

RECEIVED
TOWN CLERK
TOWN OF AYER

2014 AUG 15 AM 9:01
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Town of Ayer
Board of Selectmen
Ayer Town Hall – 1st Floor Meeting Room
Ayer, MA 01432



Tuesday, August 19, 2014 - 7:00pm
Open Session Meeting Agenda

- 7:00pm Call to Order
Review and Approve Agenda; Announcements
- 7:05pm* Public Input
- 7:15pm Mr. Mike Detillion, Veteran's Services Officer
1. Rolling Thunder Request
- 7:20pm Dr. Mary Malone, Superintendent, Ayer Shirley Regional School District
1. Introduction & Discussion of ASRSD Goals
- 7:40pm Common Victualler License Application
1. Subway Restaurant
- 7:45pm Ayer Package Store, Inc.
1. Request for Change of Manager
- 7:50pm Mr. Sam Lawton, Montachusett Regional Planning Commission
1. Hazard Mitigation Plan
- 8:05pm Mr. Mark Wetzel, DPW Superintendent
1. Change Order for PJ Albert, Inc. 4. Sandy Pond Traffic Proposal
2. Mountain Laurel Road Acceptance 5. Private Way Snow Removal Policy
3. Pleasant Street & Taft Street Water Main Bid Award 6. Unaccepted Roads Work Group
- 8:30pm Mr. David Maher, Director of Economic Development
1. FY'11 EDF Grant
2. FY'15 CDBG Public Input Process
3. Expansion of Community Development Hours
- 8:50pm Town Administrator's Report
1. Report from Executive Session(s) per OML 5. MJTC Appointment
2. Review of MGL Ch. 61 – Pleasant Street Ext 6. MNHG Appointment
3. Award of Town Hall Windows Replacement Contract 7. Old Fire Station Appraisal
4. Opening of Fall Town Meeting Warrant
- 9:15pm New Business/Selectmen's Questions
1. Planning Board (BOS Discussion)
2. Payment and Billing of the Town's 9 A 1/2 Health Insurance Bills (Selectman Luca)
3. Audit Report Discussion (Selectman Luca)
4. JBOS Update (Selectman Luca)
5. Grant Writer Discussion (Selectman Hillman)
- 9:40pm Approval of Meeting Minutes
January 8, 2013; January 22, 2013; March 26, 2013; April 23, 2013; May 7, 2013; May 21, 2013; June 4, 2013;
April 22, 2014; July 15, 2014
- 9:50pm Adjournment

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

AYER VETERANS' OFFICER

Dwight M. Detillion
vet@ayer.ma.us



Town of Ayer, Massachusetts
1 Main Street – Ayer, MA 01432
(978) 772-8212

To: Ayer Board of Selectmen
From: Ayer Veterans Agent
Date: 8/12/14
Re: POW/MIA Chair of Honor

I was approached by Rolling Thunder, Inc in hopes that we the Town of Ayer would honor our POW/MIA veterans with a chair dedicated to them that would be placed on this property to educate the public of the American Prisoners of War left behind.

The cost of the chair is only \$126 and I will pay for it from my veterans budget. The chair comes with a plaque addressing the 92,000 veterans that are POW/MIA dating back to WWI.

The Town of Ayer will be the first in the area to place a chair dedicated to POW/MIA issue. The chair is to be roped off and dedicated to a specific area and honored with the American Flag and POW/MIA Flag on either side.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dwight M. Detillion". The signature is written in a cursive style.

Dwight M. Detillion

Ayer VSO

cc: Robert Pontbriand, Ayer Town Administrator

Rolling Thunder® , Inc.

Massachusetts, Chapter 1



Our Mission

The major function of Rolling Thunder®, Inc. is to publicize the POW-MIA issue: To educate the public that many American Prisoners of War were left behind after all previous wars and to help correct the past and to protect future Veterans from being left behind should they become Prisoners of War-Missing In Action. We are also committed to helping American Veterans from all wars.

Rolling Thunder®, Inc. is a non-profit organization and everyone donates his or her time because they believe in the POW/MIA Issue.

Joe D'Entremont
President, Rolling Thunder®, Inc
Massachusetts Chapter 1
PO BOX 300607
Jamaica Plain, MA. 02130
jdentrem@plant.mit.edu
617-522-0324

The Boston Globe

KEVIN CULLEN

Leaving an empty seat in tribute to POWs and MIAs



By Kevin Cullen
| GLOBE COLUMNIST

NOVEMBER 06, 2012

On this, the most partisan day of the year, here's an idea we can all get behind.

A few years ago, Joe D'Entremont saw an empty seat at a racetrack in Bristol, Tenn. It was left empty on purpose, a symbolic way to remember the 92,000 American service members who since World War I went missing in action or were prisoners of war who didn't make it home.

D'Entremont — president of the Massachusetts chapter of Rolling Thunder, a group dedicated to making the government accountable for POWs and MIAs, looked at the empty seat in Tennessee and said, "Why not here?"

But you have to walk before you can run. D'Entremont noticed that the color guard that marched onto the field at Gillette Stadium during Patriots games didn't include a POW/MIA flag. So he called up the Patriots and offered them a flag, and they readily agreed. That flag is out there at every game now. The Red Sox started flying a POW/MIA flag at Fenway Park. It took a little longer to get one up at TD Garden, where the Bruins and Celtics play, but eventually goodwill prevailed. If you look around, there are POW/MIA flags at a lot of public events now. Thank you, Rolling Thunder.

Still, D'Entremont kept thinking about that empty seat in Tennessee, so he went back to the sports teams and asked them to give up a seat.

The Lowell Spinners, the minor league baseball team, were the first to sign on. In June, they dedicated a single black chair in Section 104 of LeLacheur Park that will remain empty forever.

D'Entremont was grateful, but he went looking for a bigger venue. On Friday, the Patriots will unveil a seat that will be kept empty at Gillette on Sunday, Veterans Day, and every day after that.

There's more. D'Entremont's buddy, Dennis Moschella, president of Veterans Assisting Veterans, got talking last summer to John MacDonald, the vice president of corporate strategy for Lupoli Cos., about the idea of putting up POW/MIA tables in restaurants. MacDonald is an Air Force veteran, and he turned to his boss, Sal Lupoli, and in no time at all, Lupoli said, "Let's do it."

"Joe D'Entremont told us he's had trouble persuading restaurants to do this," MacDonald said. "Sal jumped in with both feet."

A couple of weeks ago, they unveiled a table with an empty seat at Salvatore's, Lupoli's restaurant in Lawrence, and 300 people showed up. Lupoli wants to leave an empty seat in each of his five restaurants and his 40 pizza shops. Eventually it will get done. And if you don't think it will happen in all those locations, you don't know Sal Lupoli.

D'Entremont is hoping for momentum. What the Patriots are doing this week sets an example for the Red Sox and the people who run the Garden. Sal Lupoli has set the bar for restaurants.

D'Entremont is a Jamaica Plain guy, and when he went to his local, the venerable Doyle's Cafe, Gerry Burke Jr. agreed to keep an empty table throughout the Veterans Day weekend.

What if every bar in Boston, in Massachusetts, in New England left an empty seat or table?

From that empty seat at the racetrack in Tennessee, Joe D'Entremont is trying to think beyond stadiums and restaurants and bars.

He's thinking all sorts of public places, places where people go and people talk, where parents talk to their kids. Parks. Schools. Beaches.

"Think about the conversations," D'Entremont said. "I'd bet that most Americans wouldn't have any idea that 92,000 service members were POWs or MIAs who never made it home from the wars of the last century. Think about parents talking to their kids about the empty seat. Guys were left behind. They can't speak for themselves, so we have to speak for them."

Kevin Cullen is a Globe columnist. He can be reached at cullen@globe.com. Follow him on Twitter [@GlobeCullen](https://twitter.com/GlobeCullen).

THE FOXBORO REPORTER EDITION

foxbororeporter.com



NEWS

Patriots, Rolling Thunder honor POW/MIAs with ceremony on Friday

[Print Page](#)

Published: Thursday, November 15, 2012 12:02 PM EST

The New England Patriots will become the first NFL team to honor the approximately 92,000 missing United States soldiers since World War I with a POW-MIA Chair Dedication Friday. The ceremony will be held under the flagpole inside Gillette Stadium, starting at 10 a.m. The American flag will be joined by the POW-MIA flag that was donated by the Rolling Thunder Massachusetts Chapter 1 just few years ago.

Members of the MA-1 Rolling Thunder will also be present with their President, Joe D'Entremont, for a unique ceremony. A black chair will be dedicated and bear a plaque explaining its significance.



