

RECEIVED  
SEP 01 2022

TOWN OF AYER  
TOWN CLERK

1:52pm @

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



**Wednesday September 7, 2022**  
**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.*

5:30 PM\*

**Call to Order**

Pledge of Allegiance; Review and Approve Agenda; Announcements

5:35 PM

**Public Input**

5:40 PM

**Dan Van Schalkwyk, Director, Dept. of Public Works**

1. Petition for Street Acceptance – Cowfield LLC, Portions of Riley Jayne Farm
2. Public Meeting for Street Acceptance of Pingry Hill Phase 4 at Fall Town Meeting
3. Agreement for Grove Pond Water Treatment Plant Resin Filter Media Replacement
4. Drought Update and Outdoor Watering Variance Discussion
5. Notice of Award – Pirone Park Playground Project

5:55 PM

**Alan Manoian, Director, Office of Community & Economic Development**

1. FY '23 UDAG Budget Funding
2. Proposed Targeted New Enterprise Loan Program

6:05 PM

**Town Manager's Report**

1. Administrative Update/Review of Town Warrant(s)
2. Appointments – COA Board of Directors and Cultural Council
3. Request for UDAG Funding – COA Building Design Services/Due Diligence
4. Historic Fire Station – Amendment for Extension to Original Agreement – South Bay Additional Removal

6:15 PM

**New Business/Select Board Member Questions**

6:20 PM

**Approval of Meeting Minutes**

August 16, 2022

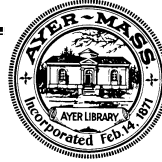
6:25 PM

**Adjournment**

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

*The next regularly scheduled meeting of the Select Board is Tuesday September 20, 2022, at 6:00 PM*

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



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

## MEMORANDUM

Date: August 31, 2022  
To: Select Board  
From: Dan Van Schalkwyk, P.E., Director  
Subject: **Agenda Items for September 7, 2022, Select Board Meeting**

**1. Petition for Street Acceptance – Cowfield LLC, Portions of Riley Jayne Farm**

Please find a memorandum attached related to a petition for street acceptance of the remainder of Riley Jayne Farm Subdivision.

**2. Public Meeting for Street Acceptance of Pingry Hill Phase 4 at Fall Town Meeting**

Attached is a memorandum and Order of Layout, to be executed by the Board recommending that the Board accept the following roads as public streets. In accordance with M.G.L. c.82, §§21-24, the Board must hold a public meeting and vote to approve the layout as shown on the metes and bounds plan. We have notified all abutters of the time and location of this meeting.

The Order of Layout, executed by the Board, needs to be filed with the Town Clerk, who, within 10 days, must record the description in a book kept for this purpose. We are also preparing Town Meeting Warrant Articles for Street Acceptance.

- Woodland Way
- Hemlock Drive from Woodland Way to its end

**3. Agreement for Grove Pond Water Treatment Plant Resin Filter Media Replacement**

Attached is a contract for execution for replacing the anion exchange (AIX) media at Grove Pond Water Treatment Plant. The DPW opened 2 bids for the project which ranged from \$352,026.00 to \$496,000.00. The low bidder is Calgon Carbon Corporation. The scope of work includes replacement of the AIX media in both vessels. The project will be paid from the Operations and Maintenance budget in the Environmental Services Cooperative Agreement (ESCA) with the U.S. Army.

Requested Motion – Vote to execute the contract with Calgon Carbon Corporation for the Grove Pond Water Treatment Plant Resin Filter Media Replacement in the amount of \$352,026.00 (for signature by the Chair).

**4. Drought Update and Outdoor Watering Variance Discussion**

Ayer remains in a Level 3 – Critical Drought and Ayer’s Public Water Supply remains in a ‘State of Water Supply Conservation’ that includes a ban on non-essential outdoor water use. I’ve included a memorandum from the Water and Sewer Superintendent summarizing the status of the public water supply system and anticipated impacts should outdoor watering variances be allowed this Fall.

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

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

## Memorandum

Date: August 31, 2022

To: Ayer Select Board

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

Re: Intention to Layout Road for Acceptance

Mr. Calvin Moore has requested that the Town accept the remaining portion of Riley Jayne Farm Subdivision. Upon affirmative vote to layout the road, we will notify the Planning Board for a non-binding approval, notify abutters with easements related to the roadway and then recommend that the Board vote to layout the street. The final acceptance will require a two third vote at Fall Town Meeting. Note, the Developer must complete a punch list prior to the Town Meeting vote or the Article shall be withdrawn.

The DPW recommends the Select Board vote intention to layout the remaining portions of Riley Jayne Farn subdivision as public ways as the first step toward road acceptance.

Regards,

**AYER PUBLIC WORKS DEPARTMENT**



Dan Van Schalkwyk, P.E.  
Director

## Dan Van Schalkwyk

---

**From:** Carly Antonellis <cantonellis@ayer.ma.us>  
**Sent:** Wednesday, August 24, 2022 4:42 PM  
**To:** Dan Van Schalkwyk  
**Cc:** Robert Pontbriand  
**Subject:** FW: Pleasant St. approval


Dan,

Just making sure you saw this.

*Carly*

Carly M. Antonellis  
Assistant Town Manager  
Town of Ayer  
1 Main Street  
Ayer, MA 01432  
978-772-8220 x100

 Please consider the environment before printing this email.



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Board of Selectman  
Attention Carley  
Town of Ayer  
Aug. 12, 2022

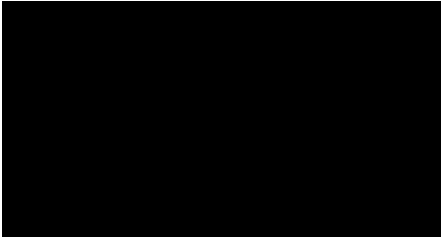
I am requesting that the approval of the Pleasant Street sub division by Riley Jane Farm and Cowfield LLC be put on the town warrant for town acceptances at the fall 2022 town meeting.

We have a few items on the punch list of items that will be completed in the next two to three weeks.

The major items i.e. final pavement of the road, completion of the sidewalks, water and sewer lines etc. have been completed.

Thank you

Calvin Moore



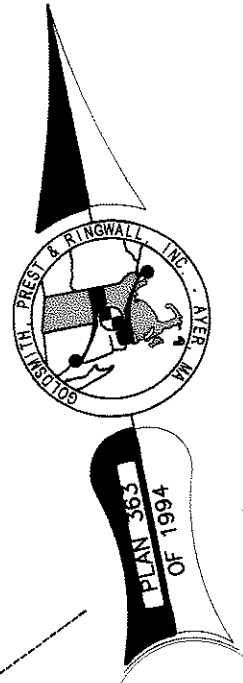
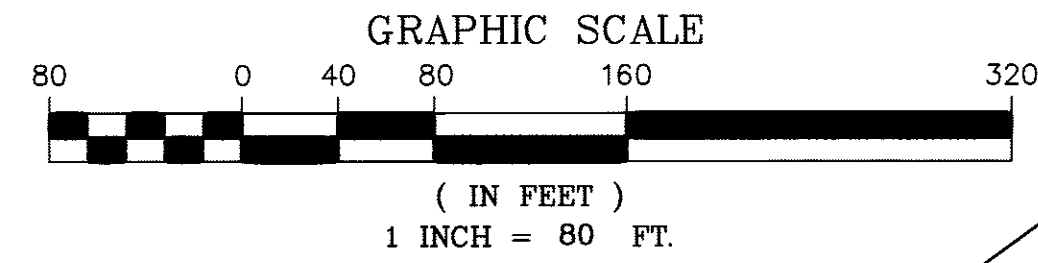
**PLAN REFERENCES:**

- "SEWER MAIN EXTENSION RECORD PLANS - GROTON SCHOOL ROAD EASEMENT" SHEET 89 & 90, DATED JUNE 1971.
- "LAND IN AYER, MASS." SURVEYED FOR CALVIN E. MOORE BY CHARLES A. PERKINS CO. INC. DATED JULY 1988. JOB NO. 8898, PLAN NO. M-9598. MIDDLESEX SOUTH REGISTRY OF DEEDS PLAN NO. 1049 OF 1988.
- "PLAN OF LAND IN AYER, MASS." PREPARED FOR COWFIELD TRUST BY DAVID E. ROSS ASSOCIATES, INC. DATED OCTOBER, 1993. JOB NO. 5241, PLAN NO. L-2290. MIDDLESEX SOUTH REGISTRY OF DEEDS PLAN NO. 949 OF 1993.
- "LAND IN AYER, MASS." SURVEYED FOR GEORGE V. MOORE BY CHARLES A. PERKINS CO. INC. DATED JANUARY, 1981. JOB NO. 7070, PLAN NO. 4713. MIDDLESEX SOUTH REGISTRY OF DEEDS PLAN NO. 225 OF 1982.
- "DEFINITIVE SUBDIVISION - NASHUA STREET EXTENSION" PREPARED FOR MOLUMCO BY GOLDSMITH, PREST & RINGWALL, INC. DATED MARCH, 2014. JOB NO. 111099A.
- "PLAN OF LAND IN AYER, MASS." OWNED BY TODD MOORE & COWFIELD TRUST AT NASHUA STREET EXTENSION BY GOLDSMITH, PREST & RINGWALL, INC. DATED JUNE 20, 2012. JOB NO. 111099A. MIDDLESEX SOUTH REGISTRY OF DEEDS PLAN 704 OF 2012.
- "WPA FORM 4B - ORDER OF RESOURCE AREA DELINEATION FOR 114 PLEASANT STREET (PARC. 1 & 106 (MAP 12) & PARC. 9 (MAP 13); DEP FILE NUMBER 100-0372" ISSUED TO RILEY JAYNE FARM LLC, CJ MOORE MANAGER, BY THE TOWN OF AYER CONSERVATION COMMISSION. DATED JUNE 12, 2014.

**NOTES:**

- THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RIGHTS-OF WAY, RESTRICTIONS, COVENANTS OR OTHER LIMITATIONS WHICH MAY BE DISCLOSED BY A TITLE EXAMINATION.
- A PORTION OF THE PROPERTY SHOWN IS CLASSIFIED AS FOREST LAND UNDER THE PROVISIONS OF GENERAL LAWS CHAPTER 61.
- WETLAND AREAS SHOWN ARE BASED ON PLAN REFERENCE 7, HEREON.

| CURVE | LENGTH | RADIUS |
|-------|--------|--------|
| C1    | 72.82  | 315.61 |
| C2    | 36.66  | 25.00  |
| C3    | 34.83  | 25.00  |
| C4    | 37.27  | 25.00  |
| C5    | 20.13  | 25.00  |
| C6    | 44.96  | 425.00 |
| C7    | 16.40  | 425.00 |
| C8    | 28.56  | 425.00 |
| C9    | 27.55  | 315.61 |
| C10   | 45.27  | 315.61 |
| C11   | 24.37  | 375.00 |
| C12   | 17.98  | 275.00 |
| C13   | 108.38 | 375.00 |
| C14   | 91.84  | 275.00 |
| C15   | 190.98 | 225.00 |
| C16   | 233.42 | 275.00 |
| C17   | 272.10 | 60.00  |
| C18   | 116.61 | 225.00 |

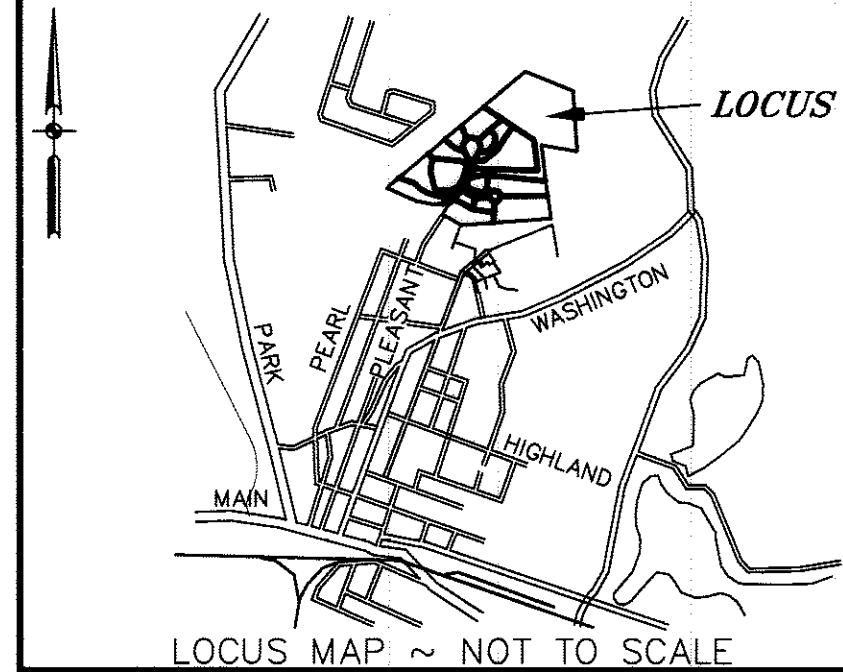


MAP 4/PARC. 39  
N/F  
COWFIELD TRUST

Middlesex Registry of Deeds,  
Southern District  
Cambridge, Massachusetts  
Plan No. 747 1/2 of 2016  
Rec'd 8-18 2016  
at 11 H 12 M A M

JOB NO. 111099B

FOR REGISTRY USE ONLY



LOCUS MAP ~ NOT TO SCALE  
**ZONING CLASSIFICATION**  
ZONING DISTRICT.....Res A-2  
AREA.....12,000 S.F.  
CONTINUOUS FRONTAGE.....100'  
MINIMUM FRONT.....20'  
YARD SIDE.....15'  
DIMENSIONS REAR.....25'

RECORD OWNERS:  
ASSESSOR'S MAP 12 PARC. 1  
COWFIELD TRUST (BOOK 25124 PG. 39)  
ASSESSOR'S MAP 12 PARC. 106  
RILEY JAYNE FARM, LLC (BOOK 63193 PG. 593)  
ASSESSOR'S MAP 13 PARC. 9  
RILEY JAYNE FARM, LLC (BOOK 63193 PG. 593)

**LEGEND**

|          |                 |     |             |
|----------|-----------------|-----|-------------|
| N/F      | NOW OR FORMERLY | CTR | CENTER      |
| 1111/111 | DEED BOOK/PAGE  | DH  | DRILL HOLE  |
| (F)      | FOUND           | ○   | PIPE/ROD    |
| (S)      | SET             | ◻   | STONE BOUND |
| IP       | IRON/STEEL PIPE | ⊙   | DRILL HOLE  |
| SB       | STONE BOUND     | ∞   | STONE WALL  |

| NO. | DATE    | BY  | APP. | REVISION DESCRIPTION        |
|-----|---------|-----|------|-----------------------------|
| 1   | 5/23/16 | DSB | DJD  | REVIEW COMMENTS (LOT 14-16) |

**GPR** Engineering Solutions  
for Land & Structures

**GOLDSMITH, PREST & RINGWALL, INC.**  
39 MAIN ST., SUITE 301, AYER, MA 01432  
CIVIL & STRUCTURAL ENGINEERING • LAND SURVEYING & LAND PLANNING  
VOICE: 978.772.1590 FAX: 978.772.1591  
www.gpr-inc.com

**DEFINITIVE RESIDENTIAL SUBDIVISION**

**LOTTING PLAN**

**RILEY JAYNE FARM**  
114 PLEASANT STREET  
AYER, MA

PREPARED FOR:  
RILEY JAYNE FARM, LLC  
12 LAWTON ROAD  
SHIRLEY, MA 01464

APPROVAL IS REQUIRED UNDER THE  
SUBDIVISION CONTROL LAW  
AYER PLANNING BOARD

*[Signature]*  
*[Signature]*

BEING A MAJORITY  
DATE APPROVED: 7-7-16  
DATE ENDORSED:

