thereto, as contained in the Capital Budget, each sum hereafter to be voted on separately; or take any action thereon or in relation thereto.

<u>Department</u>	<u>Item</u>	<u>Amount</u>
DPW	Municipal Tractor/Sidewalk Snowblower	\$190,000
	Road Paving	\$95,000
DPW – Stormwater	Stormwater Drain Upgrades	\$230,000
	Stormwater Culvert Improvements	\$130,000
DPW – Wastewater	Wastewater Treatment Plant Upgrades	\$4,000,000
	Inflow/Infiltration Repairs	\$750,000
	Wastewater Pump Station Upgrades (Wright Way & Bennett’s Brook)	\$500,000
	Wastewater Pump Station Generator Connections	\$80,000
DPW – Water	Spectacle Pond Well #3 Pumping Station and Transmission Main	\$350,000
	Annual Water Main Rehabilitation	\$300,000
	Grove Pond GAC Media Replacement	\$100,000
	6-Wheel Dump Truck	\$95,000
	Spectacle Pond Plant Chlorine Chemical Skid	\$75,000
Ambulance	Replace Ambulance #2	\$550,000
	Cardiac Monitor	\$55,600
	IV Pump	\$12,700
Fire	Fire Alarm Receiver	\$57,803
Police	Chief/Deputy/Administration Furniture	\$64,000

	Total:	\$7,635,103

Sponsor: Select Board
Finance Committee:

Two-Thirds Majority Vote Required

Explanatory Note: All of the above Capital Budget requests and amounts were reviewed by and recommended by the Town’s Capital Planning Committee. All materials related to these Capital Budget requests are available on the Town’s website at www.ayer.ma.us/budget or by contacting the Town Manager’s Office at 978-772-8220 or by email at tm@ayer.ma.us.

For more information, please visit the Town’s website: www.ayer.ma.us/townmeeting

TRANSFER ARTICLES

ARTICLE 12: CAPITAL BUDGET REQUESTS

To see if the Town will vote to transfer from Capital Stabilization the following sums hereby listed for the purpose of funding the following equipment, services and public works projects, including all costs incidental or related thereto, as contained in the Capital Budget, each sum hereafter to be voted on separately, or take any action thereon or in relation thereto:

<u>Department</u>	<u>Item</u>	<u>Amount</u>
DPW – Stormwater	Stormwater Biofiltration/Outfall Improvements	\$50,000
Facilities	Town Hall Building Repairs & Panic System	\$45,000
	Parking Lot Repairs for Fire and Police	\$43,000
	Green Community Grant Match Funding	\$40,000
Library	Sidewalk and Exterior Repairs	\$25,000
Parks	Utility Vehicle	\$25,000
Total:		\$228,000

Sponsor: Select Board
Finance Committee:

Two-Thirds Majority Vote Required

Explanatory Note: All of the above Capital Budget requests and amounts were reviewed by and recommended by the Town's Capital Planning Committee. All materials related to these Capital Budget requests are available on the Town's website at www.ayer.ma.us/budget or by contacting the Town Manager's Office at 978-772-8220 or by email at tm@ayer.ma.us

ARTICLE 13: GASB-45/OPEB (Other Post-Employment Benefits) FUND

To see if the Town will vote to raise and appropriate \$165,000 and transfer \$135,000 from Free Cash, totaling the sum of \$300,000, to meet the Town's obligations under the Government Accounting Standards Board (GASB) Statement 45 to fund the Town's future obligation for the cost of other post-employment benefits (OPEB); or take any action thereon or in relation thereto.

Sponsor: Select Board
Finance Committee:

Simple Majority Vote Required

Explanatory Note: This Article funds the Town's GASB-45/OPEB, Post-Employment Benefits in the total sum of \$300,000 with \$165,000 derived from the Town's Local Meals Tax and \$135,000 from Free Cash as recommended by the Town's Financial Policies.