Joe D'Entremont, president of Rolling Thunder, Massachusetts Chapter 1.

"The chair is not meant for sitting by a veteran or anyone else," D'Entremont explains. "The empty chair is meant to help people remember that even though our soldiers aren't here, there is still a space for them. We remember them and want their families to know they are not forgotten."

The public is encouraged to attend the ceremony. Members of the Foxboro Veterans Services Department will join New England Patriots owner Robert Kraft, MA-1 Rolling Thunder President Joe D'Entremont and dedicated members of Rolling Thunder to help increase awareness of POW-MIA issues.

Also present will be Foxboro's John Mitchell of Boy Scout Troop 7 and a senior at Foxboro High School, who has been involved in scouting since he was in the first grade and is an Eagle Scout candidate. In September of 2011, Mitchell organized the town's first ever POW-MIA Recognition Day as part of his Eagle service project.

The MA-1 Rolling Thunder and D'Entremont were part of the 24-hour vigil on the Common orchestrated by Mitchell. At the time, Mitchell hoped he had started a new tradition in Foxboro and this past September POW-MIA Recognition Day was observed for the second consecutive year.

The third Friday of September is designated as POW-MIA Recognition Day to honor those U.S. service members that are either prisoners of war or still missing in action. The day is one of six in which Congress mandates the flying of the POW/MIA Flag; the others days are Armed Forces Day, Memorial Day, Flag Day, Independence Day and Veterans Day.

Rolling Thunder is a non-profit organization committed to helping American veterans from all wars. Members donate their time because they believe in the issues they are working on, D'Entremont says. There are 93 chapters of Rolling Thunder across the United States and D'Entremont just returned last weekend from the Annual National Rolling Thunder conference held in Washington, D.C. He and other members met with the nation's senators to increase awareness of POW-MIA issues including dedicating a chair at professional stadiums and sports arena around the country.

This past June, the Lowell Spinners (Single-A baseball affiliate of the Boston Red Sox) dedicated the first chair at LeLacheur Park in Lowell. According to D'Entremont the Patriots are the first professional team to come on board. He mentioned he has also contacted the Celtics and Bruins about dedicating

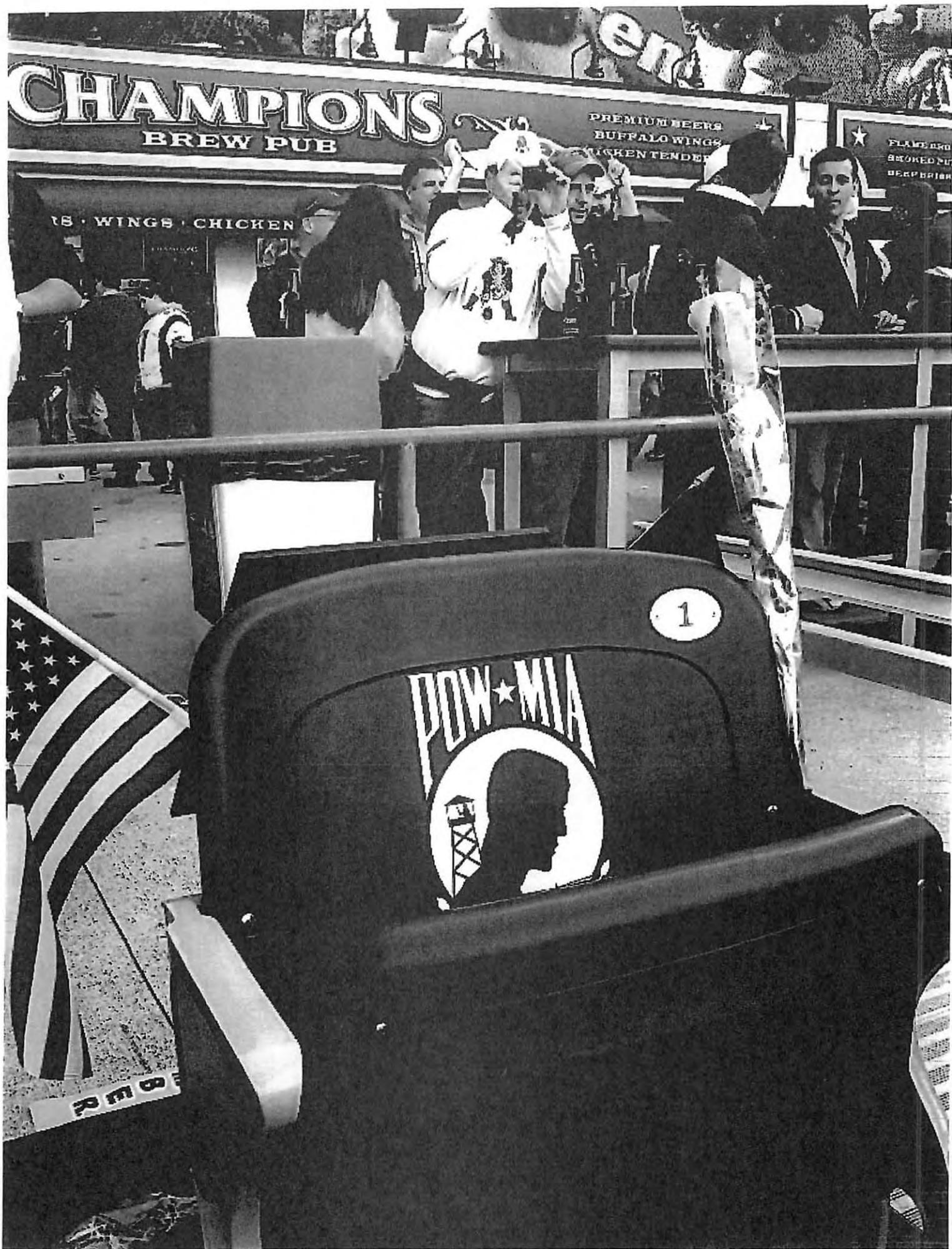


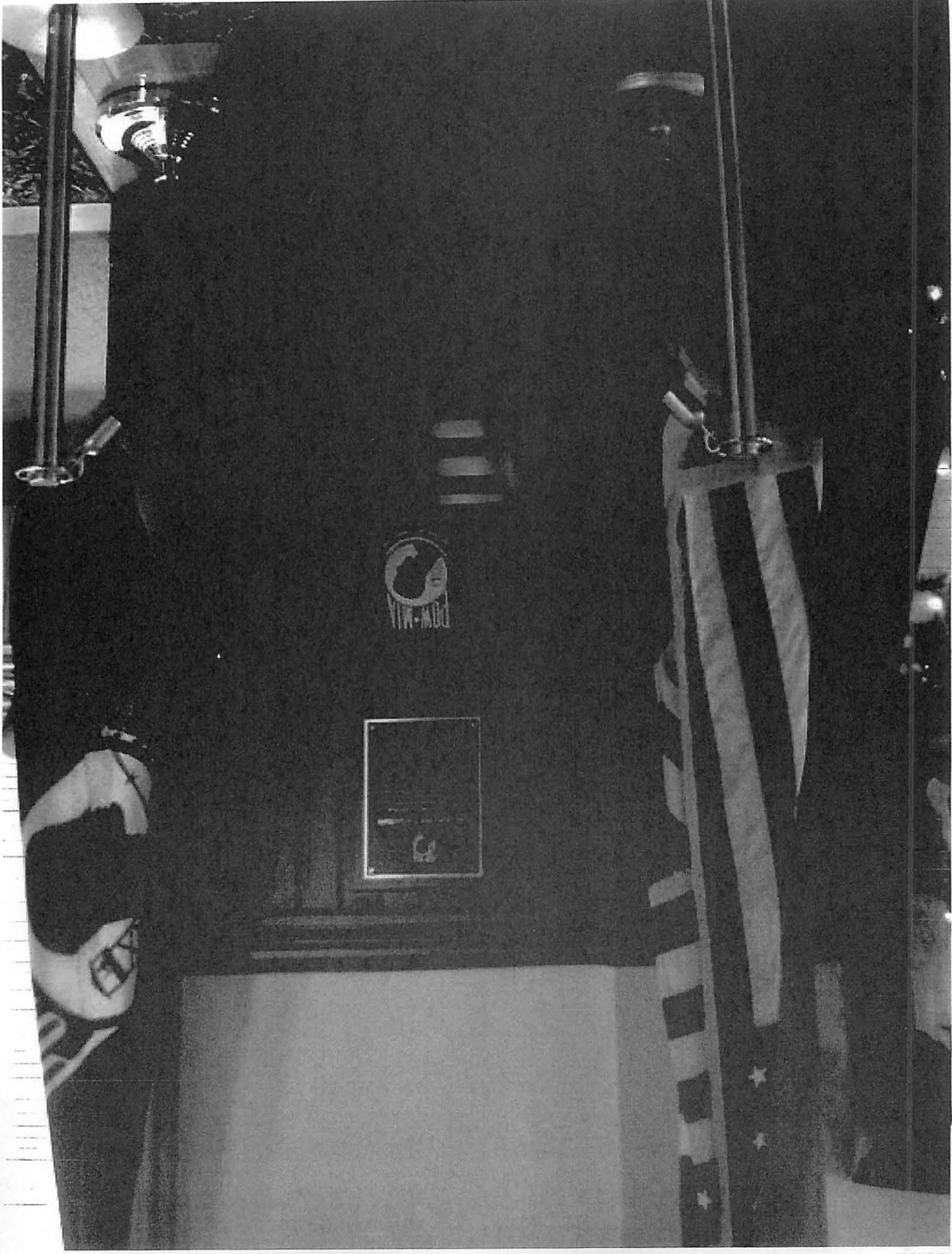
Not Forgotten...