*Susan E. Copeland* CLERK OF THE TOWN OF AYER, HEREBY CERTIFY THAT THE NOTICE OF THE APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED BY THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE 20 DAYS NEXT AFTER RECEIPT AND RECORDING OF SAID NOTICE.  
*[Signature]* 8/16/2016  
AYER TOWN CLERK DATE

|              |                    |             |      |
|--------------|--------------------|-------------|------|
| DES. BY: NP  | DATE: APR. 9, 2016 | JOB 111099B | C3.1 |
| CHK. BY: DSB |                    |             |      |

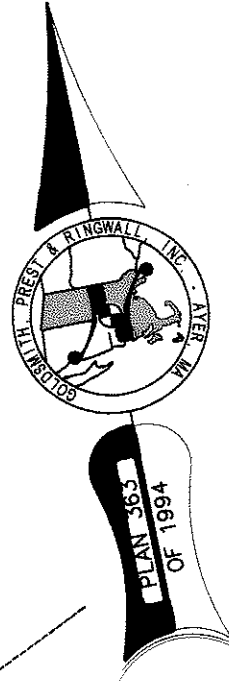
P:\111099B\DWG\SURVEY\DWG\FINAL\111099B\_DEFSD\_C3\_R1.DWG

THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.  
DAVID J. DEBAY, P.L.S. # 33887 DATE 5/23/16

747 of 2016 1/2

| LINE | LENGTH | BEARING     |
|------|--------|-------------|
| L1   | 51.28  | N19°21'27"E |
| L2   | 30.74  | N03°30'44"W |
| L3   | 17.92  | N18°23'47"E |
| L4   | 20.15  | N78°34'00"W |
| L5   | 12.08  | N18°23'47"E |
| L6   | 17.46  | N03°30'44"W |
| L7   | 25.73  | N03°30'44"W |
| L8   | 55.33  | N19°21'27"E |
| L9   | 78.20  | S19°21'27"W |
| L10  | 33.53  | N33°01'29"E |
| L11  | 14.54  | N10°28'15"W |
| L12  | 12.90  | N10°28'15"W |
| L13  | 10.08  | S85°41'09"W |
| L14  | 10.08  | S85°41'09"W |
| L15  | 65.83  | S44°35'14"W |
| L16  | 39.70  | S44°35'14"W |
| L17  | 24.33  | S39°58'51"E |
| L18  | 20.08  | S40°25'10"E |
| L19  | 20.45  | S57°24'30"W |
| L20  | 50.65  | S46°10'23"W |
| L21  | 66.91  | S50°19'51"W |

| CURVE | LENGTH | RADIUS |
|-------|--------|--------|
| C1    | 1.62   | 97.00  |
| C2    | 10.05  | 60.00  |
| C3    | 10.05  | 60.00  |
| C4    | 15.07  | 97.00  |
| C5    | 15.05  | 97.00  |

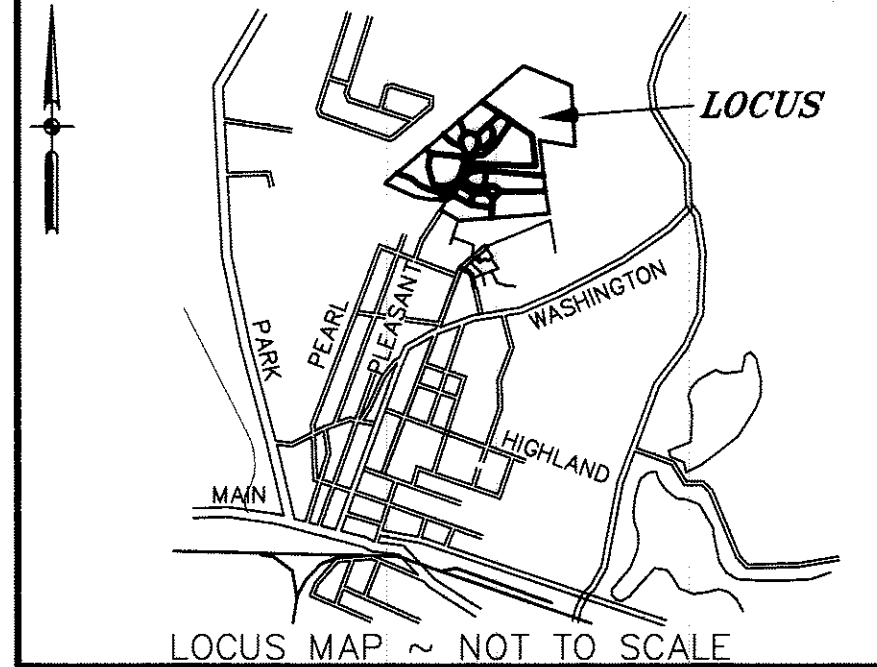


MAP 4/PARC. 39  
N/F  
COWFIELD TRUST

PLAN NO. 747 OF 2016  
SHEET 2 OF 2

JOB NO. 111099B

FOR REGISTRY USE ONLY



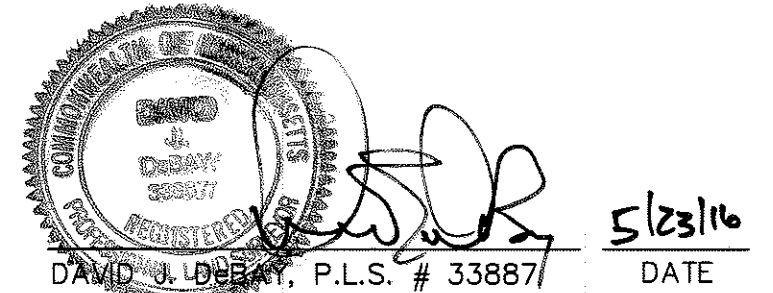
LOCUS MAP ~ NOT TO SCALE

**NOTES:**

1) SEE SHEET C3.1 FOR LOT DIMENSIONS, GENERAL NOTES AND REFERENCES.

RECORD OWNERS:  
ASSESSOR'S MAP 12 PARC. 1  
COWFIELD TRUST (BOOK 25124 PG. 39)  
ASSESSOR'S MAP 12 PARC. 106  
RILEY JAYNE FARM, LLC (BOOK 63193 PG. 593)  
ASSESSOR'S MAP 13 PARC. 9  
RILEY JAYNE FARM, LLC (BOOK 63193 PG. 593)

THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.



| NO. | DATE    | BY  | APP. | REVISION DESCRIPTION        |
|-----|---------|-----|------|-----------------------------|
| 1   | 5/23/16 | DSB | DJD  | REVIEW COMMENTS (LOT 14-16) |

**GPR** Engineering Solutions for Land & Structures

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DEFINITIVE RESIDENTIAL SUBDIVISION

EASEMENT PLAN

RILEY JAYNE FARM  
114 PLEASANT STREET  
AYER, MA

PREPARED FOR:  
RILEY JAYNE FARM, LLC  
12 LAWTON ROAD  
SHIRLEY, MA 01464

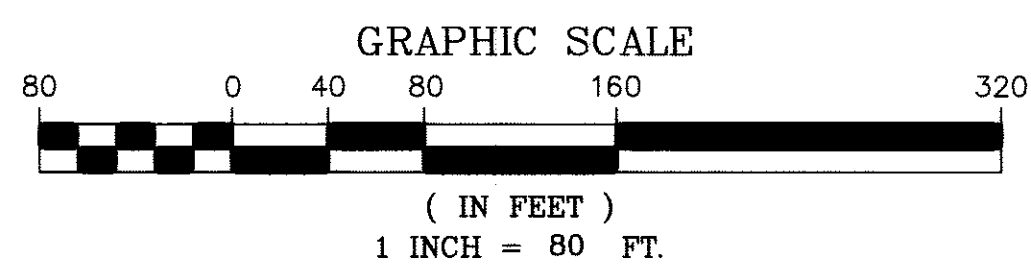
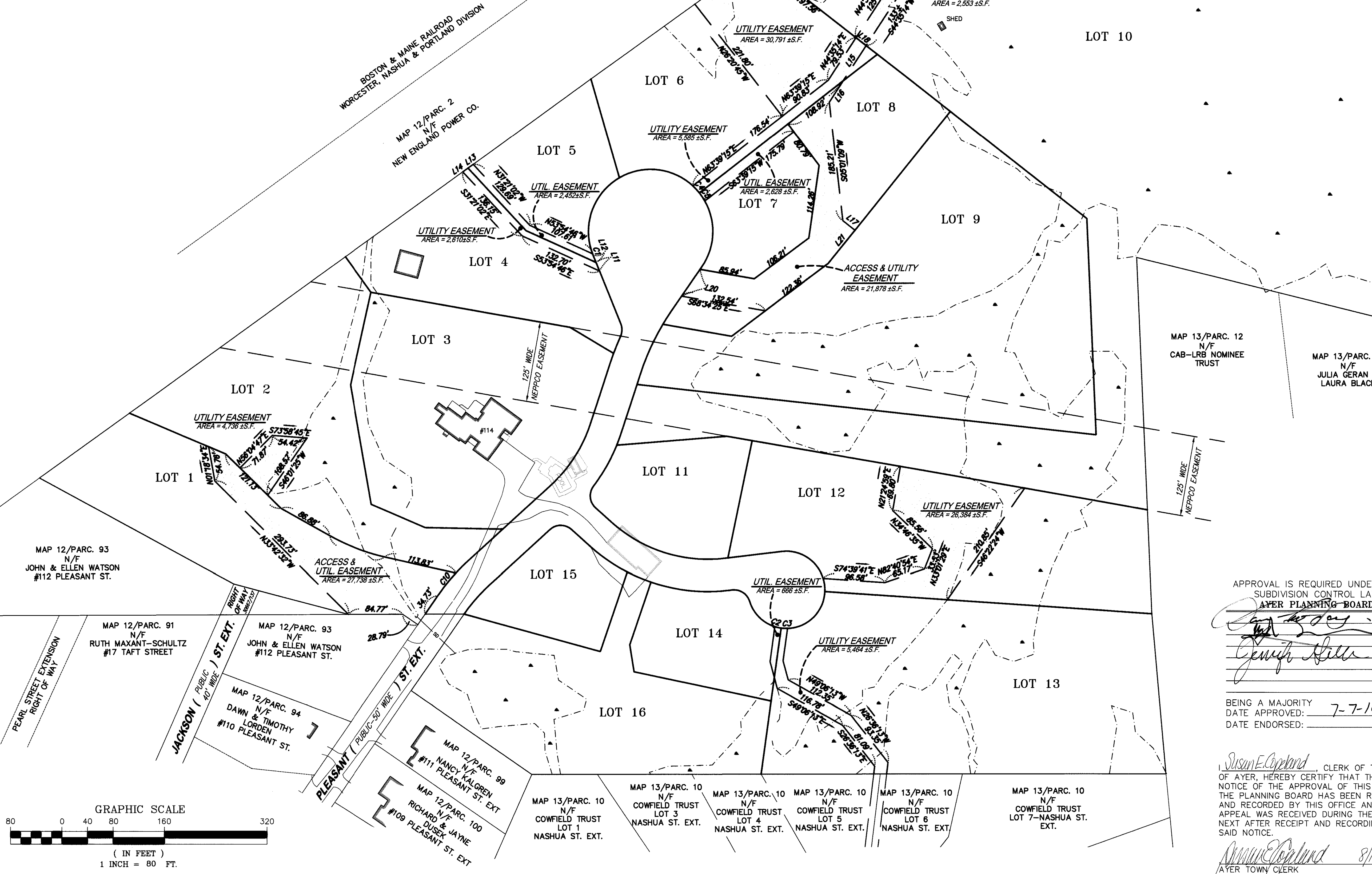
APPROVAL IS REQUIRED UNDER THE SUBDIVISION CONTROL LAW  
AYER PLANNING BOARD

*[Signature]*  
*[Signature]*

BEING A MAJORITY  
DATE APPROVED: 7-7-16  
DATE ENDORSED:

*[Signature]* CLERK OF THE TOWN OF AYER, HEREBY CERTIFY THAT THE NOTICE OF THE APPROVAL OF THIS PLAN BY THE PLANNING BOARD HAS BEEN RECEIVED AND RECORDED BY THIS OFFICE AND NO APPEAL WAS RECEIVED DURING THE 20 DAYS NEXT AFTER RECEIPT AND RECORDING OF SAID NOTICE.

*[Signature]* 8/16/2016  
AYER TOWN CLERK DATE

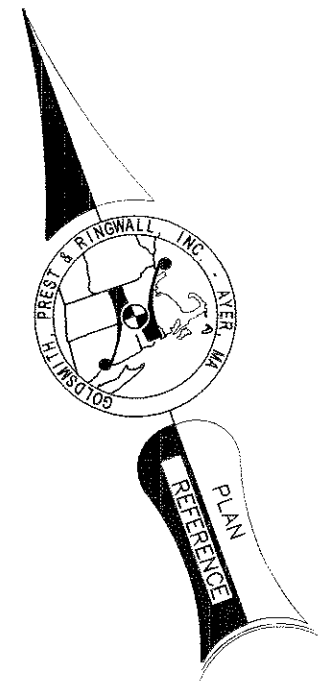
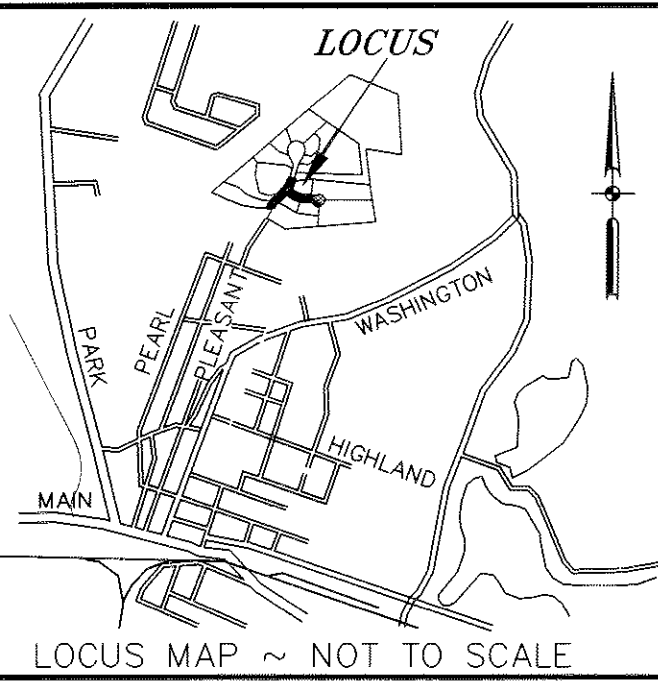


747 of 2016 2/2

|              |                    |             |      |
|--------------|--------------------|-------------|------|
| DES. BY: NP  | DATE: APR. 9, 2016 | JOB 111099B | C3.2 |
| CHK. BY: DSB |                    |             |      |