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

ARTICLE 14: FORWARD FUNDING OF THE TOWN’S PENSION ASSESSMENT

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

Sponsor: Select Board
Finance Committee:

Simple Majority Vote Required

Explanatory Note: This Article would forward fund the Town’s pension assessment from the Middlesex County Retirement System in the amount of \$300,000 for the purposes of realizing estimated future savings.

SPECIAL REVENUE FUND ARTICLE

ARTICLE 15: ESTABLISHMENT OF OPIOID SETTLEMENT SPECIAL REVENUE FUND

To see if the Town will vote to create an Opioid Settlement Special Revenue Fund in accordance with Massachusetts General Laws Chapters 44 & 53 Clause 4, and to appropriate a sum of money in the amount of \$7,924.25 from to such fund; determine whether this appropriation shall be from free cash, other available funds or otherwise; and take any other action in relation thereto.

Sponsor: Select Board
Finance Committee:

Simple Majority Vote Required

Explanatory Note: This Article would establish a Special Revenue Fund for funds the Town receives as a result of the various Opioid Class Action Lawsuits the Town of Ayer is party to. These funds can only be used for specific purposes per the Settlement Agreements for the purposes of opioid use prevention; harm reduction; and relief. This Article would also transfer \$7,924.25 into the Special Revenue Fund which represents the amount of funding received by the Town to date.

REVOLVING FUNDS ARTICLE

ARTICLE 16: REVOLVING FUNDS ARTICLE – AMENDED BYLAW AND ESTABLISHING FY 2025 SPENDING LIMITS

To see if the Town will vote to establish the following fiscal year spending limit for such funds as follows:

Authorized Revolving Funds	Fiscal Year Expenditure Limit
FIRE ALARM FUND	\$ 75,000
HAZARDOUS MATERIALS FUND	\$ 10,000
FOURTH OF JULY FUND	\$ 30,000
DPW INSPECTION FEES FUND	\$100,000
TOWN HALL RENTAL FUND	\$ 10,000
SENIOR ACTIVITIES FUND	\$5,000
SENIOR STORE FUND	\$5,000
RECYCLING FUND	\$10,000
PARKS FUND	\$ 75,000

For more information, please visit the Town’s website: www.ayer.ma.us/townmeeting

YOUTH WORKS FUND	\$ 20,000
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Or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee:

Simple Majority Vote Required

Explanatory Note: This Article is an annual requirement for Town Meeting to authorize the fiscal year spending limit for the Town's various Revolving Funds.

RAISE & APPROPRIATE ARTICLES

ARTICLE 17: FIRST YEAR'S INTEREST-GENERAL FUND BORROWING

To see if the Town will vote to raise and appropriate the sum of \$ [REDACTED] required to provide for the first year's interest charges and associated administrative expenses on all General Fund borrowing/bonding authorized by this Town Meeting; or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee:

Simple Majority Vote Required

Explanatory Note: This Article will fund the first-year interest charges associated with the administrative expenses on all General Fund borrowing/bonding authorized by this Town Meeting.

ARTICLE 18: FUNDING FOR AQUATIC WEED CONTROL FOR TOWN PONDS

To see if the Town will vote to raise and appropriate the sum of \$25,000 for the purpose of funding the aquatic weed control program for the Town's ponds, and any incidental and related costs and expenses; or take any action thereon or in relation thereto. Funds are to be spent by June 30, 2027; unexpended funds on June 30, 2027, to close and revert to general fund balance.

Sponsor: Select Board

Finance Committee:

Simple Majority Vote Required

Explanatory Note: Funding from this Article will be used by the Conservation Commission for the purposes of the aquatic weed control in the Town's ponds.

ARTICLE 19: MATCHING FUNDING FOR FIREFIGHTERS GRANT

To see if the Town will vote to raise and appropriate the sum of \$7,105.23 as matching funds (5%) for a Federal Assistance to Firefighters Grant; or take any action thereon or in relation thereto.