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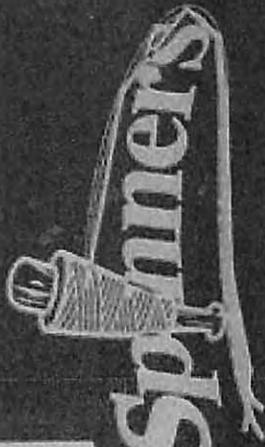


You Are Not Forgotten

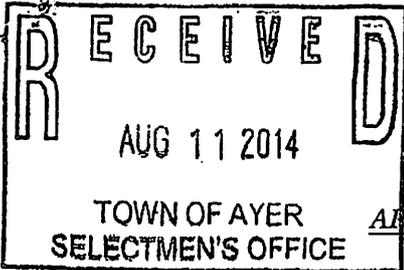
Since World War I, more than 92,000 American soldiers are unaccounted for. This unoccupied seat is dedicated to the memory of those brave men and women and to the sacrifices each made in serving this country.

ROLLING THUNDER®
MASS. CHAPTER 1

God Bless You, God Bless America.



June 19, 2012 Spinnery



OFFICE OF THE BOARD OF SELECTMEN
TOWN OF AYER, MA



APPLICATION FOR COMMON VICTUALLER'S LICENSE

Application is hereby made for a Common Victualler's License

NAME OF APPLICANT: DIMPLE DESAI

COMPANY NAME: SUBAYER INC. / Subway

COMPANY ADDRESS: 4 JOYCE CIRCLE, SHREWSBURY, MA 01545

TYPE OF BUSINESS: RETAIL, RESTAURANT - SUBWAY

NAME OF PARTNERS: _____

DESCRIPTION OF PREMISE: (Use back side if necessary)

STAND ALONE BUILDING AT 1 MILL ST. AYER, MA
WILL BE OPERATED AS SUBWAY RESTAURANT.

APPLICANT'S SIGNATURE: Dimple A Desai DATE: 8/8/2014

ADDRESS: [REDACTED], SHREWSBURY, MA 01545

TELEPHONE #: [REDACTED] HOME [REDACTED] BUSINESS [REDACTED] CELL PHONE [REDACTED]

Selectmen's Meeting Date: August 19, 2014

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

8/11/14
Date Fee Received

check # 110
Payment Type

FOOD HANDLER'S LICENSE: Please attach copy

7355068
License Number

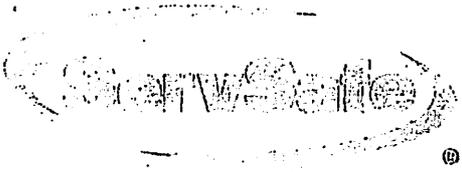
10/12/2010
Date of Issue

TAX COLLECTOR:

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

[Signature]
Tax Collector

8/11/2014
Date



EXAM FORM NO. 10168

CERTIFICATE NO. 7355068



TO **DIMPLE DESAI**

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

10/12/2010

DATE OF EXAMINATION

10/12/2015

DATE OF EXPIRATION

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

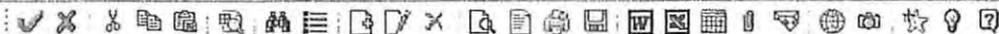


#0855

Paul Hineman

Paul Hineman
Executive Director, National Restaurant Association Solutions





- History
- Detail
- Orig Bill
- Effective Date
- Lien/Sale
- Scan Bill
- Quick Entry
- Customer
- Name
- Parcel
- Prop Code
- Bill Dates
- Bill Audits
- Bill Events
- Reprint
- Preferences
- Diagnostics

Year/Type/Bill No.
 2015 RE-R 69

Customer

AMIN CHA
 S/O 1 MIL
 4 JOYCE C
 SHREWSB

Property information

Parcel ID 0026000082
 Alt Parc
 Prop Loc 1 MILL STREET

Speci

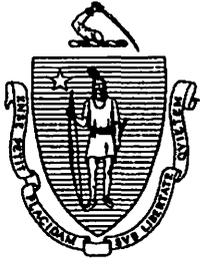
Int Dt	Billed	Abt/Adj	Pmt/Crd	Interest	Unpaid bal
08/02/14	1,782.58		.00	1,782.58	.00
11/04/14	1,782.57		.00	.00	1,782.57
02/03/15	.00		.00	.00	.00
05/02/15	.00		.00	.00	.00
Fees/Pen	.00		.00	.00	.00
Totals	3,565.15		.00	1,782.58	.00

Notes/Alerts

JAN 1 Owner: AMIN CHANJAY

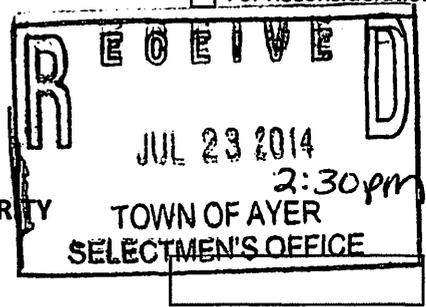
Due 08/11/2014	.00
Per Diem	.00
Int Paid	.00
Total Paid	1,782.58

View prior unpaid bills



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
 www.mass.gov/abcc

For Reconsideration



FORM 43
 MUST BE SIGNED BY LOCAL LICENSING AUTHORITY

006000022

Ayer

ABCC License Number

City/Town

Local Approval Date

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|---|--|---|---|
| <input type="checkbox"/> New License | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> Change Corporate Name |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Seasonal to Annual |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Transfer of Stock | <input type="checkbox"/> Change of License Type |
| <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> Issuance of Stock | <input type="checkbox"/> New Stockholder | <input type="checkbox"/> Other <input type="text"/> |
| <input type="checkbox"/> 6-Day to 7-Day License | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Wine & Malt to All Alcohol | |

Name of Licensee: Ayer Package Store, Inc. EIN of Licensee:

D/B/A: Manager: Lester W. Berry

ADDRESS: 48 Main Street CITY/TOWN: Ayer STATE: MA ZIP CODE: 01432

Annual or Seasonal Category: (All Alcohol- Wine & Malt Wine, Malt & Cordials) Type: (Restaurant, Club, Package Store, General On Premises, Etc.)

Complete Description of Licensed Premises:
 Package Store located at 48 Main Street, Ayer, MA
 See attached sketch

Application Filed: Date & Time Advertiser: Date & Attach Publication Abutters Notified: Yes No

Licensee Contact Person for Transaction: Roy W. Pastor, Esquire Phone: (978) 772-0011

ADDRESS: 44 East Main Street CITY/TOWN: Ayer STATE: MA ZIP CODE: 01432

Remarks:

The Local Licensing Authorities By: _____

Alcoholic Beverages Control Commission
 Ralph Sacramone
 Executive Director

ABCC Remarks: _____



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc



**RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
 MONETARY TRANSMITTAL FORM**

**APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL
 LICENSING AUTHORITY.**

ECRT CODE: RETA

CHECK PAYABLE TO ABCC OR COMMONWEALTH OF MA: \$200.00

(CHECK MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL)

CHECK NUMBER

IF USED EPAY, CONFIRMATION NUMBER

A.B.C.C. LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY)

LICENSEE NAME

ADDRESS

CITY/TOWN

STATE

ZIP CODE

TRANSACTION TYPE (Please check all relevant transactions):