P:\111099B\DWG\SURVEY\DWG\FINAL\111099B\_DEFSD\_C3\_R1.DWG

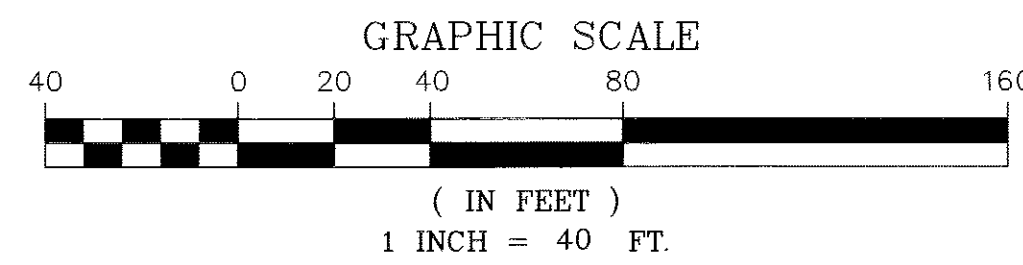
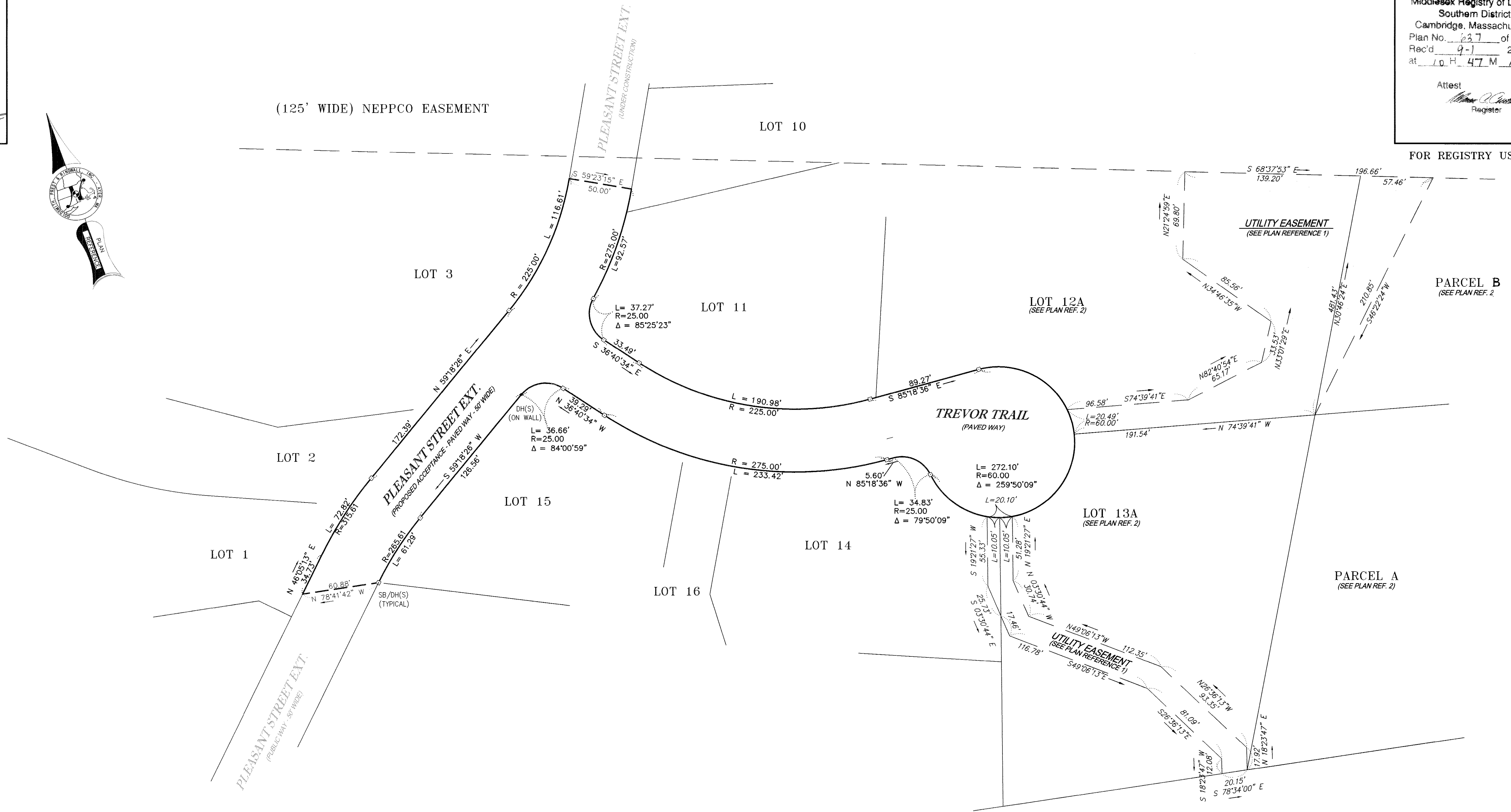
2016 © COPYRIGHT GOLDSMITH, PREST & RINGWALL, INC.



Middlesex Registry of Deeds,  
Southern District  
Cambridge, Massachusetts  
Plan No. 637 of 2021  
Rec'd 9-1 2021  
at 10:47 AM

Attest  
*Register*  
Register

FOR REGISTRY USE ONLY



**PLAN REFERENCES:**

PLANS ON FILE AT THE MIDDLESEX SOUTH DISTRICT REGISTRY OF DEEDS

- 1) PLAN RECORDED AS PLAN #747 of 2016, TITLED AS "DEFINITIVE RESIDENTIAL SUBDIVISION" PREPARED BY THIS OFFICE DATED APRIL 9, 2016.
- 2) PLAN RECORDED AS PLAN #806 of 2019, TITLED AS "PLAN OF LAND" PREPARED BY THIS OFFICE DATED SEPTEMBER 17, 2019.

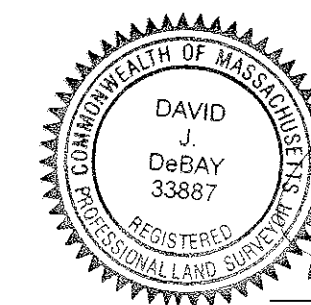
**NOTES:**

1) THIS PLAN IS INTENDED TO MEET THE REQUIREMENTS OF THE REGISTRY OF DEEDS. THE PREPARATION OF THIS PLAN IS NOT INTENDED TO BE A CONFIRMATION TO THE TITLE OR OWNERSHIP OF THE PROPERTY/PROPERTIES SHOWN, THOSE SHOWN HEREON MAY BE SUBJECT TO EASEMENTS, RIGHTS-OF-WAYS, RESTRICTIONS, RESERVATIONS OR LIMITATIONS WHICH MAY BE REVEALED BY AN EXAMINATION OF THE TITLE.

**LEGEND**

- |          |                 |
|----------|-----------------|
| N/F      | NOW OR FORMERLY |
| 1111/111 | DEED BOOK/PAGE  |
| ⊙ DH     | DRILL HOLE      |
| ⊠ SB     | STONE BOUND     |
| (S)      | SET             |

THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS AND THE LINES OF THE STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.  
THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.



DAVID J. DeBAY, P.L.S. # 33887

DATE 3/5/2021

**GPR** Engineering Solutions  
for Land & Structures

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VOICE: 978.772.1590 FAX: 978.772.1591  
www.gpr-inc.com

**STREET ACCEPTANCE PLAN  
TREVOR TRAIL &  
PLEASANT STREET EXT.  
IN  
AYER, MASS.**

PREPARED FOR:  
RILEY JANE FARM, LLC  
12 LAWTON ROAD, SHIRLEY, MA

|               |                     |             |        |
|---------------|---------------------|-------------|--------|
| FIELD: AB/MD  | DATE: MARCH 5, 2021 | JOB 111099B | 1 OF 1 |
| CALC/DFT: DSB |                     |             |        |



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

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

## Memorandum

Date: August 31, 2022

To: Ayer Select Board

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

Re: Pingry Hill Phase 4 Street Acceptance

The Ayer Planning Board voted at their meeting on August 23, 2022 to recommend that the Select Board accept Woodland Way and a portion of Hemlock Drive within the Pingry Hill Subdivision as a Town Street. I had sent the Planning board a letter with my recommendation for street acceptance, pending completion of several punch list items. The Developer is currently working on the punch list items. If the items are not complete by 2022 Fall Town Meeting, I will report on the floor of said Town Meeting of the incompleteness and recommend against street acceptance.

Attached is the Order of Layout for execution by the Board. The Order of Layout needs to be filed with the Town Clerk, who, within 10 days, must record the description in a book kept for this purpose.

TOWN OF AYER

ORDER OF LAYOUT

*Woodland Way and Hemlock Drive (Portion)*

Whereas the SELECT BOARD of the TOWN OF AYER, acting pursuant to G.L. c. 82, §§21-24, having deemed that common convenience and necessity require the layout as public ways of Woodland Way and Hemlock Drive (Portion), (being that portion commencing at the intersection with Hickory Way, and running north thereof until its terminus), hereby lays out said roads, as herein described, as town ways as shown on the plan referenced below, and

Whereas the boundaries of said ways as laid out are shown on a plan entitled “Modification of Definitive Subdivision of Land in Ayer, Mass. Owned by Ridge View Realty Trust,” dated April 2016, prepared by David E. Ross Associates, Inc., which plan is recorded with the Middlesex South District Registry of Deeds as Plan #143 of 2017, which plan was referred to the Planning Board and which plan is hereby adopted as a part of this Order, and all land lying within the above described boundaries of Woodland Way and Hemlock Drive (Portion), as herein described, are hereby laid out as town ways.

The aforementioned plan is hereby forwarded to the Town Clerk for filing and the foregoing layout is hereby reported to the Town for acceptance.

Adopted: September \_\_\_\_, 2022

TOWN OF AYER,  
By its Select Board

\_\_\_\_\_  
Jannice L. Livingston, Chair

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

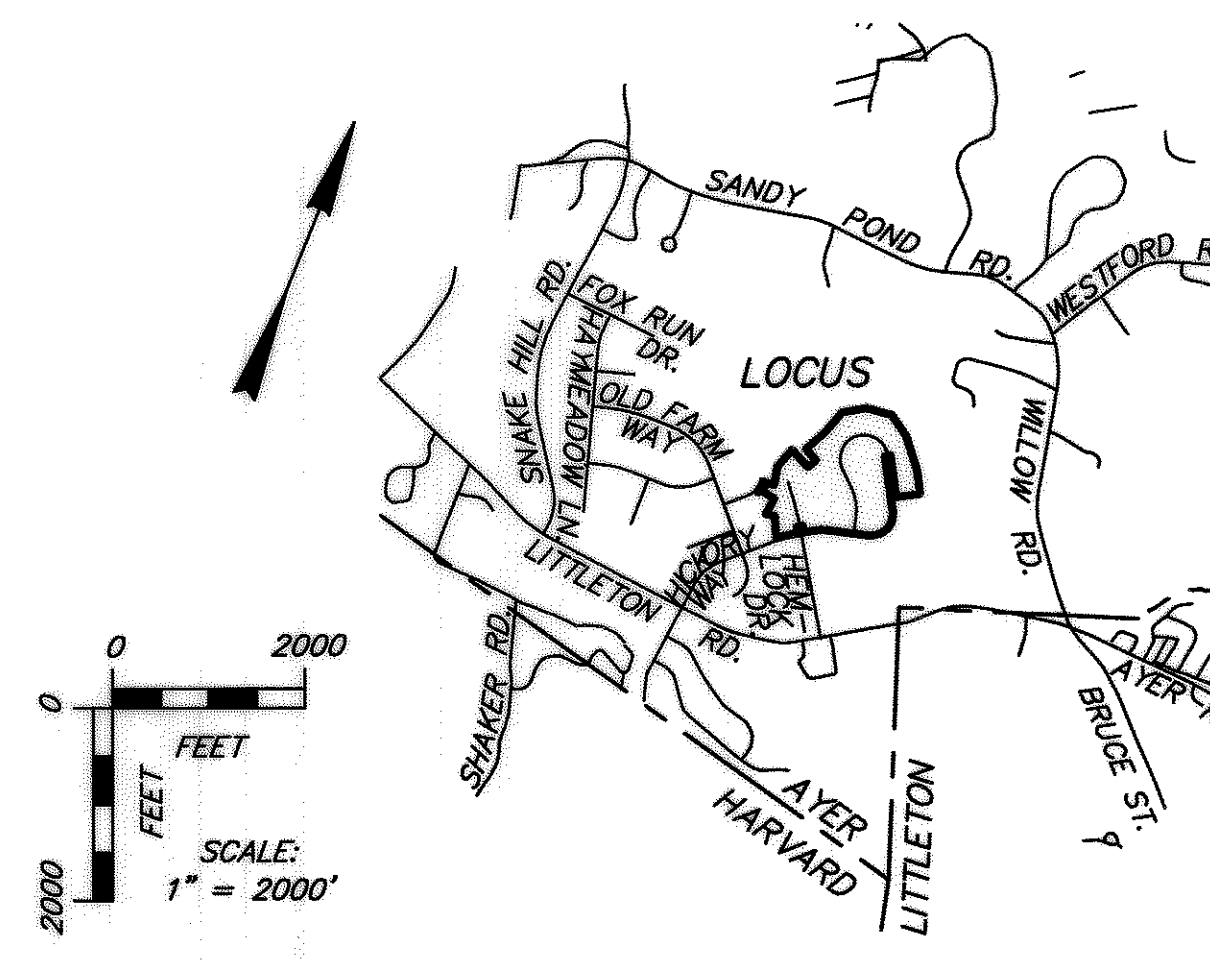
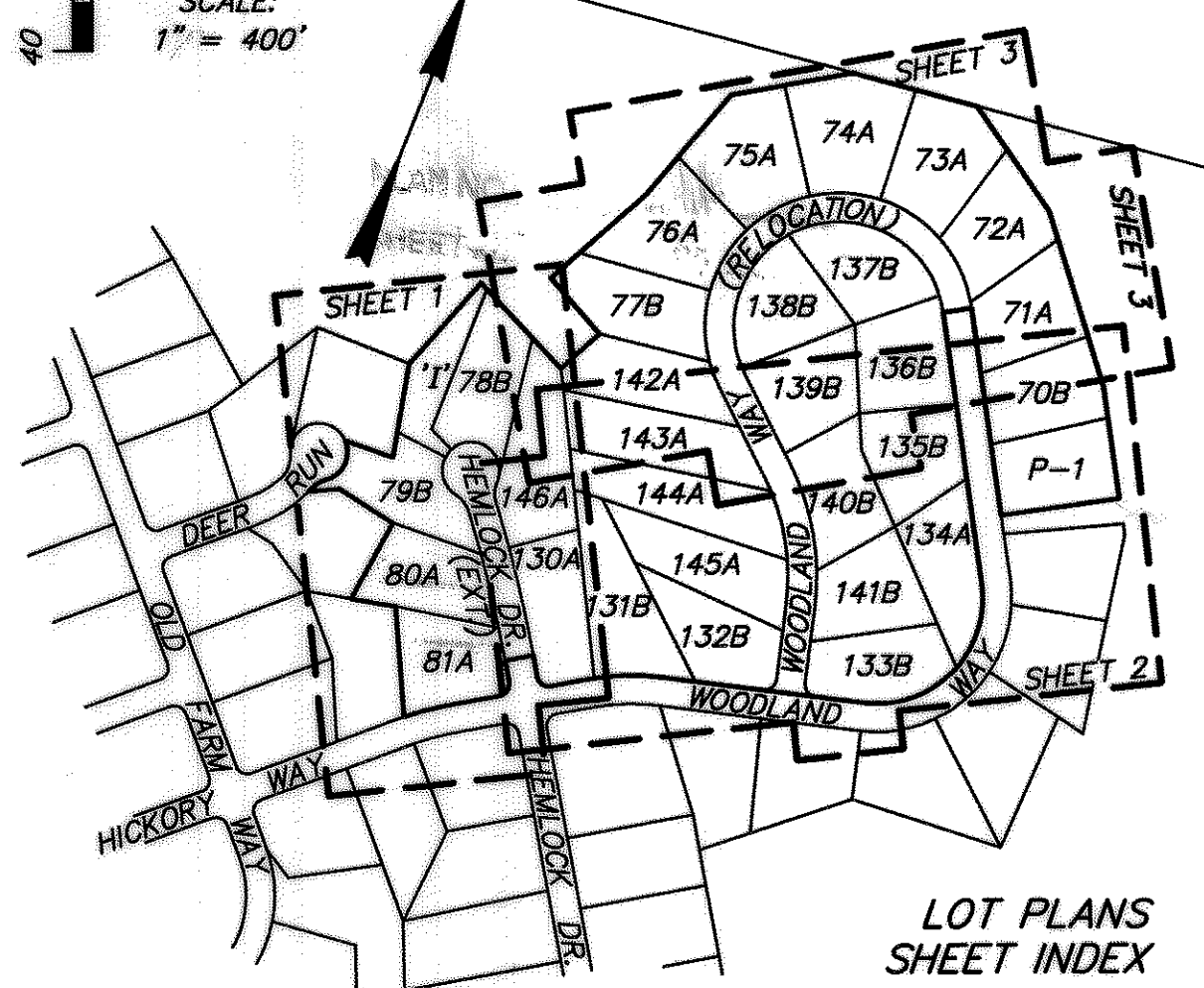
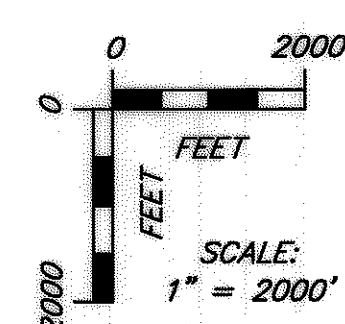
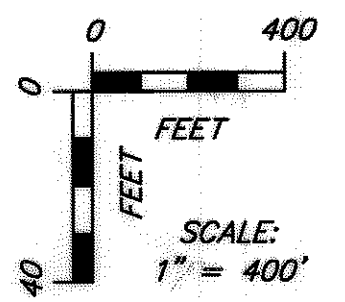
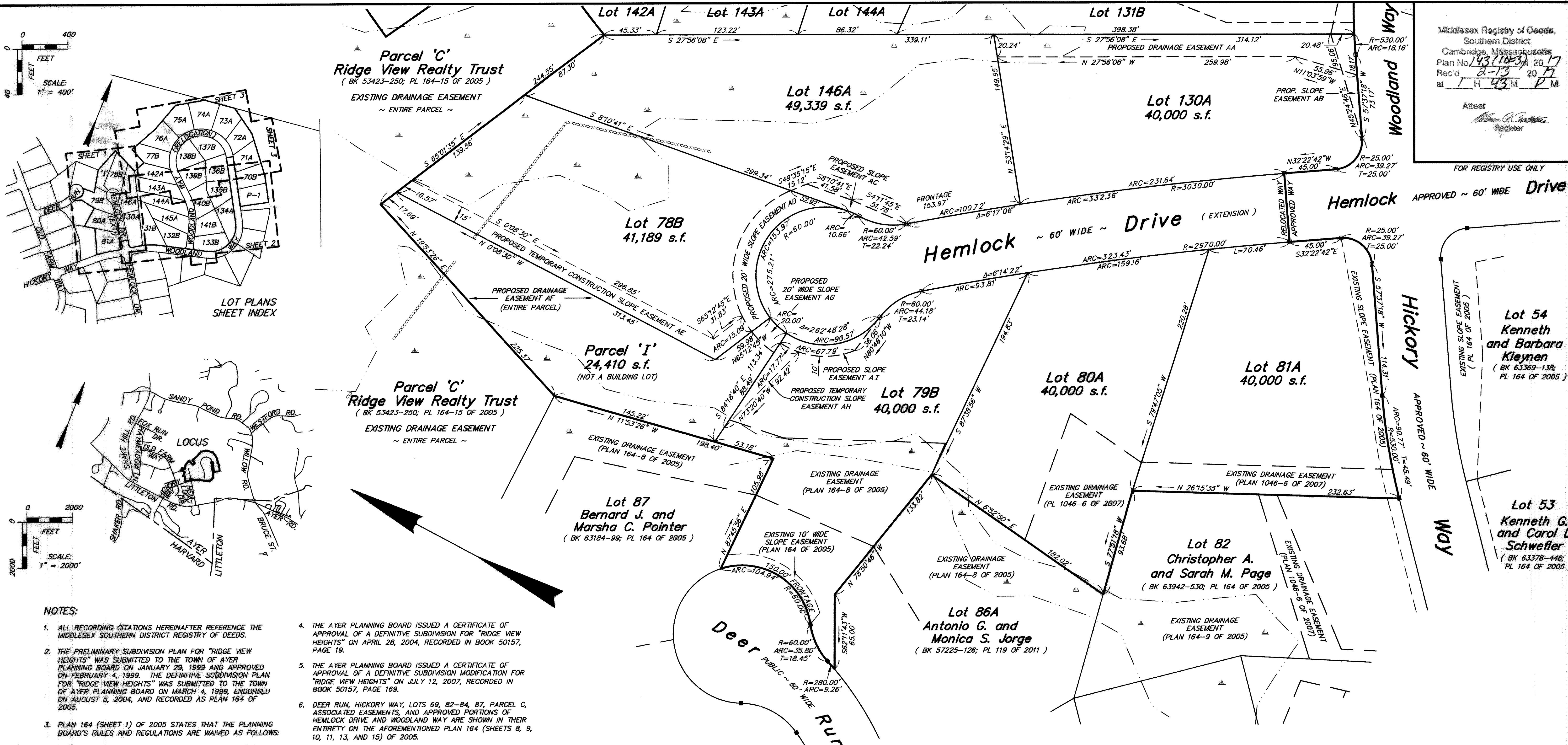
\_\_\_\_\_  
Scott A. Houde, Clerk