Sponsor: Select Board

Finance Committee:

Simple Majority Vote Required

Explanatory Note: This Article would fund the required \$7,105.23 in matching funds (5%) for a FY 2025 Federal Assistant to Firefighters Grant for portable radios totaling \$149,209.80. These funds will

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

only be required if the grant submission is successful.

COMMUNITY PRESERVATION ACT ARTICLES

ARTICLE 20: COMMUNITY PRESERVATION ACT

To see if the Town will hear and act on the report of the Community Preservation Committee on the Fiscal Year 2025 Community Preservation Act budget, and appropriate from the estimated FY 2025 Community Preservation Fund revenues:

- A sum of money equal to five percent (5%), and not to exceed \$48,454 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2025.

And further, to reserve for future appropriation from the estimated FY 2024 Community Preservation Fund revenues the following sums of money, as recommended by the Community Preservation Committee, for each of the following purposes:

- A sum of money equal to \$96,909 (10%), more or less, for acquisition, creation, and preservation of open space excluding land for recreational use, and
- A sum of money equal to \$96,909 (10%), more or less, for acquisition, preservation, restoration, and rehabilitation of historic resources, and
- A sum of money equal to \$96,909 (10%), more or less, for acquisition, creation and preservation and support of community housing.

And the remainder sum of \$629,907 (70% less administrative expenses) for the Undesignated Fund Balance; or take any action thereon or in relation thereto.

Sponsor: Community Preservation Committee

Select Board: Recommends

Finance Committee: Recommends

Simple Majority Vote Required

Explanatory Note: Disbursement required by the Commonwealth of Massachusetts under M.G.L. Chapter 44B for the estimated FY 2025 Community Preservation Fund revenues.

ARTICLE 21: COMMUNITY PRESERVATION FUND – TRANSFER OF UNEXPENDED FUNDS FROM OLD FIRE STATION PROJECT

To see if the Town will vote to transfer the unexpended sum of \$190,000 from the Community Preservation Fund Project for the Old Central Fire Station Project as originally appropriated by Article 27 of the 2019 Annual Town Meeting to the following CPA Reserve Funds as follows:

\$150,000	to CPA Community Housing Reserve Fund
\$40,000	to CPA Historic Resources Fund
<hr/>	
Total: \$190,000	

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

Or take any action thereon or in relation thereto.

Sponsor: Community Preservation Committee
Select Board:
Finance Committee:

Simple Majority Vote Required

Explanatory Note: This Article would transfer back the total amount of \$190,000 which was originally appropriate by Article 27 of the 2019 Annual Town Meeting for the Old Fire Station Project which was not completed. \$150,000 will revert to the CPA Reserve Fund and \$40,000 will revert back to the CPA Historic Resources Fund for a total of \$190,000.

ARTICLE 22: HABITAT FOR HUMANITY

To see if the Town will vote to transfer from the Community Preservation Fund (FY 2025) Balance Reserve from the Community Housing Category the sum of \$150,000 to support the construction of a Habitat for Humanity Home to be located on Newton Street in Ayer; or take any action thereon or in relation thereto.

Sponsor: Community Preservation Committee
Select Board:
Finance Committee:

Simple Majority Vote Required

Explanatory Note: This Article would authorize \$150,000 from the CPA Housing Category toward the construction of a Habitat Home on Newton Street in Ayer. The Community Preservation Committee held a Public Hearing on March 6, 2024.