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Cordials/Liqueurs Permit | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Transfer of License |
| <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Issuance of Stock | <input type="checkbox"/> New Stockholder | <input type="checkbox"/> Transfer of Stock |
| <input type="checkbox"/> Change of License Type | <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Wine & Malt to All Alcohol |
| <input type="checkbox"/> Change of Location | <input type="checkbox"/> More than (3) §15 | <input type="checkbox"/> Pledge of License | <input type="checkbox"/> 6-Day to 7-Day License |
| <input checked="" type="checkbox"/> Change of Manager | <input type="checkbox"/> New License | <input type="checkbox"/> Seasonal to Annual | |

Other

**THE LOCAL LICENSING AUTHORITY MUST MAIL THIS TRANSMITTAL FORM ALONG WITH THE
 CHECK, COMPLETED APPLICATION, AND SUPPORTING DOCUMENTS TO:**

**ALCOHOLIC BEVERAGES CONTROL COMMISSION
 P. O. BOX 3396
 BOSTON, MA 02241-3396**



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

PETITION FOR CHANGE OF LICENSE

006000022

ABCC License Number

AYER

City/Town

The licensee **AYER PACKAGE STORE, INC.** respectfully petitions the Licensing Authorities to approve the following transactions:

- Change of Manager
- Alteration of Premises
- Pledge of License/Stock
- Cordial & Liqueurs
- Change of Corporate Name/DBA
- Change of Location
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Change of Manager

Last-Approved Manager: **LESTER W. BERRY**

Requested New Manager: **DAVID W. BERRY**

Pledge of License /Stock

Loan Principal Amount: \$ _____ Interest Rate: _____

Payment Term: _____ Lender: _____

Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA: _____

Requested New Corporate Name/DBA: _____

Change of License Type

Last-Approved License Type: _____

Requested New License Type: _____

Alteration of Premises: (must fill out attached financial information form)

Description of Alteration: _____

Change of Location: (must fill out attached financial information form)

Last-Approved Location: _____

Requested New Location: _____

Signature of Licensee

[Handwritten Signature]

(If a Corporation/LLC, by its authorized representative)

Date Signed

6-19-14



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
 www.mass.gov/abcc

MANAGER APPLICATION

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. LICENSEE INFORMATION:

Legal Name of Licensee: Business Name (dba):

Address:

City/Town: State: Zip Code:

ABCC License Number: Phone Number of Premise:
 (If existing licensee)

2. MANAGER INFORMATION:

A. Name: B. Cell Phone Number:

C. List the number of hours per week you will spend on the licensed premises:

3. CITIZENSHIP INFORMATION:

A. Are you a U.S. Citizen: Yes No B. Date of Naturalization: C. Court of Naturalization:

(Submit proof of citizenship and/or naturalization such as U.S. Passport, Voter's Certificate, Birth Certificate or Naturalization Papers)

4. BACKGROUND INFORMATION:

A. Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages? Yes No
 If yes, please describe:

B. Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled? Yes No
 If yes, please describe:

C. Have you ever been the Manager of Record of a license that was issued by this Commission? Yes No
 If yes, please describe:

D. Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):

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

Signature Date

Additional Space

Please note which question you are using this space for.

A large, empty rectangular box with a thin black border, occupying most of the page below the text. It is intended for students to write their answers to the questions.



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 239 Causeway Street
 Boston, MA 02114
www.mass.gov/abcc

PERSONAL INFORMATION FORM

Each individual listed in Section 10 of this application must complete this form.

1. LICENSEE INFORMATION:

A. Legal Name of Licensee	AYER PACKAGE STORE, INC.	B. Business Name (dba)	
C. Address	48 MAIN STREET	D. ABCC License Number (If existing licensee)	006000022
E. City/Town	AYER	State	MA Zip Code 01432
F. Phone Number of Premise	(978) 772-3308	G. EIN of License	

2. PERSONAL INFORMATION:

A. Individual Name	DAVID W. BERRY	B. Home Phone Number	(978) 771-1267
C. Address	12 HARRIS LANE		
D. City/Town	HARVARD	State	MA Zip Code 01451
E. Social Security Number	XXX-66-8125	F. Date of Birth	08/11/1970
G. Place of Employment	AYER PACKAGE STORE, INC.		

3. BACKGROUND INFORMATION:

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

If yes, as part of the application process, the individual must attach an affidavit as to any and all convictions. The affidavit must include the city and state where the charges occurred as well as the disposition of the convictions.

4. FINANCIAL INTEREST:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

Own stock in corporation that owns license.

IMPORTANT ATTACHMENTS (8): For all cash contributions, attach last (3) months of bank statements for the source(s) of this cash.

*If additional space is needed, please use the last page

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

Signature David W. Berry Date 6-19-14

Title PRESIDENT (If Corporation/LLC Representative)



**Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street, First Floor
Boston, MA 02114**

**STEVEN GROSSMAN
TREASURER AND RECEIVER GENERAL**

**KIM S. GAINSBORO, ESQ.
CHAIRMAN**

CORI REQUEST FORM

The Alcoholic Beverages Control Commission has been certified by the Criminal History Systems Board to access conviction and pending Criminal Offender Record Information. For the purpose of approving each shareholder, owner, licensee or applicant for an alcoholic beverages license, I understand that a criminal record check will be conducted on me, pursuant to the above. The information below is correct to the best of my knowledge.

ABCC LICENSE INFORMATION

ABCC NUMBER: <small>(OF EXISTING LICENSEE)</small>	6000022	LICENSEE NAME:	AYER PACKAGE STORE, INC.	CITY/TOWN:	AYER
--	---------	-----------------------	--------------------------	-------------------	------

APPLICANT INFORMATION

LAST NAME:	BERRY	FIRST NAME:	DAVID	MIDDLE NAME:	W
MAIDEN NAME OR ALIAS (IF APPLICABLE):		PLACE OF BIRTH:	Concord, MA		
DATE OF BIRTH:	08/11/1970	SSN:	XXX-66-81	ID THEFT INDEX PIN (IF APPLICABLE):	
MOTHER'S MAIDEN NAME:	Beasley	DRIVER'S LICENSE #:	S07062422	STATE LIC. ISSUED:	Massachusetts
GENDER:	MALE	HEIGHT:	6' 1"	WEIGHT:	200
EYE COLOR:	BROWN				
CURRENT ADDRESS:	12 HARRIS LANE				
CITY/TOWN:	HARVARD	STATE:	MA	ZIP:	01451
FORMER ADDRESS:	5 Calvin Street				
CITY/TOWN:	Ayer	STATE:	MA	ZIP:	01432

PRINT AND SIGN

PRINTED NAME:	DAVID W. BERRY	APPLICANT/EMPLOYEE SIGNATURE:	
----------------------	----------------	--------------------------------------	--

NOTARY INFORMATION

On this 19th day of June 2014 before me, the undersigned notary public, personally appeared DAVID W. BERRY
(name of document signer), proved to me through satisfactory evidence of identification, which were KNOWN TO ME
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that (he) (she) signed it voluntarily for its stated purpose.

NOTARY

DIVISION USE ONLY

REQUESTED BY:	
<small>The DCI Identify Theft Index PIN Number is to be completed by those applicants that have been issued an Identify Theft PIN Number by the DCI. Certified agencies are required to provide all applicants the opportunity to include this information to ensure the accuracy of the CORI request process. ALL CORI request forms that include this field are required to be submitted to the DCI via mail or by fax to (617) 650-4834.</small>	



LISA E. RAMOS
Notary Public
Commonwealth of Massachusetts
My Commission Expires
February 13, 2015

AYER PACKAGE STORE, INC.

CERTIFICATE OF VOTE

BE IT KNOWN, that I, DAVID BERRY, being the duly elected incumbent Secretary of AYER PACKAGE STORE, INC., do hereby certify and affirm that the following is a true extract record of a special meeting of the Directors of the said corporation, duly called for and held on the 22nd day of January, 2014 at the offices of the corporation located at 48 Main Street, Ayer, Massachusetts, a quorum being present and voting and the President in the chair:

Upon Motion, duly made and seconded, it was thereupon, unanimously

VOTED: To accept the resignation of LESTER BERRY as Manager of the Ayer Package Store and to appoint DAVID BERRY as his successor effective upon the approval of the necessary transfer documents by the appropriate licensing authorities.

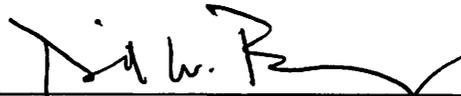
Upon Motion, duly made and seconded, it was thereupon, unanimously

VOTED: That DAVID BERRY is directed to sign, endorse and execute, on behalf of the corporation, any and all documents, instruments or forms necessary and proper to effectuate said transaction.

I further certify that DAVID BERRY is the incumbent President and Treasurer of the Corporation at the date hereof.