Filed in the office of the

Town Clerk, September \_\_\_\_\_, 2022

Town Clerk, Attest

Middlesex Registry of Deeds,  
Southern District  
Cambridge, Massachusetts  
Plan No. 143 (10F3) 2017  
Rec'd 8-13 2017  
at 11:43 AM P.M.  
Attest  
Register



**NOTES:**

- ALL RECORDING CITATIONS HEREINAFTER REFERENCE THE MIDDLESEX SOUTHERN DISTRICT REGISTRY OF DEEDS.
- THE PRELIMINARY SUBDIVISION PLAN FOR "RIDGE VIEW HEIGHTS" WAS SUBMITTED TO THE TOWN OF AYER PLANNING BOARD ON JANUARY 29, 1999 AND APPROVED ON FEBRUARY 4, 1999. THE DEFINITIVE SUBDIVISION PLAN FOR "RIDGE VIEW HEIGHTS" WAS SUBMITTED TO THE TOWN OF AYER PLANNING BOARD ON MARCH 4, 1999, ENDORSED ON AUGUST 5, 2004, AND RECORDED AS PLAN 164 OF 2005.
- PLAN 164 (SHEET 1) OF 2005 STATES THAT THE PLANNING BOARD'S RULES AND REGULATIONS ARE WAIVED AS FOLLOWS:  
SECTION IV.A.2.A.: THE MINIMUM ROADWAY WIDTH FOR MINOR STREETS MAY BE REDUCED FROM THIRTY-SIX (36') FEET TO TWENTY-FOUR (24') FEET ... SIDEWALKS SHALL BE REQUIRED ... ON ONE SIDE OF EACH MINOR STREET.  
SECTION V.A.: HIGH-DENSITY POLYETHYLENE (HDPE) PIPE MAY BE SUBSTITUTED FOR REINFORCED CONCRETE PIPE (ROP) WITH A MINIMUM COVER OF TWO FEET, WITH THE CONCURRENCE OF THE SUPERINTENDENT OF PUBLIC WORKS.

- THE AYER PLANNING BOARD ISSUED A CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION FOR "RIDGE VIEW HEIGHTS" ON APRIL 28, 2004, RECORDED IN BOOK 50157, PAGE 19.
- THE AYER PLANNING BOARD ISSUED A CERTIFICATE OF APPROVAL OF A DEFINITIVE SUBDIVISION MODIFICATION FOR "RIDGE VIEW HEIGHTS" ON JULY 12, 2007, RECORDED IN BOOK 50157, PAGE 169.
- DEER RUN, HICKORY WAY, LOTS 69, 82-84, 87, PARCEL C, ASSOCIATED EASEMENTS, AND APPROVED PORTIONS OF HEMLOCK DRIVE AND WOODLAND WAY ARE SHOWN IN THEIR ENTIRETY ON THE AFOREMENTIONED PLAN 164 (SHEETS 8, 9, 10, 11, 13, AND 15) OF 2005.

- LOTS Q AND R ARE SHOWN IN THEIR ENTIRETY ON A PLAN RECORDED AS PLAN 549 (SHEET 1) OF 2009.
- PARCEL "D-2" IS SHOWN IN ITS ENTIRETY ON A PLAN RECORDED AS PLAN 119 (SHEETS 1 AND 2) OF 2011.
- LOT 86A IS SHOWN IN ITS ENTIRETY ON A PLAN RECORDED AS PLAN 119 (SHEET 5) OF 2011.
- EXISTING DRAINAGE EASEMENTS ON LOTS 80A AND 81A ARE SHOWN IN THEIR ENTIRETY ON THE PLAN RECORDED AS PLAN 1046 (SHEET 6) OF 2007.

- PURSUANT TO M.G.L. CHAPTER 40A, SECTION 6; ACTS OF 2010, CHAPTER 240, SECTION 173; AND ACTS OF 2012, CHAPTER 238, SECTIONS 74 AND 75, THE LAND SHOWN HEREIN, WHICH IS A PORTION OF THE LAND SHOWN ON THE "RIDGE VIEW HEIGHTS" DEFINITIVE SUBDIVISION PLAN, IS GOVERNED BY THE APPLICABLE PROVISIONS OF THE TOWN OF AYER ZONING BY-LAWS IN EFFECT ON JANUARY 29, 1999.
- PURSUANT TO M.G.L. CHAPTER 41, SECTION 81W, THIS PLAN IS GOVERNED BY THE RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF AYER IN EFFECT ON JANUARY 29, 1999.
- THIS PLAN FURTHER MODIFIES "RIDGE VIEW HEIGHTS" DEFINITIVE SUBDIVISION BY CREATING LOTS 70B, 71A-76A, 77B-79B, 80A, 81A, 130A, 131B-133B, 134A, 135B-141B, 142A-146A, AND P-1, PARCEL "I", WOODLAND WAY RELOCATION, AND HEMLOCK DRIVE EXTENSION (HEREINAFTER COLLECTIVELY "THE MODIFIED PREMISES") FROM A REDIVISION OF LOTS 70A, 71-76, 77A-79A, 80, 81, 130, 131A-133A, 134, 135A-141A, 142, 143, AND P, AND WOODLAND WAY, WHICH ARE SHOWN IN THEIR ENTIRETY ON PLANS RECORDED AS PLANS 164 (SHEETS 8, 10, 11, AND 13) OF 2005, 549 (SHEET 1) OF 2009, AND 119 (SHEETS 5 AND 6) OF 2011.

- "THE MODIFIED PREMISES" ARE A PORTION OF THE PREMISES DESCRIBED IN A DEED TO RIDGE VIEW REALTY TRUST, RECORDED IN BOOK 53432, PAGE 250. THEY CONSTITUTE PARCELS 112 TO 123, 172 TO 185, AND 200 ON TOWN OF AYER TAX ASSESSORS MAP 36.
- PARCEL "I" IS TO BE CONVEYED TO AND ANNEXED WITH ADJOINING PARCEL "C" TO FORM ONE UNDIVIDED PARCEL "C-1" CONTAINING 18.79 ACRES.
- ALL EASEMENTS PROPOSED HEREIN ON LAND REDIVIDED BY THIS PLAN ARE INTENDED TO SUPERSEDE THE EXISTING EASEMENTS ON SAID LAND SHOWN ON THE AFOREMENTIONED PLANS.

- ON OCTOBER 9, 2007, THE AYER ZONING BOARD OF APPEALS APPROVED USE VARIANCES FOR LOTS 72-75 SHOWN ON PLAN 164 (SHEET 10) OF 2005, CASE FILE NUMBERS 30-4-72, 30-4-73, 30-3-74, AND 30-3-75, RESPECTIVELY. EACH VARIANCE ALLOWS ON THE LOT A DETACHED SINGLE FAMILY DWELLING AS A PRINCIPAL USE.
- THE AYER CONSERVATION COMMISSION ISSUED AN ORDER OF RESOURCE AREA DELINEATION ON NOVEMBER 6, 2014, RECORDED IN BOOK 64482, PAGE 500, ESTABLISHING THE WETLAND BOUNDARIES SHOWN HEREIN.

ZONING DISTRICT: RESIDENCE ZONE A-1

**Ayer Planning Board**

APPROVAL UNDER SUBDIVISION CONTROL LAW REQUIRED

DATE OF APPROVAL: 8/4/2016 DATE OF ENDORSEMENT: 9/1/2016

SUBJECT TO COVENANT DATED: 9/1/2016

THREE MEMBERS CONSTITUTE A MAJORITY

AUGUST 29, 2016  
DATE

I, SUSAN E. COPELAND CLERK OF THE TOWN OF AYER, HEREBY CERTIFY THAT THE NOTICE OF APPROVAL OF THIS PLAN HAS BEEN RECEIVED AND RECORDED AT THIS OFFICE, AND NO NOTICE OF APPEAL WAS RECEIVED DURING THE TWENTY DAYS NEXT AFTER SUCH RECEIPT AND RECORDING OF SAID NOTICE.

Susan Copeland  
TOWN CLERK

1"=40'

0 20 40 60 80 100 120  
FEET

0 5 10 15 20 25 30 35  
METERS

I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

8/5/2016  
DATE

Mark Wheeler  
SURVEYOR

**LEGEND**

- ZONING DISTRICT LINE
- PROPERTY LINE
- LOCUS
- EASEMENT LINE
- EDGE OF VEGETATED WETLANDS
- STONE WALL
- FOUND CONCRETE BOUND W/ DRILL HOLE
- PERMANENT MONUMENT TO BE SET IN ACCORDANCE WITH THE RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND IN THE TOWN OF AYER, §1.V1.

SURV: M.S.B. CALC: M.K.W. DRAFT: S.J.M./M.K.W. CK'D: M.K.W.  
REF: L-5020, L-9189, L-9806, L-10700, L-10703, L-10704  
DEED: BK 53432-250 NB: 212 SERIES

REVISION: 8/5/2016  
NO REVISIONS THIS SHEET

MODIFICATION OF DEFINITIVE SUBDIVISION OF LAND IN  
**Ayer, Mass.**  
OWNED BY  
**Ridge View Realty Trust**  
SCALE: 1" = 40' APRIL, 2016  
**David E. Ross Associates, Inc.**  
CIVIL ENGINEERS - LAND SURVEYORS  
ENVIRONMENTAL CONSULTANTS  
P.O. BOX 368-111 FITCHBURG RD.-AYER, MASS. 01432  
(TEL. NO. 978-772-6232)  
JOB NO. 10044 SHEET 1 OF 3 PLAN NO. L-12917

**S. J. MULLANEY ENGINEERING, INC.**  
CIVIL SITE DESIGN & PERMITTING  
305 WHITNEY ST. - SUITE G3 - P.O. BOX 752 - LEOMINSTER, MA 01453-0752  
TEL: 978 534-3131 - FAX: 978 534-3197 - EMAIL: info@sjmullaney.com