ARTICLE 23: ACQUISITION BY PURCHASE OF 71 SANDY POND ROAD

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase or eminent domain a parcel of land, with any improvements thereon, located at 71 Sandy Pond Road, Ayer, containing 2.29 acres, more or less, being Tax ID Map 29-0-1, being those premises described in a deed recorded with the Middlesex South District Registry of Deeds in Book 81572, Page 347, for open space and recreation purposes, and to accept a deed for said property; and, as funding for such acquisition and costs related thereto, transfer from the Community Preservation Fund (FY 2025) Balance Reserve from the Open Space Category the sum of Three Hundred Fifty Thousand Dollars (\$350,000.00), with additional funding of Three Hundred Fifty Thousand Dollars (\$350,000.00) to be provided as determined by the Select Board from UDAG Unrestricted Grant Funds and ARPA Funds, for a total acquisition cost of Seven Hundred Thousand Dollars (\$700,000.00); and further to authorize the Select Board to enter into all agreements and execute on behalf of the Town any and all instruments as may be necessary or convenient to effectuate the purpose of this article; or take any action thereon or in relation thereto.

Sponsor: Community Preservation Committee
Select Board:
Finance Committee

Two-Thirds Vote Required

For more information, please visit the Town's website: www.ayer.ma.us/townmeeting

Explanatory Note: This Article would authorize the Select Board to acquire 71 Sandy Pond Road by purchase in the amount of \$700,000 for future municipal open space, park and recreation purposes. With \$350,000 being authorized from Community Preservation Act Funds – Open Space Category and \$350,000 to be provided as determined by the Select Board from UDAG Unrestricted Grant Funds and ARPA Funds, for a total acquisition cost of \$700,000. The Select Board entered into a Purchase and Sale Agreement on January 2, 2024 which is available at www.ayer.ma and the Community Preservation Committee held a Public Hearing for the \$350,000 requested in CPA Funds on March 6, 2024. Presentation to be made at Town Meeting.

ZONING BY-LAW AMENDMENT ARTICLES

ARTICLE 24: ZONING BYLAW AMENDMENT – UPDATE OF THE TOWN’S ZONING MAP

To see if the Town will vote to approve the revised Town of Ayer Zoning Map as contained in this Annual Town Meeting Warrant and on file in the Town Clerk’s Office showing the rezoning of 27 and 29 Harvard Road from General Residence to General Business; or take any other action thereon or in relation thereto.

Sponsor: Planning Board to Report at Town Meeting
Select Board

Two-Thirds Majority Vote Required

Explanatory Note: This Article would revise and update the Town of Ayer Zoning map to properly enshrine the rezoning of 27 and 29 Harvard Road that was approved at previous Town Meetings. from General Resident to General Business. Since the Zoning Map was never updated to show the rezoning and was not part of the approval at Town Meeting, the rezoning was not properly completed. The Zoning Map must be approved by Town Meeting when a rezoning occurs. Brief presentation to be made at Town Meeting.

ARTICLE 25: ZONING BYLAW AMENDMENT – AMENDMENT TO SECTION 320-3.2.A OF THE AYER ZONING BYLAW: SIZE OF THE ZONING BOARD OF APPEALS (ZBA) IN ACCORDANCE WITH MGL CHAPTER 40A, SECTION 21

To see if the Town will vote to amend the Ayer Zoning Bylaw, Section 3.20-3.2 A. Establishment as follows “There is hereby established a Board of Appeals. Memberships, appointments and terms of regular and associate members shall be made in accordance with Chapter 40A of the Massachusetts General Laws. **The Board of Appeals consisting of five (5) members and two (2) alternate members, who shall be residents of the Town of Ayer, shall be appointed as provided by MGL c40A, Section 12;** or take any other action thereon or in relation thereto.

Sponsor: Planning Board to Report at Town Meeting
Select Board:

Two-Thirds Majority Vote Required

Explanatory Note: This Article would amend the Ayer Zoning Bylaw Section 3.20-3.2 A to properly state the number of members of the Zoning Board of Appeals. The Planning Board held a Public Hearing on March 12, 2024 and issued a positive recommendation. Planning Board to report at Town Meeting.