Date: 1-22-14

ATTEST:

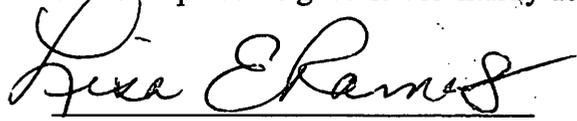


DAVID BERRY, CLERK/SECRETARY
AYER PACKAGE STORE, INC.

Commonwealth of Massachusetts

Middlesex, ss.

On this 22ⁿ day of January, 2014, before me, the undersigned Notary Public, personally appeared **DAVID BERRY, Clerk/Secretary of Ayer Package Store, Inc.**, proved to me through satisfactory evidence of identification which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, personal knowledge of the undersigned, to be the person whose name is signed on the preceding or attached document(s), and acknowledged to me that said person signed it voluntarily for its stated purpose.



Notary Public

My Commission Expires: 2/13/2015



LISA E. RAMOS
Notary Public
Commonwealth of Massachusetts
My Commission Expires
February 13, 2015



MASSACHUSETTS DEPT. OF REVENUE
 PO BOX 7066
 BOSTON, MA 02204



AMY A. PITTER, COMMISSIONER
 MICHAEL J. LIVIDOTI, DEPUTY COMMISSIONER



AYER PACKAGE STORE INC
 48 MAIN ST
 AYER MA 01432-1341

243C

Notice 80619
 T/P ID 042 045 002
 Date 05/22/14
 Bureau CERTIFICATE

OP

CERTIFICATE OF GOOD STANDING AND/OR TAX COMPLIANCE

The Commissioner of Revenue certifies as of the above date, that the above named individual or entity is in compliance with its tax obligations payable under M.G.L. c. 62C, including corporation excise, sales and use taxes, sales tax on meals, sales and use tax on Boats/RV, withholding taxes, room occupancy excise and personal income taxes, with the following exceptions.

This Certificate certifies that individual taxpayers are in compliance with income tax obligations and any sales and use taxes, sales tax on meals, withholding taxes, and/or room occupancy taxes related to a sole proprietorship. Persons deemed responsible for the payment of these taxes on behalf of a corporation, partnership or other business entity may not use our automated process to obtain a Certificate.

This Certificate does not certify that the entity's standing as to taxes such as unemployment insurance administered by agencies other than the Department of Revenue, or taxes under any other provisions of law. Taxpayers required to collect or remit the following taxes must submit a separate request to certify compliance: Alcoholic Beverage Excise, Cigarette Excise, International Fuels Tax Agreement, Smokeless Tobacco or Ferry Embarkation.

THIS IS NOT A WAIVER OF LIEN ISSUED UNDER GENERAL LAWS, CHAPTER 62C, SECTION 52.

Very truly yours,


 Michael J. Lividoti, Deputy Commissioner

Commonwealth of Massachusetts

UNITED STATES OF AMERICA.



CERTIFICATE OF BIRTH

FROM THE RECORDS OF BIRTHS IN THE TOWN OF CONCORD

MASSACHUSETTS, U. S. A.

1. Full Name of Child	David Worthen Berry
2. Date of Birth	August 11, 1970
3. Sex, Color and if Twin	Male
4. Place of Birth	Concord, Massachusetts
5. Residence of Parents	Groton, Massachusetts
6. Name of Father	Philip Dale Berry
7. Occupation of Father	Travel Agent
8. Birthplace of Father	Boston, Massachusetts
9. Maiden Name of Mother ...	Karen Anne Beesley
10. Occupation of Mother	---
11. Birthplace of Mother	Ancon, Panama
12. Date of Record	August 24, 1970

I, Jeannette H. Dahl hereby certify that the records of births required by law to be kept in said Town are in my custody, and that the above is a true extract from the records of births in said Town, as certified by me.

WITNESS my hand and the seal of said Town, on the 29th

day of December 19 86

Jeannette H. Dahl Town Clerk.

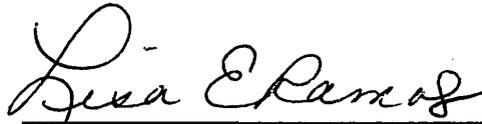
Certification of Copy

Authorized by Executive Order 455(03-13) by Mitt Romney, Governor and published by the Commonwealth of Massachusetts, Executive Department, Office of the Governor's Legal Counsel.

Commonwealth of Massachusetts

Middlesex,ss.

On this 15th day of July, 2014, I certify that the attached document is a true, exact, complete and unaltered copy made by me of the Certificate of Birth of David Worthen Berry



Notary Public

My Commission Expires: 2/13/2015



LISA E. RAMOS
Notary Public
Commonwealth of Massachusetts
My Commission Expires
February 13, 2015

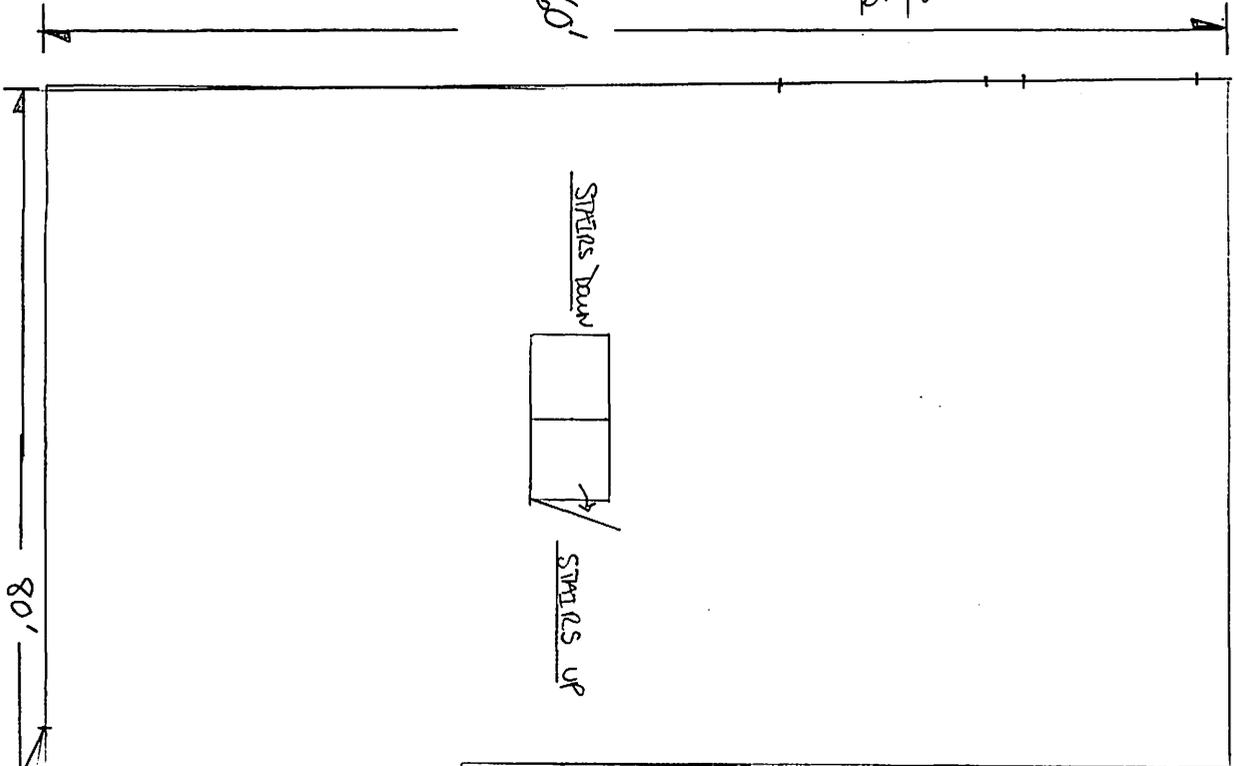
LOADING
DOCKS

60'

STAIRS DOWN



STAIRS UP



80'