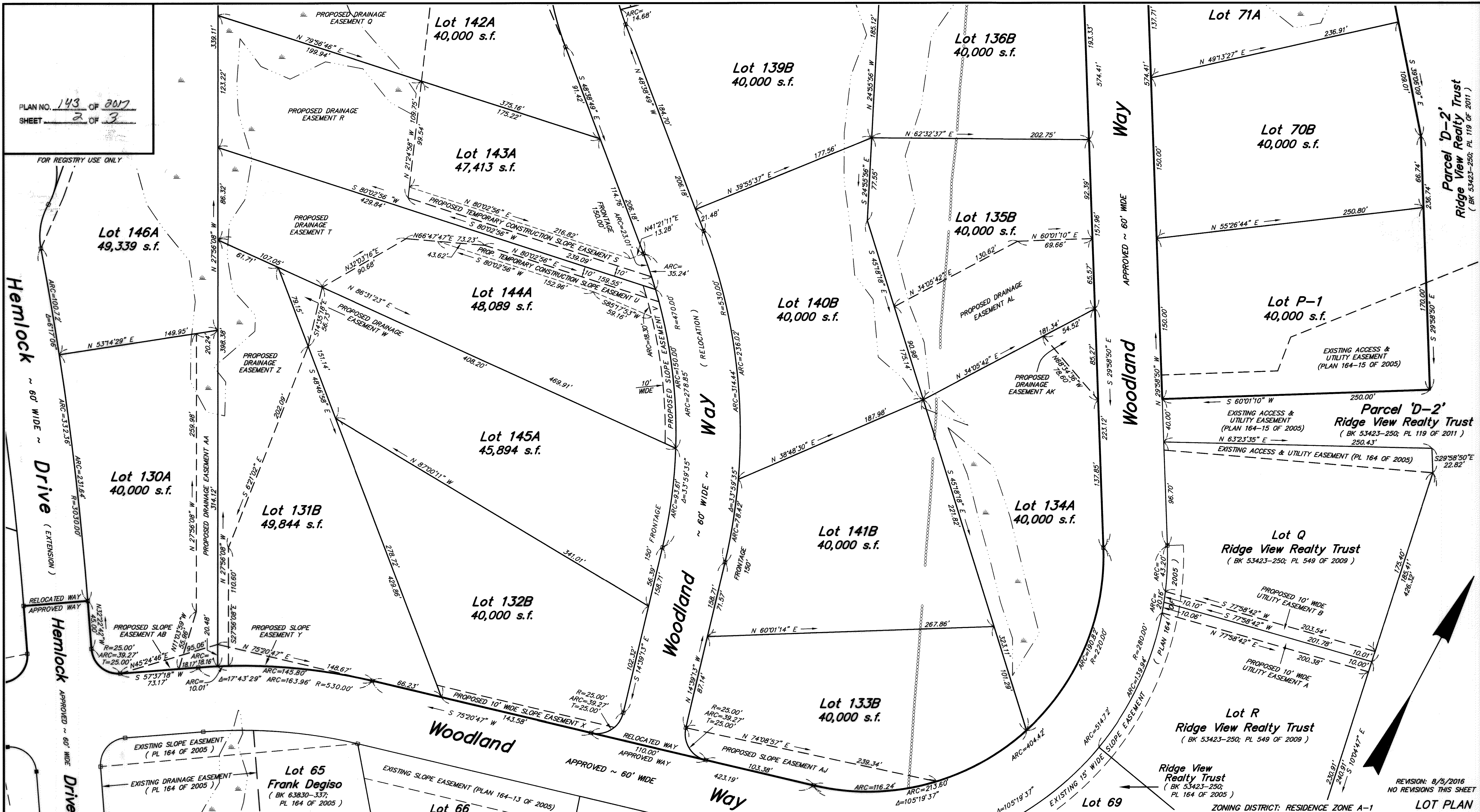
MODIFICATION OF DEFINITIVE SUBDIVISION OF LAND AT  
**WOODLAND WAY, AYER, MA**  
PREPARED FOR OWNER AND APPLICANT  
**RIDGE VIEW REALTY TRUST**  
P.O. BOX 863  
AYER, MA 01432-0863  
TEL: 978 772-4281 FAX: 978 772-4341

**LOT PLAN**

SHEET 2 OF 28  
PLAN NO. 2-D-68  
RECORDABLE SHEET 1 OF 3

143 OF 2017 (10F3)

PLAN NO. 143 OF 2017  
SHEET 2 OF 3



**Ayer Planning Board**  
APPROVAL UNDER SUBDIVISION CONTROL LAW REQUIRED  
DATE OF APPROVAL: 8/4/2016 DATE OF ENDORSEMENT: 9/1/2016  
SUBJECT TO COVENANT DATED: 9/1/2016

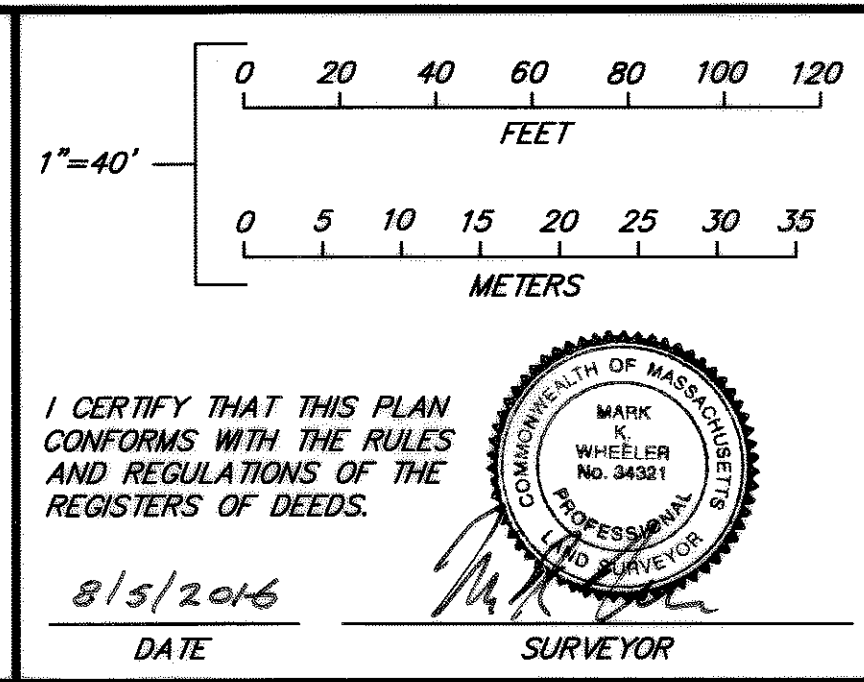
*[Signatures]*

THREE MEMBERS CONSTITUTE A MAJORITY

AUGUST 29, 2016  
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*[Signature]*  
TOWN CLERK



I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.

8/5/2016 DATE  
SURVEYOR

Lot 67  
Lot 68

EXISTING SLOPE EASEMENT (PLAN 164 OF 2005)

MODIFICATION OF DEFINITIVE SUBDIVISION OF LAND IN  
**Ayer, Mass.**  
OWNED BY  
**Ridge View Realty Trust**  
SCALE: 1" = 40' APRIL, 2016  
**David E. Ross Associates, Inc.**  
CIVIL ENGINEERS - LAND SURVEYORS  
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P.O. BOX 368-111 FITCHBURG RD.-AYER, MASS. 01432  
(TEL. NO. 978-772-6232)  
JOB NO. 10044 SHEET 2 OF 3 PLAN NO. L-12917

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305 WHITNEY ST. - SUITE G3 - P.O. BOX 752 - LEOMINSTER, MA 01453-0752  
TEL: 978 534-3131 - FAX: 978 534-3197 - EMAIL: info@sjmullaney.com

MODIFICATION OF DEFINITIVE SUBDIVISION OF LAND AT  
**WOODLAND WAY, AYER, MA**  
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TEL: 978 772-4281 FAX: 978 772-4341

SHEET 3 OF 28  
PLAN NO. 2-D-68  
RECORDABLE SHEET 2 OF 3

143 OF 2017 (2 OF 3)

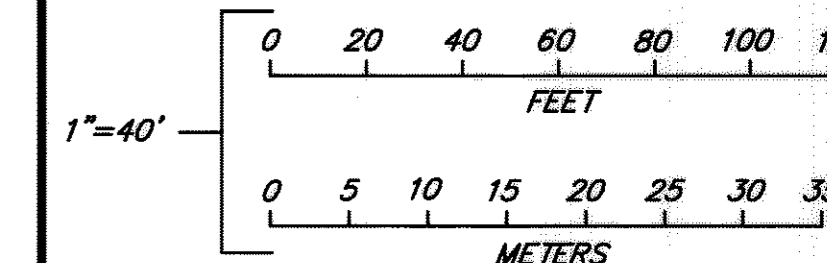
**EFFECTIVE ZONING CRITERIA:**

|   | RESIDENCE A-1 | LIGHT INDUSTRIAL |
|---|---------------|------------------|
| MINIMUM LOT SIZE:                               | 40,000 S.F.   | 20,000 S.F.      |
| MAXIMUM BUILDING HEIGHT:                        | 35'           | 40'              |
| MAXIMUM NO. STORIES:                            | 2.5           | 3                |
| MINIMUM SIDE SETBACK:                           | 15'           | 5'               |
| MINIMUM SIDE SETBACK TO A RESIDENTIAL DISTRICT: | N/A           | 50'              |
| MINIMUM FRONT SETBACK:                          | 35'           | 25'              |
| MINIMUM REAR SETBACK:                           | 30'           | 30'              |
| MINIMUM FRONTAGE:                               | 150'          | 100'             |

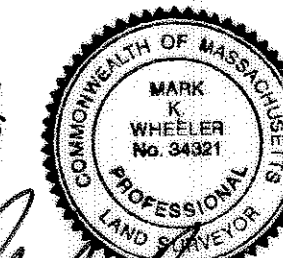
**Parcel 'C'  
Ridge View Realty Trust**  
( BK 53423-250; PL 164-15 OF 2005 )

EXISTING DRAINAGE EASEMENT  
~ ENTIRE PARCEL ~

**PAN AM Southern, LLC**  
( BK 52648-1 )



I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS.



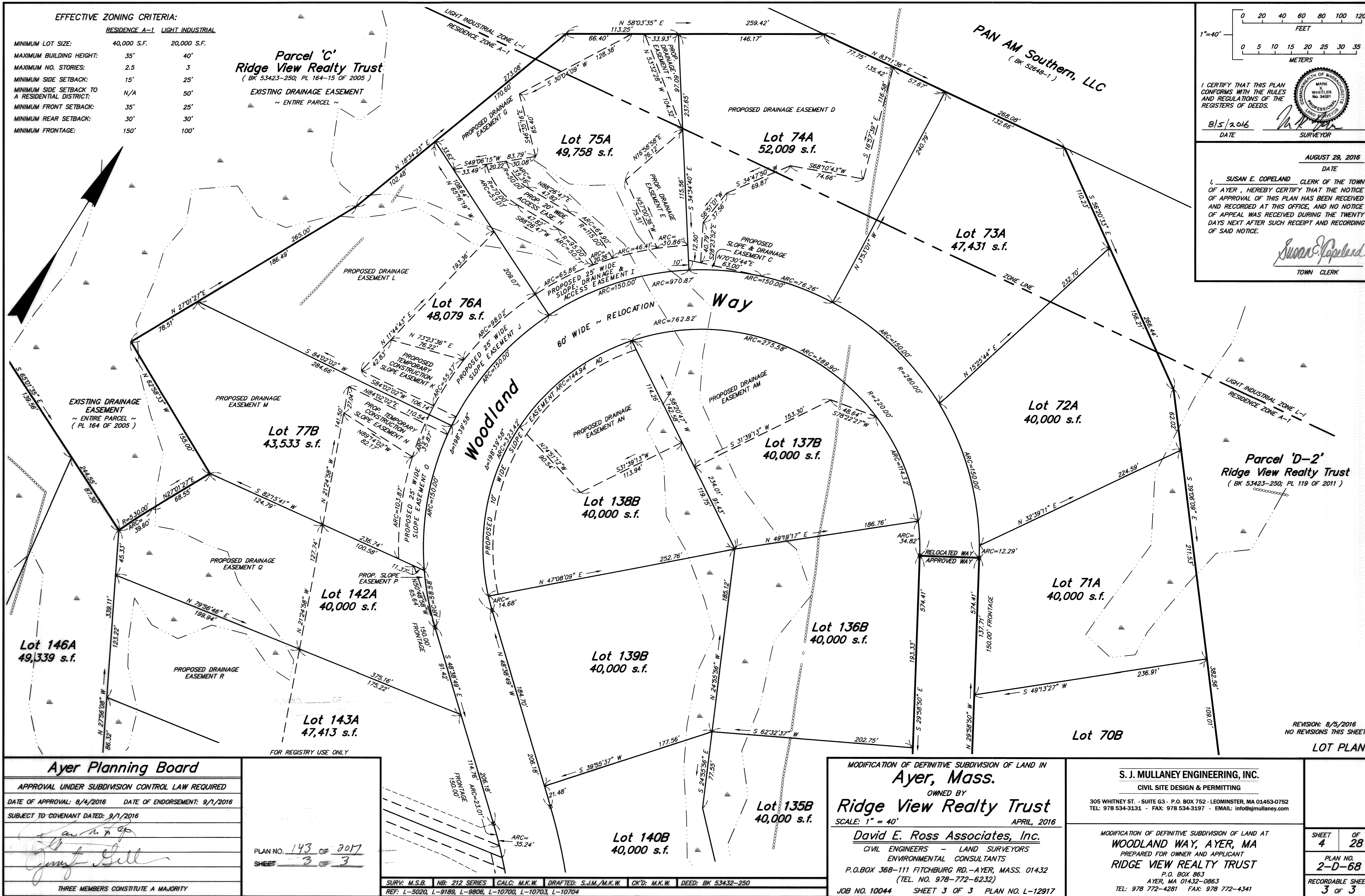
8/5/2016  
DATE

*Mark K. Wheeler*  
SURVEYOR

AUGUST 29, 2016  
DATE

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*Susan E. Copeland*  
TOWN CLERK



**Ayer Planning Board**  
APPROVAL UNDER SUBDIVISION CONTROL LAW REQUIRED  
DATE OF APPROVAL: 8/4/2016 DATE OF ENDORSEMENT: 9/1/2016  
SUBJECT TO COVENANT DATED: 9/1/2016  
*[Signatures]*  
THREE MEMBERS CONSTITUTE A MAJORITY

FOR REGISTRY USE ONLY  
PLAN NO. 143 OF 2017  
SHEET 3 OF 3

SURV: M.S.B. NB: 212 SERIES CALC: M.K.W. DRAFTED: S.J.M./M.K.W. CK'D: M.K.W. DEED: BK 53432-250  
REF: L-5020, L-9189, L-9806, L-10700, L-10703, L-10704

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SCALE: 1" = 40' APRIL, 2016  
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(TEL. NO. 978-772-6232)  
JOB NO. 10044 SHEET 3 OF 3 PLAN NO. L-12917

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TEL: 978 772-4281 FAX: 978 772-4341

SHEET 4 OF 28  
PLAN NO. 2-D-68  
RECORDABLE SHEET 3 OF 3

143 OF 2017 ( 3 OF 3 )

# OWNER-CONTRACTOR AGREEMENT

Town of Ayer

This agreement made the \_\_\_\_\_ day of \_\_\_\_\_, by and between the **Town of Ayer**  
 Hereinafter called the "Owner", and Calgon Carbon Corporation hereinafter called the "Contractor"  
 Name of Contractor

Witnesseth, that the Owner and the Contractor, for the consideration hereinunder named, agree as follows:

**Article 1. Scope of Work:** The Contractor shall perform all Work required by the Contract Documents for  
 Grove Pond Water Treatment Plant Resin Filter Media Replacement  
22DPW10 referred to in the Contract Documents prepared by

Ayer DPW Project Name and Number

Ayer DPW

acting as and referred to as the "Engineer".

Architect/Engineer

**Article 2. Time of Completion:** The Contractor shall commence work under this Contract on the date specified in the  
 written "Notice to Proceed" and shall bring the Work to Substantial Completion within 90 calendar days of said date  
 Days

Damages for delays in the performance of the Work shall be in accordance with Article 8.3.2 of the General  
 Conditions of the Contract.

**Article 3. Contract Sum:** The Owner shall pay the Contractor, in current funds, for the performance of the Work,

Three Hundred Fifty-Two Thousand Twenty-Six dollars and Zero Cents

Dollars \$ 352,026.00

Contract Amount in Words

Contract Amount in Dollars

The Contract Sum is divided as follows:

**Item 1:** The Work of the Contractor, being all Work other than that covered by Item 2 \$ \_\_\_\_\_

**Item 2:** Subcontractors as follows (**Not applicable for this project**)

| Section - Trade  | Subcontractor | Amount   |
|------------------|---------------|----------|
| 1                |               | \$ _____ |
| 2                |               | \$ _____ |
| 3                |               | \$ _____ |
| 4                |               | \$ _____ |
| 5                |               | \$ _____ |
| 6                |               | \$ _____ |
| 7                |               | \$ _____ |
| 8                |               | \$ _____ |
| 9                |               | \$ _____ |
| 10               |               | \$ _____ |
| Total for Item 2 |               | \$ _____ |

**Article 4. The Contract Documents:** The following, together with this Agreement, form the Contract and all are as fully a part of the contract as if attached to this Agreement or repeated herein: The Advertisement, Bidding Documents, Contract Forms, Conditions of the Contract, and Specifications as enumerated in the Table of Contents, the drawings as enumerated in the List of Contract Drawings and all Modifications issued after execution of the Contract. Terms used in this Agreement which are defined in the Conditions of the Contract shall have the meanings designated in those Conditions.