For more information, please visit the Town’s website: www.ayer.ma.us/townmeeting

**ARTICLE 26: ZONING BYLAW AMENDMENT – AMENDMENT TO SECTION 5.2
TABLE OF USE REGULATIONS – ZONING DISTRICTS**

To see if the Town will vote to approve the amendments to the Ayer Zoning Bylaws Section 5.2 Table of Use Regulations as follows:

SECTION 5.2 TABLE OF USE REGULATIONS (1)										
CLASS OF USE	Zoning Districts									
	A1	A2	GR	DAPSFCB	WAVFBC	MUT	GB	LI	I	HCS
1.0 RESIDENTIAL USES										
1.1 Detached single-family dwelling	P	P	P	P	SPB	P	SPZ	N	N	N
1.2 Two-family dwelling	P	P	P	P	P	P	P	N	N	N
1.3 Townhouse or multi-family dwelling	SPB	SPB	P	P	P	P	SPB	N	N	N
1.4 Conversion of an existing single-family dwelling to a three- or four-family dwelling, provided that (a) there shall be no change to the building footprint and (b) one unit shall be an affordable housing unit. All applicable provisions of Section 10.3 shall apply.	N	N	N	SPB	N	SPZ	N	N	N	N
1.5 Conversion of a non-residential or mixed-use building to a multi-family dwelling	N	N	N	SPB	SPB	SPZ	N	N	N	N
1.6 Apartment Dwelling units above the ground floor of a commercial building	N	N	N	P	P	P	P	N	N	N
1.7 Dwelling units at grade in a commercial building, provided that the entrance shall be on the side or rear of the building; the units shall have direct access to parking on the lot; the units shall be accessible to persons with disabilities; the ground floor of the building the elevation of the building at street level, facing the street, shall be used for commercial uses.	N	N	N	P	P	P	N	N	N	N

Or take any action thereon or in relation thereto.

Sponsor: Planning Board to Report at Town Meeting
Select Board:

Two-Thirds Majority Vote Required

Explanatory Note: This Article would amend the Ayer Zoning Bylaws Section 5.2 Table of Use Regulations as indicated in the table in the Article above. This Article will allow for more diverse types of housing to be built in the Town of Ayer. It will increase the amount of inventory and diverse housing stock within the Town of Ayer which will lead to more affordable units over time. The Planning Board held a Public Hearing on March 12, 2024 and issued a positive recommendation. Planning Board to report at Town Meeting.

For more information, please visit the Town’s website: www.ayer.ma.us/townmeeting

ARTICLE 27: ZONING BYLAW AMENDMENT – AMENDMENT TO SECTION 10.3.3 FOR INCLUSIONARY HOUSING

To see if the Town will vote to amend the Ayer Zoning Bylaw, Section 10.3.3. Basic Requirements as follows:

“For design guidelines of preferred affordable multifamily new construction, refer to the “Massachusetts Multifamily New Construction Design Requirements & Guidelines” developed by BHDC, DND, MassHousing, and MHP.

1. The Planning Board shall have the authority to allow new construction of multifamily housing under Section 10.3 of the Ayer Zoning Bylaws to allow for the construction of new units to meet the Target Units Sizes referenced in Section 4.B “Design Guidelines for Units Layouts and Interior Dimensions dated April 2022, or take any other action thereon or in relation thereto.

Sponsor: Planning Board to Report at Town Meeting
Select Board:

Two-Thirds Majority Vote Required

Explanatory Note: This Article will give new construction that triggers Section 320-10.3, Inclusionary Housing, preferred design guidelines for affordable housing. The Article would also give the Planning Board the authority to allow new construction of multifamily housing under the Inclusionary Housing Bylaw to be built to meet the unit target sizes referred to within the reference guidelines. This Article would allow units to be built under the 750 square foot minimum for a dwelling unit if the project triggers Inclusionary Housing. The Planning Board held a Public Hearing on March 12, 2024 and issued a positive recommendation. Planning Board to report at Town Meeting.