48 MAIN STREET

FRONT OF BUILDING

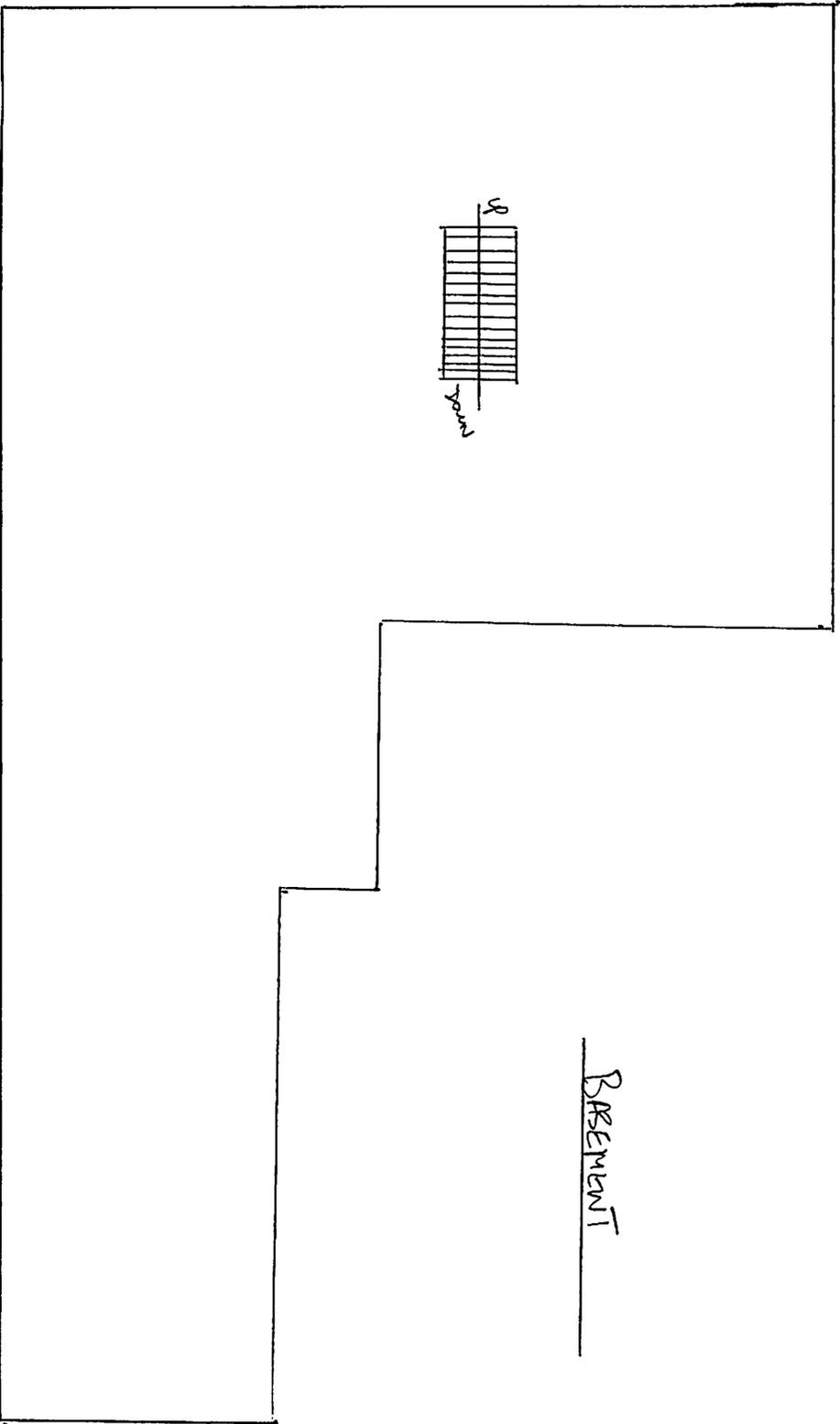
First Floor

DEPOT SQ

AYER & PROWSE STAGE, INC.

48 MAIN STREET, AYER, MA 01432

Scale 1" = 10'



Basement

Porch SQ.

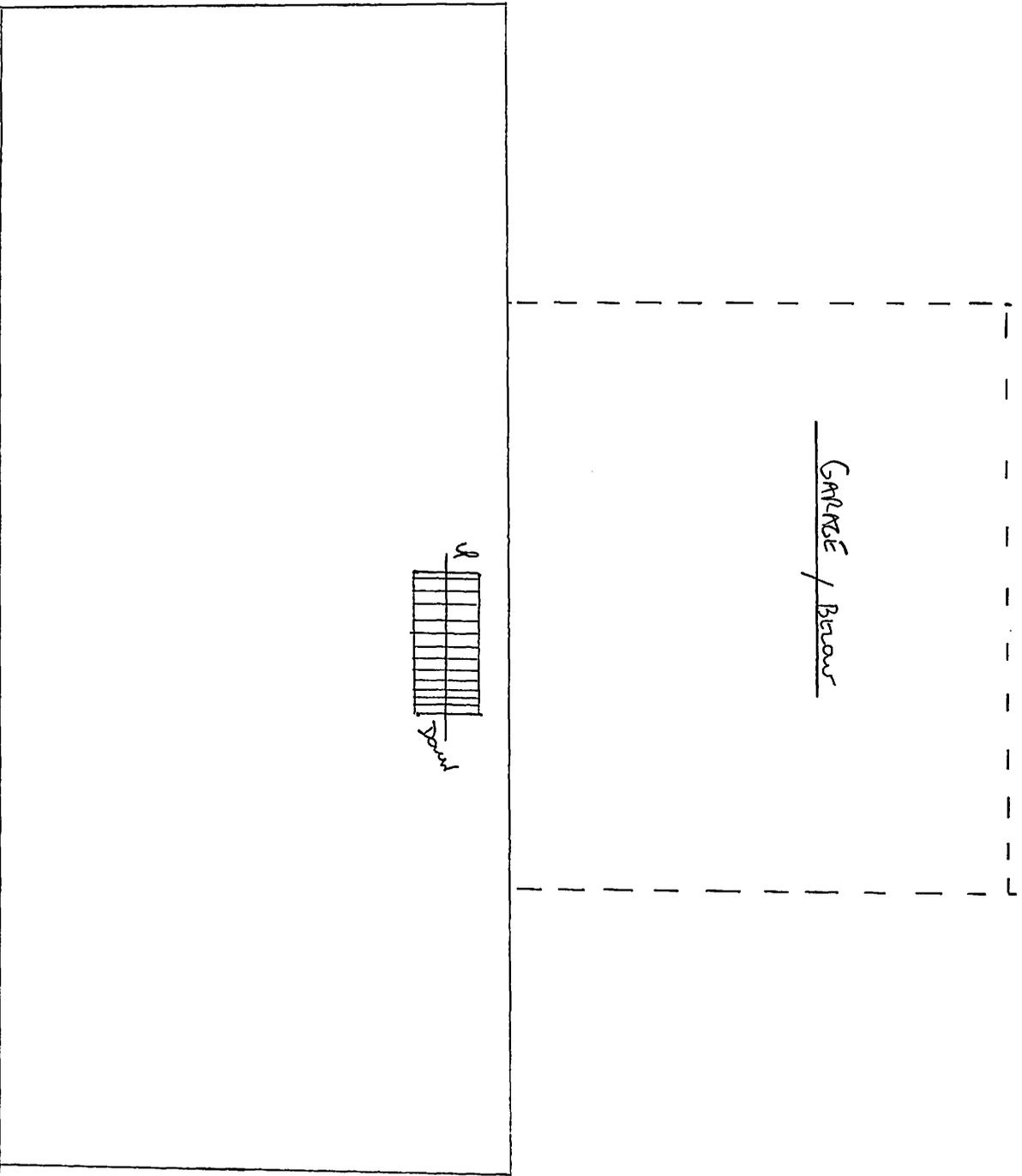
48 Main Street

Front of Building

Avenue Package Store, Inc.

48 Main Street, Ave. MA 01432

Scale $1'' = 10'1''$



48 MAIN STREET, APT. MA 01932

APRIL PRODUCE STORE, INC.
48 MAIN STREET, APT. MA 01932

SCALE $\frac{1/4" = 10'}$

Montachusett Region Hazard Mitigation Plan: Five-Year Plan Update



MRPC Grant Award

- MRPC received funds from FEMA and MEMA to update the regional and community Hazard Mitigation Plans in Fall, 2011
- Kickoff for the plan update process began in January, 2012
- Significant Hazard-related events since initial plans prepared:
 - Ice Storm of December 2008
 - Spring Flooding 2010
 - October 2011 Nor'easter
- *Town of Ayer's Hazard Mitigation Plan Expired: July, 2014*



Disaster Mitigation Act of 2000 ("DMA 2000")

- DMA 2000 provides a source of pre-disaster hazard mitigation funding that will assist...local governments...in implementing effective hazard mitigation measures to ensure the continued functionality of critical services and facilities after a natural disaster.
- Provides the legal basis for FEMA's mitigation plan requirements as a condition for mitigation grant assistance



What is Hazard Mitigation??