**Article 5. Alternates:** The following Alternates have been accepted and their costs are included in the Contract Sum stated in Article 3 of this Agreement: **Alternate No(s):** and

**Article 6. REAP Certification:** Pursuant to M.G.L. c.62(c), sec.49(a), the individual signing this Contract on behalf of the Contractor, hereby certifies, under the penalties of perjury, that to the best of their knowledge and belief the Contractor has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

**Article 7. Validation:** This Contract will not be valid until signed by the Board of Selectmen of the Town of Ayer.

*In Witness Whereof, the Parties Hereto Have Caused This Instrument to be Executed Under Seal.*

**1 CONTRACTOR**

**Town of Ayer**

Calgon Carbon Corporation  
\_\_\_\_\_  
Name of Contractor

\_\_\_\_\_  
Printed Name

3000 GSK Drive, Moon Township, PA 15108  
\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature and Seal

By:   
\_\_\_\_\_  
Signature and Seal Jeremy J. Jones, DWS Project Manager

\_\_\_\_\_  
Title

Witness \_\_\_\_\_

Attest:

<sup>1</sup> If a Corporation, attach a notarized copy of the Corporate Vote authorizing signatory to sign Contract.

Robyn Galiardi  
412.787-6771  
412.787-6682/fax



**Corporate Resolution**

I, Jessica Underwood, Associate General Counsel, hereby certify that Jeremy J. Jones, DWS Project Manager, is authorized to execute the attached contract/bid under the bylaws and delegations of the authority of Calgon Carbon Corporation. I fully certify that this delegation is in full force and effect, and as the person named in said delegation holds the office so designated.

**Calgon Carbon Corporation**  
3000 GSK Drive  
Moon Township, PA 15108  
State of Incorporation: Delaware  
Date: November 27, 1967

By: *Jessica E. Underwood*  
Jessica Underwood  
Associate General Counsel

Commonwealth of Pennsylvania  
County of Allegheny

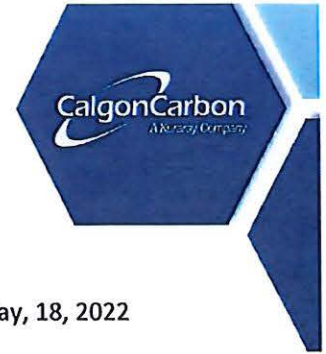
Signed (or attested) before me on *January 17*, 20*22* by *Jessica Underwood*

*Robyn L. Galiardi*  
Notary Public

My Commission Expires:

Commonwealth of Pennsylvania - Notary Seal  
Robyn L. Galiardi, Notary Public  
Allegheny County  
My commission expires May 16, 2022  
Commission number 1332640  
Member, Pennsylvania Association of Notaries





Town of Ayer  
Public Works Department  
25 Brook Street  
Ayer, Massachusetts 01432

May, 18, 2022

**Re: Grove Pond Water Treatment Plant Resin Filter  
Media Replacement, Project No. 22DPW10 Ayer DPW**

Dear Mr. Van Schalkwyk:

Calgon Carbon Corporation (CCC) is pleased to offer you our CalRes 2301 Macroporous Resin. Calgon's CalRes 2301 resin has proven to outperform other gel resins. Additionally, this resin can handle chlorine disinfection should the bed be contaminated with Bac-T.

**The exchange price for IX resin, CalRes 2301:**

|   |              |
|---|--------------|
| <b>Resin and Disposal (424 CF)</b><br><i>Includes installation, removal and landfill disposal</i> | \$176,013.00 |
| <b>Price per CF</b>   | \$415.25     |

The following proposed price will also cover a 2<sup>nd</sup> exchange if completed within 12 months of the First exchange. Also attached is Calgon Carbon's BV guarantee as requested per the bid specifications

Thank you for considering a Calgon Carbon water treatment technology.

Sincerely,

*Charles Drewry*

Calgon Carbon Corporation  
Drinking Water Solutions  
352.467.0103  
Charles.Drewry@kuraray.com

## Town of Ayer, Massachusetts

### Ion Exchange Water Treatment System Performance Warranty

#### 1.0 Description of Warranty

Calgon Carbon Corporation (Vendor) hereby warrants to the Town of Ayer (Utility) that the lead bed of the ion exchange (IX) treatment system, when operated at an average of at 1580 gallons-per-minute (gpm), will treat a minimum of 63,400,000 gallons (20,000 bed volumes (BV)) of water before the lead bed effluent concentration of any of the following poly- and perfluoroalkyl substances (PFAS), the Massachusetts "PFAS6," is measured at a level above the method reporting limit (MRL) of 2 nanograms-per-liter (ng/L) when measured using USEPA Method 537:

- Perfluoroheptanoic acid (PFHpA)
- Perfluorohexanoic acid (PFOA)
- Perfluorononanoic acid (PFNA)
- Perfluorodecanoic acid (PFDA)
- Perfluorohexane sulfonic acid (PFHxS)
- Perfluorooctane sulfonic acid (PFOS)

#### 1.1 Warranty Period

The warranty will commence for the IX system on the day the IX media is first placed into service or placed on an idle or stand-by mode in a wetted condition (filled with water), and continue for 63,400,000 gallons or six (6) months thereafter (i.e. the "Warranty Period"), whichever should occur first. This warranty shall be void if removal of the media occurs for any other reason before this time frame expires.

Provided the GAC contactor equipment performance, as defined above, is demonstrated for the listed volume or period of time, then the Performance Warranty shall expire with no residual remedies available to the Utility.

#### 1.2 Responsibilities of the Utility

This Performance Warranty shall be deemed void if the Utility fails to meet any of the following conditions pertaining to IX resin use and the system in which IX resin is used:

- A. The design parameters (system, equipment, and peripheral components) must be consistent with sound engineering practice.
- B. Feed water must not contain any oxidizing agents including, without limitation, chlorine, ozone, or permanganate.

- C. Feed water content of any individual contaminant or set of contaminants (sulfate, chloride, nitrate, and alkalinity, PFAS6) may not be more than 15% higher than the average concentrations as listed in Appendix B of the Bidding and Contract Requirements and Specifications, Project No. 22DPW10, shown summarized below:

| <i>Chloride<br/>(mg/L)</i> | <i>Nitrate<br/>(mg/L)</i> | <i>Sulfate<br/>(mg/L)</i> | <i>Alkalinity, Total<br/>(mg/L as CaCO<sub>3</sub>)</i> | <i>TOC<br/>(mg/L)</i> | <i>Sum of<br/>"PFAS6"<br/>(ng/L)</i> |
|----------------------------|---------------------------|---------------------------|---|-----------------------|--------------------------------------|
| 120                        | 0.35                      | 40                        | 70  | 1.0                   | 125                                  |

- D. No sequestrants, cleaning or treatment chemicals, or any other chemicals shall be used in the resin system unless approved by Vendor.
- E. System must be operated per Vendor Operation and Maintenance (O&M) manual and provide daily operational logs upon request by Calgon Carbon.
- F. Vendor must be notified within a reasonable amount of time if operational or treatment issues are observed, in particular, those pertaining to performance.
- G. The resin must be maintained in a clean condition and must not be contaminated by particulate matter, colloidal or precipitated solids, biological growth or foreign materials (including but not restricted to cationic surfactants, solvents, soluble oils, free oils, lipids, and high molecular weight natural polymers).
- H. The customer is responsible for ensuring that frequent, adequate system performance data are routinely recorded in a systematic format that is regularly reviewed. Data collected must include weekly flow, pressure and meter readings and monthly incoming water analyses including PFAS6, sulfate, chloride, nitrate, alkalinity, and total organic carbon (TOC). Customer agrees to make this data available to VENDOR on a reasonable basis at Vendor's reasonable request for evaluation of warranty claims.
- I. Customer must keep resin moist at all times after installation.
- J. Representative samples of used resin must be provided by the customer upon exchange when requested by Vendor.
- K. Bacteria levels in the influent and influent delivery mechanisms such as, for example, piping and manifolds in any well, shall be <5 colony-forming units-per-milliliter (cfu/mL). Vendor assumes no responsibility or liability relating to the bacteriological quality of the influent or within the wells and shall bear no costs relating to IX resin sanitization due to bacteria in the influent or elsewhere in the wells.

### **1.3 Additional Responsibilities of Parties**

The Vendor will provide technical assistance to establish the cause of the apparent failure of the IX system to produce the desired result. If it is subsequently shown through the independent analytical testing that performance was met, or that the apparent failure of the IX system was not due to a defect in the system itself, or that the influent is not consistent with the characterization identified above, then the expenses associated with determining the cause of the performance problem, including without limitation, the cost of the analytical testing, will be the responsibility of the Utility, and Vendor will be deemed to

be in compliance with its warranty obligations hereunder, the Warranty Period shall not be tolled during such time, and Vendor shall be fully reimbursed for all such related costs previously incurred.

#### **1.4 Sole Remedy for Non-Performance**

Vendor will replace the IX media at a discounted rate on a one-time-basis. The discounted replacement price will be calculated by multiplying the current purchase price of the IX media by the percentage of life achieved by the IX media versus the warranted life. (e.g. if the media provides 10,000 BVs of life before PFAS removal falls below the warranted value, the GAC shall be replaced at a price of 50% that of the current purchase price of the GAC).

#### **1.5 Disclaimers**

Vendor shall have no obligation or liability under this warranty for failure to meet the requirements set forth herein that arise, in whole or in part, as the result of (i) accident, disaster or event of force majeure, (ii) misuse, fault or negligence of or by The Utility or any other third party not under the control of Vendor, (iii) use of the carbon or equipment in a manner for which they were not designed or intended under this Agreement, (iv) external causes such as, but not limited to, power failure or electrical power surges, (v) improper storage and handling of the carbon or the equipment, (vi) use of the carbon or equipment in combination with equipment or software not supplied by Vendor or not otherwise approved in advance by Vendor or (vii) defects in the design of the system or the system configuration as provided for in the specifications.

THE FOREGOING SETS FORTH THE VENDOR'S SOLE AND EXCLUSIVE THROUGHPUT WARRANTY AND REMEDY THEREFOR AND IS SUBJECT IN ALL RESPECTS TO THE TERMS AND CONDITIONS OF A DEFINITIVE AGREEMENT BY AND BETWEEN THE PARTIES. SELLER MAKES NO OTHER WARRANTIES OF ANY KIND THEREOF, EXPRESS OR IMPLIED, INCLUDING, WITHOUT LIMITATION, ANY WARRANTY OF MERCHANTABILITY OR FITNESS FOR PURPOSE.

# FORM FOR GENERAL BID

TO THE AWARDING AUTHORITY

A. The undersigned proposes to furnish all labor and materials required for

**Grove Pond Water  
Treatment Plant  
Resin Filter Media  
Replacement**

for the

PROJECT

**Town of Ayer, Massachusetts**

in accordance with Contract Documents prepared by

**Ayer DPW**

Name of Engineer/Architect

For the contract price specified below, subject additions and deductions according to the terms of the specifications

B. This bid includes addenda number(s) 1

C. The proposed contract base bid price is:

One hundred seventy-six thousand thirteen dollars and zero cents

Dollars \$ 176,013.00

Bid Amount in Words

Bid Amount in Numbers

| For Alternate | No.       | Add \$   | Subtract \$ |
|---------------|-----------|----------|-------------|
|               | <u>1</u>  | _____    | _____       |
|               | No. _____ | \$ _____ | \$ _____    |
|               | No. _____ | \$ _____ | \$ _____    |
|               | No. _____ | \$ _____ | \$ _____    |
|               | No. _____ | \$ _____ | \$ _____    |

Each Alternate shall be listed separately

- D. The undersigned agrees that, if selected as general contractor, we will within five days, Saturdays, Sundays, and legal holidays excluded, after presentation thereof by the awarding authority, execute a contract in accordance with the terms of this bid and furnish a performance bond and also a labor and materials or payment bond, each of a surety company qualified to do business under the laws of the Commonwealth and satisfactory to the awarding authority and each in the sum of the contract price, the premiums for which are to be paid by the general contractor and are included in the contract price.

The undersigned hereby certifies that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work; that all employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is at least 10 hours in duration at the time the employee begins work and who shall furnish documentation of successful completion of said course with the first certified payroll report for each employee; and that he will comply fully with all laws and regulations applicable to awards made subject to section 44A.

The undersigned further certifies under the penalties of perjury that this bid is in all respects bona fide, fair and made without collusion or fraud with any other person. As used in this subsection the word "person" shall mean natural person, joint venture, partnership, corporation or other business or legal entity. The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth under the provisions of section twenty-nine F of chapter twenty-nine, or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder.

Calgon Carbon Corporation

Incorporated in the State of Delaware

**Name of General Bidder**

BY:



Jacob A. Blake, DWS Project Manager

Signature & Title of person signing bid

**Signature**

Date: 05/11/2022

3000 GSK Drive

Business Address

Moon Township, PA 15108

(City and State)

Note: If the bidder is a corporation, indicate state of incorporation under signature, and affix corporate seal; if a partnership, give full names and residential addresses of partners if different from business addresses.

DEPARTMENT OF PUBLIC WORKS



Water Division

Daniel Van Schalkwyk, Director  
Kimberly Abraham, Water and Sewer Superintendent  
Pamela J. Martin, Business Manager

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

Date: August 31, 2022  
To: Dan Van Schalkwyk, Director  
From: Kimberly Abraham, Water and Sewer Superintendent  
RE: 2022 Drought Update

On August 4, 2022, Water Supply reached critical levels and immediate action was taken to impose a water ban on all non-essential water use. Through efforts by all customers the system recovered by August 7<sup>th</sup>.

Since then, despite the continued lack of rainfall, consumption rates have stabilized, and the Water Division has continued to meet and exceed demand.

The table below shows the average height of water at each tank since August 7<sup>th</sup>. The heights are normal and indicate that demand is being met. This also indicates that water is available for emergency use.

|            |                    |
|------------|--------------------|
| Since 8/7: | Avg. Height (feet) |
| Washington | 51.4               |
| Pingry     | 12.5               |

The table below shows the total consumption by month as well as the daily average, maximum and minimum days for each month from April through the end of August. All numbers are in Million Gallons. July had the highest total consumption, daily average and maximum day. Since new conservation measures were enacted on August 4<sup>th</sup>, consumption decreased for the remainder of August.

|                        | April  | May    | June   | July   | August |
|------------------------|--------|--------|--------|--------|--------|
| Total Consumption (MG) | 48.648 | 53.550 | 55.868 | 59.463 | 56.687 |
| Avg (MG/Day)           | 1.569  | 1.727  | 1.802  | 1.918  | 1.829  |
| Max Day (MG)           | 1.923  | 2.254  | 2.017  | 2.943  | 2.152  |
| Min Day (MG)           | 0.788  | 0.816  | 1.431  | 0.884  | 1.249  |

Spectacle Pond Well Field has not shut down since the 3<sup>rd</sup> of July. Grove Pond Well Field has had short breaks in the past two weeks. Ideally, the Water Division would like to see the wells and treatment facilities have more breaks than they are currently getting. This indicates that we conservation measures are still needed.

It is understood that Fall is the ideal time of year to establish new lawns and landscaping. Current operational conditions indicate that the allowance of several variances to establish new lawns and landscaping would not significantly impact the operations of the Water Division and the ability to



## DEPARTMENT OF PUBLIC WORKS

## Water Division

Daniel Van Schalkwyk, Director  
Kimberly Abraham, Water and Sewer Superintendent  
Pamela J. Martin, Business Manager

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

reliably deliver daily water service and capacity to deliver water in an emergency. This is, however, on the assumption that other non-essential water use remains restricted.

In the interest of allowing property owners to maintain property and supporting local landscaping business, it is recommended that the Water Commissioners lift the current suspension on Variances for Outdoor Water Use During Outdoor Water Use Restrictions.