ARTICLE 28: WEST MAIN STREET BRIDGE EASEMENTS

To see if the Town will vote to authorize the Select Board to acquire by gift, purchase or eminent domain, permanent and/or temporary easements on properties on or near West Main Street, in the locations as approximately shown on a sketch plan, said plan on file with the Town Clerk, for the purpose of undertaking the West Main Street Bridge Project; and, further, to raise and appropriate, transfer or borrow the sum of \$_____ for the purpose of acquiring said easements; and, further, to authorize the Select Board to enter into any and all agreements and take any and all actions necessary or appropriate to effectuate the foregoing purposes; or take any action thereon or in relation thereto.

Sponsor: Select Board

Simple Majority Required

Explanatory Note: This Article would authorize the Select Board to acquire two easements on private property on or near West Main Street as shown on a plan on file with the Town Clerk’s Office for the purposes of undertaking the West Main Street Bridge Project. Brief presentation to be made at Town Meeting.

****Deadline for Warrant Articles is March 29, 2024 at 12pm**

For more information, please visit the Town’s website: www.ayer.ma.us/townmeeting

CITIZEN'S PETITIONS

*****None Received as of March 15, 2024*****

****Deadline for Citizen's Petitions to the Town Clerk: Friday, March 29, 2024 at 12pm****

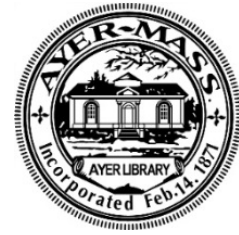
A True Copy Attest: _____
Susan E. Copeland
Town Clerk

Date: April 5, 2024

As directed in the foregoing warrant, I have this day posted three attested copies in three public places, one of which was the Town Hall at least seven (7) days before said meeting, all as herein directed.

Constable

Date: April 5, 2024



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

Broadcast and Recorded by APAC

March 16, 2024
Open Session Meeting Minutes

SB Present: Scott A. Houde, Chair; Shaun C. Copeland, Clerk

SB Absent: Jannice L. Livingston, Vice-Chair

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

Call to Order: S. Houde called the meeting to order at 5:30 PM. S. Houde further stated that this meeting/hearing of the Ayer Select Board (SB) 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 via Zoom 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. This meeting will be live on Zoom and Channel 8. The public may access the proceedings by joining Zoom (Meeting ID# 897 9080 0793) or by calling (929-205-6099).

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

Approval of Meeting Agenda:

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve the meeting agenda.

Motion passed 2-0.

Announcements: None

Public Input: None

Joint Appointment of Associate Planning Board Member by the Select Board and Planning Board:

The Select Board (SB) was joined by members of the Planning Board. Those in attendance were Jonathan Kranz, Chair; Ken Diskin, Geof Tillotson, Clerk. Julie Murray was in attendance via Zoom. J. Kranz stated that pursuant to the Town of Ayer Bylaws the Planning Board is made up of 5 members and 2 associate members. J. Kranz introduced Kathleen Cachel, candidate for an associate member seat. Ms. Cachel was interviewed by the Planning Board on February 13, 2024 and her candidacy was forwarded unanimously to the Select Board this evening.

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve the appointment of Ms. Kathleen Cachel as an Associate Member of the Planning Board. Term to expire June 30, 2026.

Motion passed 2-0.

Danny Ruiz, Town Planner - Presentation of Proposed Zoning Bylaw Warrant Articles: The SB received a presentation from D. Ruiz, Town Planner on the proposed Zoning Bylaw Warrant Articles to be considered by the Annual Town Meeting on April 22, 2024. The Planning Board will be holding a Public

Hearing on the Zoning Bylaw Warrant Articles on March 12, 2024 at 6pm. The four articles for consideration are as follows: the adoption of the updated Zoning Map reflecting the zoning changes that were approved at previous Town Meetings; the adoption of amending §320-3.2. A. Establishment (ZBA) to include language showing the structure and how many members make up the ZBA; the adoption of amending the Inclusionary Housing Bylaw §320-10.3 Basic Requirements by adding language regarding guidelines for affordable multifamily new construction; and the adoption of amending §5.2 Table of Use Regulations. D. Ruiz stated that the Town wants to encourage more affordable housing so that residents that want to downsize can sell their house and afford to stay in Town. These proposed articles are the result of a working group. There were no questions.