- Reduction or alleviation in the loss of life, property and injuries resulting from natural and human-made hazards through long-term strategies.
 - Planning
 - Policy changes
 - Programs
 - Projects



Goals for Developing a Local Hazard Mitigation Plan

- To reduce the potential impact of hazards on:
 - local infrastructure
 - local economy
 - critical facilities
 - local environment
 - private property
 - local historic and cultural treasures
- To improve:
 - protection of the general population from hazards
 - emergency preparedness
 - local disaster response and recovery capability
- To qualify the community for additional Federal funding under several hazard mitigation programs
- To reduce the Town's liability with respect to hazards in general



Hazard Mitigation Plan Update Process

- Re-established Local Multi-Hazard Community Planning Team
- Reviewed each step in Plan's development:
 - Identify Past & Potential Hazards & Critical Facilities
 - Assess Vulnerability and Current Development Patterns
 - Identify and Prioritize Hazard Mitigation Strategies
 - Develop an Action Plan for Implementing Mitigation Strategies
- Adopt and Monitor the Updated Plan



Identify Past and Potential Hazards

- **Flood Related Hazards** – heavy rain, snow melt, dam failure, ice jams
- **Atmospheric Related and Winter Related Hazards** – high winds, hurricanes, tornados, nor'easters, severe thunderstorms, heavy snow, ice storms, and blizzard
- **Other Natural Hazards** – major urban fires, wild fires, beaver dams, drought, and extreme temperatures
- **Geologic Hazards** – earthquakes and landslides



Critical Facilities

- A Critical Facility is a building, structure or location which:
 - is vital to the hazard response effort.
 - maintains an existing level of protection from hazards for the community.
 - would create a secondary disaster if a hazard were to impact
- For the Plan Update, review location of Mapped Critical Facilities.
 - Has anything changed due to new construction, relocation, etc.?



Mitigation Strategy Update

- Did the strategies in the Previously Approved Plan reflect the updated risk assessment?
- Did the strategies lead to mitigation projects and/or changes in policy that helped the Town to reduce vulnerability?
- Did the strategies support any changes to mitigation priorities?
- Are goals and strategies reflective of current State Goals?



Prioritizing the Actions

- ✓ Is it Socially acceptable?
- ✓ Is it Technically feasible and potentially successful?
- ✓ Is it Administratively workable?
- ✓ Is it Politically acceptable?
- ✓ Is there Legal authority to implement?
- ✓ Is it Economically beneficial?
- ✓ Is it Environmentally beneficial?

STAPLEE



Formal Adoption by the Board of Selectmen/City Council

- Demonstrates community commitment to hazard mitigation.
- Educates the public on mitigation actions that will be taken before and/or after a hazard disaster.
- Ensures a long term approach to hazard mitigation.
- Keeps the community qualified for funding under several federal Hazard Mitigation programs



Formal Adoption by the Board of Selectmen/City Council: Process

1. Draft Hazard Mitigation Plan Update presented to Board of Selectmen/City Council for input (*Tonight*).
2. Draft Plan submitted to FEMA/MEMA for review.
3. FEMA/MEMA send "Conditional Letter of Approval" to Chief Elected Official(s) and MRPC
4. MRPC provides "Certificate of Adoption" to Chief Elected Official(s) for official adoption
5. Certification of Adoption returned to MRPC and incorporated into Final Hazard Mitigation Plan Update



Comments and Questions

Send all comments/questions to:

Sam Lawton

MRPC Principal Planner

slawton@mrpc.org

978-345-7376 x319



DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Pamela J. Martin, Office Manager



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

MEMORANDUM

Date: August 12, 2014
To: Board of Selectmen
From: Mark Wetzel, P.E., Public Works Superintendent
Subject: **August 19 Meeting Agenda Items**

1. Change Oder for PJ Albert Inc. - For signature by the Chairman. We have an annual contract with PJ Albert Inc. for our Chapter 90 paving. We have added some additional items, curbing and sidewalks, to the contract. Attached is the unit price change order for granite curbing and 5 foot bituminous sidewalk. These items will be used on the Cambridge Street project that was recently approved by MassDOT. The estimate cost of the sidewalk construction with ADA ramps is \$44,000.
2. Mountain Laurel Road Acceptance- For signature by the Board. Attached are the Acceptance of Deed and Acceptance of Easement forms for signature by the Board and attest by a Notary Public. Also attached is the Deed Form to be executed by the Developer. After the Board has signed, Town Counsel will finalize the recording of the deeds.
3. Pleasant Street & Taft Street Water Main Bid Award. Bids for the replacement water main on Pleasant Street and Taft Street will be opened on Thursday, August 14. If there are no irregularities in the bids, I will recommend that the Board award the bid to the lowest responsible bidder.
4. Sandy Pond Road Traffic Proposal - At the July meeting, I present a traffic calming improvement for Sandy Pond Road. This would involve installing two (on east bound and one west bound) radar speed signs on the road. These signs warn motorist that they are exceeding the speed limit by flashing their current speed. I have contacted a local vendor and the approximate cost for 2 solar powered radar speed signs is \$8,000 (\$4,000 per sign). I am requesting that the board approve funding using the UDAG or other source to purchase the signs. I will coordinate the location with the Chief of Police and the DPW will install and maintain them. These signs will mitigate some of the residents traffic concerns on Sandy Pond Road.
5. Unaccepted Roads Workgroup - As discussed at the July meeting, I have prepared a memo outlining the formation of an Unaccepted Roads Workgroup. I am requesting that the Board approve the formation of the workgroup so that we can begin important process of improving and accepting the roads in Ayer.
6. Private Way Snow Removal Policy - The DPW provides snow and ice removal on most private roads and ways in Town, in accordance with MGL Chapter 40 S6c. We are requesting that the Board consider establishing a policy, that would address issues related to safe access by snow plowing equipment and public safety vehicles. Attached is a draft policy for review and comment.



PH: 978-345-7828 * 800-370-7828 * FAX: 978-345-1425
 P.O. BOX 2165 * FITCHBURG, MASSACHUSETTS 01420-0013

CHANGE ORDER

Date: 7/15/2014
 Owner: Town of Ayer
 Contractor: P.J. Albert, Inc.
 Project name: Town of Ayer/ FY13-15
 Change order number: #1

Original contract date:

THE FOLLOWING CHANGES ARE REQUESTED TO THIS CONTRACT:		
Item 505	VA5 Straight Curbing Delivered & Installed:	\$40.00 If 6" Wide
Item 505.1	VA5 Curved Curbing Delivered & Installed:	\$47.00 If 6" Wide
Item 506	VB Straight Curbing Delivered & Installed:	\$34.00 If 5" Wide
Item 506.1	VB Curved Curbing Delivered & Installed:	\$42.00 If 5" Wide
Asphalt Sidewalk: Excavate, Install Gravel as needed, Fine Grade		
& Compact-Install 1.5" Binder Course & 1.50" Top Course:		\$21.00 If based on a 5' Wide Sidewalk

The original contract sum was: N/A
 Net amount of previous change orders: N/A
 Total original contract amount plus or minus net change orders: N/A
 Total amount of this change order: N/A
 The new contract amount including this change order will be: N/A
 The contract time will be changed by the following number of days: N/A
 The date of completion as of the date of this change order is: N/A

Contractor:
 P.J. Albert, Inc.

Owner:

Company name
 P.O. Box 2165

Name

Address
 Fitchburg, MA 01420

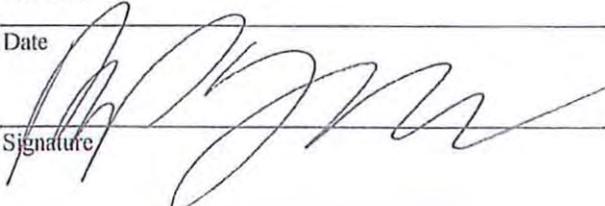
Address

City, State, Zip
 7/15/2014

City, State, Zip

Date

Date

Signature


Signature

RETURN TO:

Shirin Everett, Esq.
Kopelman and Paige, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110

QUITCLAIM DEED

Sandy Pond Estates LLC (the “Grantor”), having an address of 2 Bridgeview Circle, Tyngsborough, Massachusetts 01879,

In Consideration of One Dollar and 00/100 (\$1.00) paid,

Grants to the **Town of Ayer** (the “Town”), a Massachusetts municipal corporation, having an address of _____, Ayer, Middlesex County, Massachusetts

with **QUITCLAIM COVENANTS**

The fee in and to the parcel of land situated in Ayer, Middlesex County, Massachusetts, on the northerly side of Sandy Pond Road, being the subdivision roadway shown as “Mountain Laurel Road” (the “Roadway Premises”) on a plan of land entitled: “Roadway As-Built Plan, Mountain Laurel Road, Ayer, Massachusetts” prepared for Ranger Development, 2 Bridgeview Circle, Tyngsborough, MA, dated March 17, 2014, by Pennoni Associates Inc. Scale 1” = 40’ which plan is recorded herewith (the “Plan”). Reference is hereby made to said Plan for a more particular description of said roadway. Hereby also conveying all water, sewer, and drainage facilities located within said Roadway.