# Town of Ayer

Office of Community & Economic Development (AOCED)

Town Hall - One Main Street - Ayer, MA 01432 - 978.772.8220 X141



To: Robert Pontbriand, Town Manager

From: Alan S. Manoian, Dir. AOCED

Date: 8/31/2022

Re: Request Placement on Ayer SB Agenda – AOCED Budget UDAG Funding & Proposed “Targeted New Enterprise Loan Program”

The AOCED requests placement on the 9/6/22 Ayer Select Board Agenda for the review and provision of UDAG-portion funding for the AOCED FY23 Budget.

AOCED UDAG-portion FY23 Budget Request:

|                                    |                |
|------------------------------------|----------------|
| Director                           | \$43,347       |
| Community Development Program Mgr. | \$33,054       |
| Purchase of Services               | \$15,500       |
| Postage                            | \$300          |
| Purchase of Supplies               | \$9,000        |
| Other Charges & Expenses           | \$6,500        |
| <u>Fringe Benefits</u>             | <u>\$6,000</u> |
| Total                              | \$113,701      |

In addition, the Dir. of AOCED will make brief presentation on the status and disposition of the current Ayer Industrial Finance Authority (IDFA) Program and will provide brief overview of a proposed new & re-designed municipal lending program, known as the “Targeted New Enterprise Loan Program” designed to proactively retain and attract new large industrial and innovation companies, with associated job creation.

The Town of Ayer

Targeted New Enterprise Loan Program (Proposed)

Administered through the Ayer Office of Community & Economic Development (AOCED), the Town of Ayer MA introduces & offers the “Targeted New Enterprise Loan Program”.

The “Targeted New Enterprise Loan Program” offers commercial loans up to \$200,000 at a competitive rate of interest as a municipal incentive-based lending program designed to attract sectors of new commercial enterprise, as proactively

identified by the municipality, to locate, operate and expand in the Town of Ayer, Massachusetts.

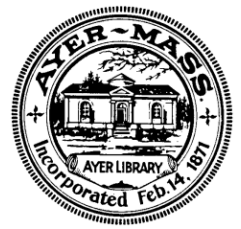
Identified New Enterprise Sectors:

- Large Industrial Companies
- Innovation Companies
- Legal Firms
- Engineering/Design Firms
- Financial Service Firms
- Artist Studios
- Music Recording Studios
- Commercial Kitchens
- Marketing & Communications Firms
- Product Design & Branding Firms
- Architectural Firms
- Movie/Film Production Service Firms
- (additional)

Loan applications for the proposed “Targeted New Enterprise Loan Program” would be submitted to a newly established Ayer Municipal Finance & Loan Review Committee for full review and determination of loan approval/denial and terms/conditions of subject commercial loan.

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

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

**MEMORANDUM**

**DATE:** September 1, 2022

**TO:** Ayer Select Board

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

**SUBJECT: Town Manager's Report for the September 7, 2022 Select Board Meeting**

Dear Honorable Select Board Members,

I am pleased to transmit to you the following Town Manager's Report for the September 7, 2022 Select Board Meeting. If you have any questions prior to the meeting, please do not hesitate to contact me directly. Thank you.

**Administrative Update/Review of Town Warrant(s):**

- At the meeting I will provide a brief Administrative Update on the various activities, initiatives, and projects of the Town since the Select Board last met on August 23, 2022.
- I have reviewed, approved, and signed the following Town warrants since the Select Board last met on August 23, 2022:

Payroll Warrant – PR23-04 in the amount of \$396,903.06 was reviewed, approved, and signed on August 24, 2022.

Accounts Payable Warrant #23-04 in the amount of \$934,530.38 was reviewed, approved, and signed on August 30, 2022.

**Appointments – COA Board of Directors and Cultural Council:**

- Please see the attached memo from the Assistant Town Manager regarding the following individuals recommended for appointment to the COA Board of Directors and Cultural Council (See attached).

**Request for UDAG Funding – COA Building Design Services/Due Diligence:**

- Please see the attached memo regarding a request for UDAG funding for the COA Building design services and site due diligence (See attached).

**Historic Fire Station – Amendment for Extension to Original Agreement – South Bay Additional Removal:**

- As the Select Board will recall, the Town originally sold the Historic Fire Station located at 14 Washington Street to Cowfield Station, LLC (Mr. Calvin Moore) on May 7, 2018. As part of that original agreement dated May 7, 2018, the owner agree that within three (3) years, the owner would remove the South Bay addition on the station.
- The owner (Mr. Calvin Moore) requested and was granted an extension on August 3, 2021 to demolish the South Bay addition by the new deadline of August 1, 2022. The extension (See attached) stated that if the owner failed to demolish the addition, the Town was entitled to seek injunctive relieve, and was further entitled to an award of attorney's fees and expenses.
- In January 2022, Mr. Moore, sold the station to Seal Harbor Companies, LLC. The new owner, Seal Harbor Companies, LLC has yet to demolish the South Bay addition in accordance with the agreement and the August 1, 2022 deadline has passed.
- The new owner, Seal Harbor Companies, LLC has requested an extension until December 31, 2022 to remove the South Bay addition of the station. The new owner intends to seek site plan approval for five (5) residential units, one of which will be affordable, and one will be a commercial unit where his office will be located. The new owner has hired the firm of GPR and is actively working on the engineering/architecture for the building. The new owner anticipates that if he completes site plan review with the Planning Board this Fall, he could demolish the South Bay and commence construction before winter.
- Attached is an amendment to the agreement as prepared and reviewed by Town Counsel which would grant the extension to December 31, 2022 to remove the South Bay addition of the station. The amendment would further allow for the demolition of the South Bay addition to occur ninety (90) days after the issuance of all permits necessary to complete the project.
- To successfully complete this project and to ensure the historic preservation of the Historic Fire Station, it is recommended that the Town work with the new owner to complete this project and to grant the extension to December 31, 2022. To pursue injunctive relief will be time consuming and not in the best interests of completing this project and insuring the historic preservation of the station. It is respectfully recommended that the Select Board review the amendment to the agreement and consider voting to approve and sign the amendment granting the extension to December 31, 2022.

Thank you.

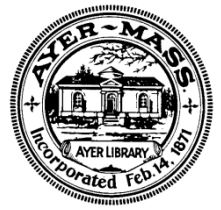
Attachments: Appointments Memo from the Assistant Town Manager

Request for UDAG Funding Memo from the Assistant Town Manager

Extension Agreement for Historic Fire Station South Bay Addition Removal (Signed on August 3, 2021)

Proposed Amendment to Agreement for Extension for South Bay Addition Removal to December 31, 2022

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



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

**Memorandum**

To: Ayer Select Board  
Town Manager Robert A. Pontbriand

From: Carly M. Antonellis, Assistant Town Manager *CM*

Date: September 1, 2022

Re: Appointments to Council on Aging Board of Directors & Cultural Council  
September 7, 2022, Select Board Meeting

Dear Honorable Select Board,

On behalf of Robert A. Pontbriand, Town Manager, I am respectfully requesting that the following appointments be made:

| <b><u>Name</u></b>      | <b><u>Board</u></b> | <b><u>Term Expiration Date</u></b> |
|-------------------------|---------------------|------------------------------------|
| Marge Withee            | Council on Aging    | June 30, 2025                      |
| Susan Tordella-Williams | Cultural Council    | June 30, 2023                      |
| Jin Hong                | Cultural Council    | June 30, 2024                      |
| Bob Williams            | Cultural Council    | June 30, 2024                      |
| Linda McGillicuddy      | Cultural Council    | June 30, 2025                      |

Attached to this memo, you will find letters of interest from each candidate.

Thank you for your consideration!

**From:** [Marge Withee](#)  
**To:** [Carly Antonellis](#); [rpontbriand@ayer.ma.us](mailto:rpontbriand@ayer.ma.us); [Katie Petrossi](#)  
**Subject:** Re: Senior Council Board  
**Date:** Friday, August 26, 2022 2:33:15 PM

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I have asked to be appointed to the Ayer Senior Council Board. I am a retired school music teacher, and church organist. I am originally from Maine, and we moved to Ayer in 2014. We previously lived in St. Albans, WV, and Millis, MA . My husband and I have 3 adult children, and 2 grandchildren.

I wish to be on the Board, as I see a special need for our elderly population. I had worked with the elderly in my previous job, and I realize how many elderly people are isolated, and need a kind word, or help now and then. I attend the senior center functions, and I see the good things happening there, and I will do my best to help all elderly come to enjoy, and know what is being offered for them at the center. I also think it's an important time for our town in the future of a new senior center, and meeting the needs of the elderly. Our seniors today are handling much more than before, and we need to reach out to every senior citizen.

**From:** [Susan Tordella](#)  
**To:** [Carly Antonellis](#)  
**Subject:** Cultural council  
**Date:** Monday, August 29, 2022 5:32:36 PM

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Carly I am interested in serving on the air cultural council. I am a musician and have also applied for and received a grant from the Littleton cultural Council for a performance that I co-produced in 2006. I have had some experience with a cultural council.

I am a supporter of the Arts and I'm the volunteer at a the lowell merrimack theater. I am interested in reviewing the applicants for Grants and working with the council to award the grants. Please consider this my formal application to the Ayer cultural Council.

Susan Tordella-Williams  
[REDACTED] Ayer, MA 01432

From: [Jin Hong](#)



Dear Ms. Antonellis,


I was approached by members of Ayer Culture Council, about the prospect of serving on the Council. I have actually just volunteered to serve on the Ayer Finance Committee, but since I have not done any work yet, and have not felt the time constraint, I guess I am open to serving on another committee.

As I stated in my application to serve on the Finance Committee, I have lived in Ayer for 29 years. I run a small business. I am quite interested in history and culture in general. I am a regular supporter of the New York Philharmonic and Metropolitan Opera (sorry BSO, I love BSO too, they did not ask me to donate as the New York groups did). I attended Indian Hill Music concerts frequently. When I traveled to Europe, I always attended concerts and visited museums whenever I could. I guess my taste in music skews towards classical music. I have sung with Nashoba Valley Chorale for about 10 years, and occasionally we have sung contemporary pieces too. I have sung Gospel and Folk songs and really enjoyed them. I have also been a big supporter of the Sandy Pond Schoolhouse, but that's more history and probably not in the realm of the Ayer Culture Council.

I think I am familiar with what the Ayer Culture Council needs to do, because as a member of Nashoba Valley Chorale, I have approached area town culture councils for funding. I would be happy to help support worthy culture groups that benefit the townspeople.

Best, Jin

-----  
Jin Hong, Ph.D.



Ayer, MA 01432



**From:** [Bob Williams](#)  
**To:** [Carly Antonellis](#)

S [REDACTED]

-

---

Hello Carly,  
I wish to join the Ayer Cultural Council and ask that you might put my name forward to the Board of Selectman.

I previously served on the Council but had to resign due to meeting scheduling conflicts.

I am an amateur artist and a musician who believes art and music are what makes life worthwhile.

Please consider my interest,  
Bob Williams

[REDACTED]

**From:** [linda mcgillicuddy](#)  
**To:** [Carly Antonellis](#)  
**Subject:** Volunteer at Ayer Cultural Council  
**Date:** Friday, August 19, 2022 4:18:36 PM

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Dear Ms. Antonellis and Ayer Board of Selectmen,

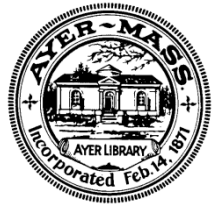
I would like to apply as a volunteer on the Ayer Cultural Council. I am currently retired, but I was a preschool teacher at the Ayer Community School for over twenty years. I appreciate the benefits that the ACC gives to the community. I would like to help keep these benefits moving forward. I am familiar with the programs that ACC has supported in the schools, at the library, at Nashoba Park, and at Clear Path. I hope to be of service to the ACC and our community.

Thank you for your consideration.

Linda McGillicuddy

[Sent from Yahoo Mail for iPad](#)


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



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

**Memorandum**

To: Ayer Select Board  
Town Manager Robert A. Pontbriand

From: Carly M. Antonellis, Assistant Town Manager 

Date: September 1, 2022

Re: Request for UDAG Funding – COA Building Design Services/Due Diligence

Dear Honorable Select Board,

As you are aware Article 15 of the May 14, 2018 Annual Town Meeting Warrant authorized \$30,000 for a feasibility study for a new Senior Center. Promptly thereafter, work began on hiring a consultant to guide the Town through the process of both finding suitable land to construct a Senior Center and facilitating public engagement on Senior Center design and programming. The Town contracted with Abacus Architects + Planners from Boston, MA. We have greatly appreciated Abacus' hard work and support as we have been navigating through the arduous process of finding an appropriate site. As you are aware, finding the site has become more difficult than we originally hoped for. We have recently made some progress and are seeking funding to continue our work with Abacus Architects + Planners and to conduct due diligence on up to two potential sites for the Senior Center. At the request of the property owner, the address of the site is being withheld at this time.

We are requesting the following:

|   |                 |
|---|-----------------|
| Continued Building/Site Design Services | \$15,000        |
| 21E Testing                             | \$6,000         |
| Wetland Delienation/Flagging Services   | \$5,000         |
| Appraisal Costs                         | <u>\$5,000</u>  |
|   | <b>\$31,000</b> |

We are requesting that this funding come from the UDAG account, with an option for replenishment at a future Town Meeting, so that the Site Selection Committee (comprised of the Town Manager, Assistant Town Manager, COA Director, DPW Director, Economic Development Director, and two members of the COA Board of Directors) can build on its continued momentum to find an appropriate site to bring forth to Town Meeting for consideration of purchase.

Thank you for your consideration!

## AMENDMENT TO AGREEMENT

Reference is hereby made to that certain Agreement (“Agreement”) dated August 3, 2021 by and between Town of Ayer (“Town”) and COWFIELD STATION, LLC (“Owner”) to remove the South Bay addition (“Addition”) of the Historic Central Fire Station (the “Building”) located at 14 Washington Street, Ayer, Middlesex County, Massachusetts. Said Agreement is recorded at Middlesex South District Registry of Deeds at Book 78566, Page 158, and a copy is attached hereto as Exhibit A.

WHEREAS, the Building was acquired by Seal Harbor Companies, LLC (“New Owner”) by virtue of a deed dated January 20, 2022 recorded at Middlesex South District Registry of Deeds at Book 79565, Page 551; and

WHEREAS, New Owner is in the process of obtaining approvals and permits necessary to alter the Building and requests an extension of time to remove the Addition so as to accomplish the construction work at the same time as the removal of the Addition;

NOW, THEREFORE the parties agree to modify Paragraph 1 of said Agreement as follows:

1. Covenant; Extension. The Town and New Owner agree that the time to remove the Addition from the Building shall be extended to December 31, 2022. In the event New Owner is diligently pursuing required permits and approvals to construct one commercial unit and five residential units of which one shall be an affordable unit (the “Project”), but said approvals have not yet been issued, the Town agrees to further extend the deadline to remove Addition until 90 days after issuance of all permits and approvals necessary to accomplish the Project.

In all other respects the Agreement shall remain unchanged and is hereby ratified.

EXHIBIT A

Middlesex South Registry of Deeds

Electronically Recorded Document

This is the first page of the document - Do not remove

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Recording Information

|  |                   |
|--|-------------------|
| Document Number                        | : 192154          |
| Document Type                          | : AGR             |
| Recorded Date                          | : August 27, 2021 |
| Recorded Time                          | : 02:10:37 PM     |
| Recorded Book and Page                 | : 78566 / 158     |
| Number of Pages(including cover sheet) | : 5               |
| Receipt Number                         | : 2709707         |
| Recording Fee                          | : \$105.00        |

**Middlesex South Registry of Deeds**

**Maria C. Curtatone, Register**

**208 Cambridge Street**

**Cambridge, MA 02141**

**617-679-6300**

**[www.middlesexsouthregistry.com](http://www.middlesexsouthregistry.com)**

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**AGREEMENT**  
**(South Bay Addition Removal)**

As of August 3, 2021

The following Agreement (this "Agreement") dated as of the date first appearing above is between TOWN OF AYER, a Massachusetts municipal corporation, having an address of 1 Main Street, Ayer, MA 01432 ("Town") and COWFIELD STATION, LLC, having an address of 39 Main Street, Suite 204, Ayer, MA 01432 ("Owner").