Alicia Hersey, Program Manager, Community Development Office - Review of Ayer Community

Development Strategy: A. Hersey presented an updated Community Development Strategy that was included in the SB packet. She noted that in updating the plan, her department used public input obtained via community outreach. She is requesting that the SB approve the updated Plan.

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve the updated Community Development Strategy for 2024-2029 as presented. **Motion passed 2-0.**

Review of Ayer Housing Rehabilitation Program Guidelines – A. Hersey presented the FY '24 Ayer Housing Rehabilitation Program Guidelines that were included in the SB packet. She noted that the update to this plan was mostly housekeeping. She also updated the plan to state that up to 25% of the funding can be used outside of the downtown target area.

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve the updated FY' 24 Ayer Housing Rehabilitation Program Guidelines as presented. **Motion passed 2-0.**

Letter of Support for the CDBG Grant Application – A. Hersey is requesting that the SB approve the DRAFT letter of support for the 2024 CDBG grant.

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve the letter of support as drafted in the SB packet. **Motion passed 2-0.**

Town Manager's Report - Administrative Update/Review of Warrants: R. Pontbriand presented an administrative update on the various activities, initiatives, and projects of the Town since the Select Board last met. He thanked the Town Clerk's Office and all the Election Workers for another job well done in terms of yesterday's Presidential Primary Election. He referenced the Town Warrants he approved since the Select Board last met on February 20, 2024. He advised that the primary focus of the Town right now is all things budget and town meeting preparation.

FY 2025 Budget Process Update - R. Pontbriand advised that the development of the FY 2025 Budget remains on schedule. The Second Public Budget Forum will be held on March 27, 2024 at 6pm at which time DRAFT #3 of the Budget will be presented and traditionally represents the final budget. The DRAFT Budget is currently hovering around a 6% increase. He advised that on March 4, 2024 the Ayer Shirley Regional School Committee certified their FY 2025 Budget and the FY 2025 assessment for Ayer is at \$817,044 or a 6% increase. This is down from the previous number of \$1.1 million. The Required Local Contribution factor continues to be a principal budget driver for Ayer. On February 6, 2024 the Nashoba Valley Technical School District certified their Budget and Ayer's assessment is \$1,074,675 which represents an approximately \$62,000 decrease from last year due to fewer students attending this year. He advised that contract negotiations are wrapping

up. The Fin Com is meeting on March 7 at 6pm for a presentation on the Police Budget. He advised that March 19 will be the Water and Sewer Rate Public Hearing as part of the Select Board meeting. He advised that the Select Board should finalize the funding plan for 71 Sandy Pond Road at the March 19 meeting and that he is attending the Community Preservation Committee Public Hearing tonight at 7pm regarding the CPA funding application. The Annual Town Meeting Warrant closed on March 29, 2024 and the Select Board is scheduled to approve the Annual Town Meeting Warrant on April 2, 2024 at 6pm.

New Business/Select Board Member Questions: S. Copeland thanked the Town Clerk's Office for running a successful Presidential Primary Election.

Approval of Meeting Minutes:

Motion: A motion was made by S. Copeland and seconded by S. Houde to approve the meeting minutes of February 20, 2024. **Motion passed 2-0.**

Adjournment: A motion was by S. Copeland and seconded by S. Houde to adjourn at 6:05 PM. **Motion passed 2-0.**

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

Date Minutes Approved by SB: _____

Signature Indicating Approval: _____

DRAFT