For the purposes of this Agreement, the Town and the Owner shall, at times herein, be referred to each individually as a "Party" and collectively as the "Parties".

WHEREAS, Owner is the owner of certain property, commonly known as the Historic Central Fire Station (the "Building"), located at 14 Washington Street, Ayer, Middlesex County, Massachusetts, as more particularly described in a deed recorded May 7, 2018, with the Middlesex South District Registry of Deeds in Book 70973, Page 452 (the "Property"); and

WHEREAS, the Town and the Owner are parties to that certain Purchase and Sale Agreement dated May 1, 2018 for the Property (the "Agreement"); and

WHEREAS, pursuant to Paragraph 38 of the Agreement, Owner agreed that, within three (3) years of the delivery of the deed to Owner, Owner would remove the South Bay addition (the "Addition") on the Building, failing which the Town was entitled to seek injunctive relief, and was further entitled to an award of attorney's fees and expenses incurred in bringing such action; and

WHEREAS, three (3) years has expired since delivery of the deed for the Property from the Town to the Owner, and Owner has not removed the Addition from the Building; and

WHEREAS, the Owner has requested an extension of the time in which to remove the Addition from the Building, to August 1, 2022; and

WHEREAS, the Town has agreed to said extension, subject to the terms and conditions of this Agreement.

NOW, THEREFORE, the Parties, in consideration of the mutual promises contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is acknowledged, agree as follows:

1. Covenant; Extension. The Town and the Owner agree that the time to remove the Addition from the Building shall be extended to August 1, 2022.

*Property: 14 Washington Street, Ayer, MA*

2. Enforcement. The Town and the Owner confirm, in the event of a breach of the covenant set forth at Paragraph 1 of this Agreement, the Town may enforce this covenant by seeking injunctive relief, and shall be entitled to an award of its attorney's fees and expenses incurred in enforcing such covenant.

3. Authority. Each Party to this Agreement represents and warrants to the other that it has the legal right, power and authority to enter into this Agreement and to consummate the transactions contemplated hereby, that the execution, delivery and performance of this Agreement has been duly authorized, and that no other action by such Party is requisite to the valid and binding execution, delivery and performance of this Agreement, except as otherwise expressly set forth herein.

4. Governing Law. This Agreement shall be construed under and governed by the laws of the Commonwealth of Massachusetts.

5. Complete Agreement. This Agreement is complete, and all promises, representations, understandings, warranties and agreements with reference to the subject matter hereof, and all inducements to the making of this Agreement relied upon by either Party hereto, have been expressed herein. This Agreement supersedes all oral and prior written promises, agreements, conditions, representations, understandings, interpretations or terms of any kind relating to the subject matter hereof.

6. Notices. Any notice required or permitted under this Agreement shall be in writing and sent to the address set forth in the introductory paragraph at the beginning of this Agreement and shall be deemed delivered on the earlier to occur of (a) receipt or (b) refusal of receipt to the other Party at the address first set forth above or such other address designated in the manner set forth above.

7. Recording; Successors and Assigns. This Agreement shall be recorded with the Middlesex South District Registry of Deeds, and shall be enforceable by, and shall inure to the benefit of, the Parties hereto and their respective heirs, successors and assigns.

8. Severability. If any provision of this Agreement is contrary to, prohibited by, or deemed invalid under applicable law by a court of competent jurisdiction, such provision shall be omitted to the extent so contrary, prohibited, or invalid, but shall be enforced to the extent permissible, and the remainder of this Agreement shall not be invalidated thereby and shall continue in effect.

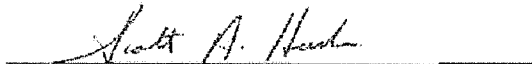
[Remainder of Page Intentionally Left Blank; Signature Page Follows]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date set forth above.

TOWN OF AYER,  
By Its Select Board



Shaun C. Copeland, Chair



Scott A. Houde, Vice Chair

Jannice L. Livingston, Clerk

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 17<sup>th</sup> day of August, 2021, then personally appeared before me, the undersigned notary public,

Shaun C. Copeland

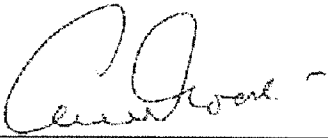
, member of the Ayer Select Board, as aforesaid, who proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the foregoing instrument and acknowledged the foregoing instrument as his/her/their free act and deed on behalf of the Town of Ayer.



Carly M Antonellis  
Notary Public  
My Commission Expires: 05/26/2028



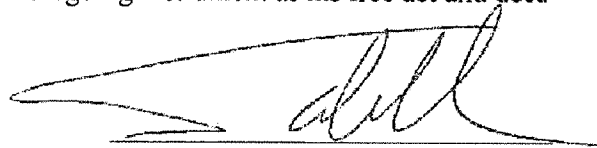
COWFIELD STATION, LLC

By:   
Calvin Moore, Manager

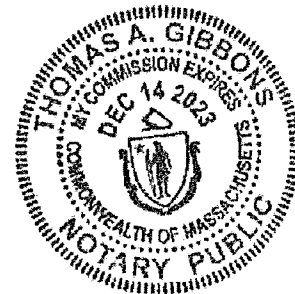
COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

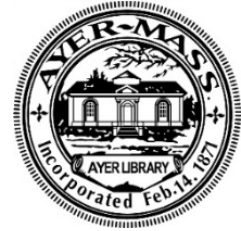
On this 3<sup>rd</sup> day of August, 2021, then personally appeared before me, the undersigned notary public, Calvin Moore, Manager of Cowfield Station, LLC, as aforesaid, who proved to me through satisfactory evidence of identification, which was personally known to me, to be the person whose name is signed on the foregoing instrument and acknowledged the foregoing instrument as his free act and deed on behalf of Cowfield Station, LLC.



Notary Public  
My Commission Expires:



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



*Broadcast and Recorded by APAC*

**Wednesday August 16, 2022**  
**Open Session Meeting Minutes**

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

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

**Call to Order:** J. Livingston called the meeting to order at 6:00 PM.

**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 3-0.**

**Public Input:** None

**Ratification of Appointment of Benefits & Payroll Manager:** R. Pontbriand introduced Ms. Amanda Lewis, who is his recommended candidate for the Benefits & Payroll Manager position. He is requesting ratification of her appointment for a three-year term, effective September 12, 2022 – June 30, 2025. Ms. Lewis served in this role at the Ayer Shirley Regional School District for 18 years. J. Livingston welcomed her and asked why she was interested in changing her job. Ms. Lewis stated that she loves the Town of Ayer, lives in Town and would only ever leave the school district to come to work at the Town Hall.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to ratify the appointment of Ms. Amanda Lewis as the Benefits & Payroll Manager for a three-year term effective September 12, 2022 – June 30, 2025. **Motion passed 3-0.**

**Mr. Peter Cunningham, Nashua River Rail Trail - Request for Letter of Support:** Mr. Peter Cunningham is both a member of the Groton Select Board and the Friends of the Nashua River Rail Trail. He is seeking a letter of support to the Governor imploring DCR to put the Rail Trail on their Capital Improvement Plan, as there are many surface imperfections. A 2017 Trail Assessment Plan calls for paving to be done by 2022, which will clearly not happen this year. P. Cunningham noted that there was an increase in usage on all rail trails due to the pandemic.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland that the Select Board sign the Letter of Support as presented by Peter Cunningham regarding the Nashua River Rail Trail. **Motion passed 3-0.**

R. Pontbriand then recognized Irving Rockwood and Marion Stoddard both of whom are members of the Friends of the Nashua River Rail Trail. P. Cunningham thanked the Ayer DPW who has done maintenance on the trail when needed.

**Susan Copeland, Town Clerk - Election Update:** S. Copeland announced that the State Primary Election will be held on Tuesday September 6, 2022 with early voting starting Saturday August 27, 2022 through Friday September 2, 2022. The State General Election will be held on Tuesday November 8, 2022, also with early voting preceding election day. S. Copeland noted that there was a provision in the VOTES Act, which was signed by Governor Baker in June 2022, relating to the assignment of Police Officers at Polling Locations and the requirement that the Select Board vote to authorize police officers working at polling locations in the absence of a Constable.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to approve enough police officer(s), in the absence of a constable, at the polling location of every election therein to preserve order and to protect the election officers and supervisors from any interference with their duties and to aid in enforcing the laws relating to elections, as required by Section 72 of the Chapter 92 of the Acts of 2022. **Motion passed 3-0.**

**Dan Van Schalkwyk, Director, Dept. of Public Works – Update on Drought and Water Supply:** D. Van Schalkwyk and Water & Sewer Superintendent Kimberly Abraham were in attendance. They reported that most of the Commonwealth is in a Level 3, Critical Drought and the Ayer/Littleton area is experiencing a 7” rain deficit at this point this year. Ayer has banned all non-essential outdoor water use for the time being. D. Van Schalkwyk stated both treatment plants at Grove and Spec Ponds have been running constantly. As of today, both of the Town’s water tanks have rebounded from the low levels during August 5<sup>th</sup> – 8<sup>th</sup>.

S. Houde asked what would happen if there was a dip in the capacity of the wells due to the drought? D. Van Schalkwyk stated he would have to evaluate it on a case-by-case basis, as there could be several factors leading to a decrease in capacity. One option would be to establish an emergency interconnection with a neighboring Town or Devens to take pressure off the Ayer system. K. Abraham said that the Department is constantly monitoring everything, including rainfall, consumption, and usage.

J. Livingston said sometimes she sees reports on Facebook that McDonald’s is running their sprinkler system. K. Abraham stated that she has spoken with the manager, and he will be shutting off the sprinkler system. Also, she stated that she spoke with the plant managers of some of the larger water uses and they were willing to cut their production temporarily to assist the Town, due to the drought conditions.

D. Van Schalkwyk stated that the SB needed to take a vote, that in accordance with the rules and regulations that the SB issue a State of Water Supply Conservation retroactively to August 4, 2022, which includes non-essential outdoor water usage.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland that the SB issue a State of Water Supply Conservation, in accordance with the rules and regulations, retroactively to August 4, 2022, which includes non-essential outdoor water usage. **Motion Passed 3-0.**

*Agreement for Wastewater Treatment and Disposal Services – MassDevelopment* – D. Van Schalkwyk was pleased to report that the Town and MassDevelopment have finally reached an agreement. It is essentially the same agreement that the Town submitted in December, which reduces the Town’s required flows from 100,000 gallons to 50,000 gallons per day and reducing the capacity from 800,000 gallons down to 350,000 gallons. This a ten-year agreement with a reopener.

S. Copeland asked what the financial impact of the new contract was. D. Van Schalkwyk stated that the cost savings will come from the reduction in flows.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to approve the Agreement for Wastewater Treatment and Disposal Services with Mass Development. **Motion passed 3-0.**

*Change Order 1 – Westford Road Water and Sewer Replacement* – D. Van Schalkwyk presented Change Order 1 for the Westford Road Water and Sewer Replacement. The change order includes the addition of one hydrant, one sewer manhole, and escalations as required by MGL c30 s39M in a total amount of \$20,090.87. He is recommending approval of Change Order No. 1.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve Change Order Number 1 between the Town of Ayer and J.P. Cardillo & Sons, Inc in the amount of \$20,090.87. **Motion passed 3-0.**

*Change Order 3 - Spectacle Pond Treatment Plant – PFAS Treatment Facility* – D. Van Schalkwyk presented Change Order 3 for the Spec Pond PFAS Treatment Facility. This is the final change order for the project which moves the

substantial completion date to June 6, 2022, and final completion to September 30, 2022. Additionally, the change order reduces the Contract amount by \$18,391.80 with Winston Builders Corporation, Inc.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve Change Order Number 3 between the Town of Ayer and Winston Builders Corporation, Inc. in the amount of \$-18,391.80. **Motion passed 3-0.**

*Main Street Traffic Calming* – Alan Manoian, Director of Community and Economic Development joined D. Van Schalkwyk. They gave a brief presentation of their tactical urbanism traffic calming measures which includes dedicated bike lanes, painted curb extensions and stenciled “25 MPH” in various spots on Main Street. A painted island at the corner of Main and Columbia Streets also helps delineate traffic and calm speeds. A. Manoian stated that in his observation these measures have been working.

S. Copeland asked about installing flashing lights at Washington Street because it gets very busy downtown at night. D. Van Schalkwyk will make a note of it and take it under consideration.

**Opening of the Fall Special Town Meeting Warrant – October 24, 2022:** R. Pontbriand is recommending that the SB open the Fall Special Town Meeting Warrant this evening and close it on Friday September 30, 2022, at 1:00 PM for Warrant Articles and Citizen’s Petitions. The SB will then review and approve the warrant at their Tuesday October 4, 2022, meeting and it will go to print on October 7, 2022; it will be mailed to all households the following week. The Special Town Meeting will be held on October 24, 2022, at 7:00 PM in the Auditorium of the Ayer Shirley Regional High School, 141 Washington Street.

**Motion:** A motion was made by S. Copeland and seconded by S. Houde to Open the Fall Special Town Meeting Warrant and to close it on Friday September 30, 2022, at 1:00 PM for Warrant Articles and Citizen’s Petition. **Motion passed 3-0.**

**Town Manager’s Report - Administrative Update/Review of Town Warrant(s):** R. Pontbriand provided a brief Administrative Update to the Select Board on the various activities, initiatives, and projects of the Town since the Select Board last met and referenced the Town Warrants that are in the Select Board’s packet that were approved since the Select Board last met. He stated that in the area of personnel, the Town is very busy. The new Assessing Administrator has started, the new Benefits & Payroll Manager will start on September 12, 2022. Additionally, the Assistant Town Manager and other relevant Department heads are working on finalizing the job description for the Town Social Worker position. The Town will be going out for advertising for the Assistant Zoning Enforcement Officer position within the next week or so. He stated that the Town’s Financial Team and Bi-Board have been working on updating the Town’s Financial Policies. He stated that the Cable Advisory Committee will be convening the last week of August. He updated the SB on other administrative items, including the upcoming discussion on Mutual Aid, the HVAC System at the Ayer Library and a progress update on Depot Square.

*Acceptance of Donation – COA-* Per request of the COA Director, Dr. Katie Petrossi, R. Pontbriand is asking the Board to vote to accept a \$100 donation from Compassus Home Health & Hospice. The COA was honored to assist one of their clients, a longtime Ayer resident, with his final wish to go fishing. This donation will be placed in the COA donation account.

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to accept the \$100 donation to the donation account. **Motion passed 3-0.**

*September Meeting Schedule* - The SB discussed their next meeting date, which was originally scheduled for September 6, 2022 but will have to be rescheduled due to the upcoming State Primary Election. The SB decided to move their meeting to Wednesday September 7, 2022 at 5:30 PM, both in-person and via Zoom.

*Update on Restoration of the Town Hall Cannon (Howitzer)* – R. Pontbriand stated that A. Manoian is actively working to get the estimates and quotes for the refurbishment of the cannon. The Facilities Department has gotten their estimates on the use of the crane and the landscaping work.

**New Business/Select Board Member Questions:** None

**Approval of Meeting Minutes:**

**Motion:** A motion was made by S. Houde and seconded by S. Copeland to approve the meeting minutes from July 13, 2022. **Motion passed 3-0.**

**Executive Session Pursuant to MGL Chapter 30A, Section 21A Exemption #2 (Non-Union Personnel) Benefits &**

**Payroll Manager:** At 7:15 PM a motion was made by S. Copeland and seconded by S. Houde to enter into Executive Session pursuant to MGL Chapter 30A, Section 21A Exemption #2 (Non-Union Personnel) to discuss the contract for the recently appointed Benefits and Payroll Manager and to adjourn from Executive Session. S. Copeland stated that to discuss these matters in Open Session would be detrimental to the Town's negotiating strategy. **Roll Call Vote:** S. Houde, aye; S. Copeland, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 3-0.**

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

**Date Minutes Approved by SB:** \_\_\_\_\_

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

DRAFT