[such rights are implicit with the transfer of the fee to the road – don’t need that spelled out]The Grantor warrants that the Roadway and the sanitary sewer or sewers and other appurtenances, water pipes, conduits and their appurtenances and the stormwater drain or drains are free and clear of all liens or encumbrances, that it has good title to transfer the same, that it will defend the same against claims of all persons.

Also conveying the following rights and easements:

Mountain Laurel Road, Ayer, MA

- (a) Perpetual rights and easements for purposes of protecting public health, safety, and welfare for the proper control of wastewater and sewage within the land shown on said Plan, to enter upon, maintain, repair, and replace the equipment, structures, or features, associated with the municipal sewer line which may be situated within the roads shown on said Plan and within the Lots shown thereon and within ten (10') feet of all sides of sewer lines and related infrastructure installed within the Lots (the "Sewer Easement Premises"), and to do all things necessary and proper to accomplish the proper use, maintenance, repair, and replacement of portions of the sewer infrastructure which may be situated now, or in the future, within said easement areas for sewer purposes, it being recognized, however, that Grantee shall have no obligation with respect to any wastewater and sewage facilities located within any of the lots shown on the Plan, which shall be and remain the obligation of the respective lot owners;

- (b) The permanent right and easement, for the purpose of protecting public health, safety and welfare through the proper control of drainage within the land shown on the Plan, to enter upon, maintain, repair, replace, place material within, under or over those certain areas, features and infrastructure within those portions of Lots 1, 17, 19, and 21A that are shown as "Drainage Easement" on the Plan (the "Drainage Easement Premises"). Said Drainage Easement Areas may be used for all purposes for which storm water drainage easements are commonly used in the Town of Ayer including, without limitation, the installation, inspection, repair, removal, relocation, and replacement of drainage features, structures or infrastructure. Grantor agrees that no permanent structures shall be placed, and no trees shall be planted, within said Drainage Easement Areas which would impair the rights as described herein. Reference is hereby made to the Plan for a more particular description of the Drainage Easement Areas. Hereby also intending to confirm the easements that were conveyed to the Town by Drainage Easement recorded with the Middlesex South District Registry of Deeds in Book 33901, Page 104. See also instrument recorded in Book 44659, Page 151; and

- (c) The perpetual right, but not the obligation, to locate, relocate, construct, reconstruct, remove and abandon in place within those portions of Lots 7 and 8 shown as "Utility Easement" (the "Utility Easement Premises") on the Plan underground water mains, pipes, pipelines, wires, conduits and connections, and any and all other necessary fixtures or facilities appurtenant thereto, all in accordance with the terms set forth in, and hereby intending to confirm the easements that were conveyed to the Town under, the Grant of Waterline Easement recorded with said Deeds in Book 42658, Page 466. See also instrument recorded in Book 44659, Page 151.

- (d) The perpetual grading easements on Lots 13A, 14A, 15A, 18A, 26A, and 27A as shown on the Plan (the "Grading Easement Premises"), in accordance with the terms set forth in, and hereby intending to confirm the easements granted under, the Grading Easement recorded with said Deeds in Book 33901, Page 103 and confirmed in Book 42658, Page 459. See also instrument recorded in Book 44659, Page 151.

The Town shall have the right of entry upon and passage over said Roadway and the Sewer Easement Premises, the Drainage Easement Premises, the Utility Easement Premises, and the

Grading Easement Premises (collectively, the "Easement Premise") by foot and motor vehicle, including heavy equipment, from time to time, for all purposes and uses incidental thereto. The Town shall have the right to remove any structures, objects or vegetation (including trees and shrubs) from the Easement Premises as may be necessary or convenient to exercise the easements taken hereunder. No temporary or permanent buildings, structures or other objects shall be constructed, installed or placed upon the Easement Premises.

The Roadway and the foregoing easements are hereby conveyed subject to and with the benefit of the rights of others to use said rights of way, the matters shown on said plans and all easements, encumbrances and reservations of record including:

1. The Certificate of Approval of a Modification of an Approved Definitive Subdivision, which also incorporates prior approval, dated May 3, 2001 recorded with said Registry of Deeds at Book 33901, Page 088.
2. A Covenant for Subdivision recorded at Book 42658, Page 470.
3. A Declaration of Easements, Restrictions and Covenants recorded at Book 42658, Page 461.
4. A Confirmatory Grading Easement recorded at Book 42658, Page 459.
5. A Drainage Easement recorded at Book 33901, Page 104.
6. A Grant of Waterline Easement recorded at Book 42658, Page 466.
7. An Order of Conditions recorded at Book 33901, Page 090, as affected by Extension Permit recorded at Book 43025, Page 595.
8. A MA Endangered Species Act (G.L. c.131A) Conservation and Management Permit recorded at Book 44444, Page 345.
9. All matters shown on the subdivision plan entitled "Definitive Subdivision and Lot Line Adjustment Plan for Map 23 Lot 1 & Map 16 Lots 7 & 8 County of Middlesex" by Jones & Beach Engineers, Inc., which plan is dated December 4, 2000 (Rev. January 17, 2001) and recorded with the Registry as Plan 1065 of 2001 in Book 33901, Page 86, together with the Easement Plan recorded therewith as sheet 2.
10. All easements, restrictions and matters shown on the ANR Plan recorded as Plan No. 215 of 2005 and on the Easement Plan recorded therewith as Plan No. 216 of 2005, including without limitation the certain grading easement located to the Westerly side of such 14A and being shown on the Easement Plan as "Grading Easement 5,428 S.F. 0.12 AC.
11. A Modification to Clarify Easements, Declaration of Restrictive Covenants, and Covenant for Subdivision recorded at Book 44659, Page 151.

12. Declaration of Common Scheme Restrictions for Sandy Pond Estates, Ayer, Massachusetts recorded at Book 46656, Page 512.
13. Typical and customary easements granted Sandy Pond Estates LLC to such public or municipal service providers for the installation, maintenance and provision of electric, water, sewer, gas, telephone, cable and other similar utility services and lines within the subdivision and easements for such utility lines as have been installed within the Subdivision, including without limitation:
 - a. Easement to Verizon New England Inc. recorded at Book 44693, Page 542;
 - b. Easement to Massachusetts Electric Company recorded at Book 45414, Page 252; and
 - c. Easement to Comcast of Massachusetts II, Inc. recorded at Book 45617, Page 517.
14. Subject to the rights of owners of the lots and the units within the subdivision to pass and repass upon the streets and ways for all purposes for which streets and ways are commonly used in the Town of Ayer.
15. All easements and encumbrances shown on the Plan.

This is not a conveyance of all or substantially all of the assets of the Grantor.

For Grantor's title see deed of C&F Builders, Inc. dated February 16, 2005, recorded with the Middlesex South District Registry of Deeds at Book 44659, Page 162. See also Declaration of Easements, Restrictions and Covenants recorded at Book 42658, Page 461 and Modification to Clarify Easements, Declaration of Restrictive Covenants, and Covenant for Subdivision recorded at Book 44659, Page 151.

The Town's Acceptance of this Deed, and Town Meeting vote authorizing said acceptance, is attached hereto and recorded herewith.

[Signatures Appear on the Following Page(s)]

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed and its seal affixed hereto by David Murray, its Manager, this _____ day of _____, 2014.

Sandy Pond Estates LLC

David Murray, its Manager

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

On this _____ day of _____, 2014, before me, the undersigned notary public, personally appeared David Murray, proved to me through satisfactory evidence of identification, which was one of the following (check applicable box): a driver's license; a valid passport; personally known to be the person whose name is signed on the preceding or attached document; or other _____, and acknowledged to me that he signed it voluntarily for its stated purpose as Manager for **Sandy Pond Estates LLC**, a Massachusetts limited liability company.

Notary Public
My Commission Expires:

ACCEPTANCE OF DEED

Pursuant to the authority granted by the vote taken under Article 36 _____ of the Ayer Town Meeting of May 12, 2014, a certified copy of which is attached hereto, G.L. c. 82, §21-24, and every other authority appertaining, we, the undersigned Board of Selectmen of the Town of Ayer, Massachusetts hereby accept the foregoing Deed from Sandy Pond Estates LLC with respect to "Mountain Laurel Road."

Executed under seal this ____ day of _____, 2014.

TOWN OF AYER
By Its Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

On this _____ day of _____, 2014, before me, the undersigned notary public, personally appeared _____, member of the Ayer Board of Selectmen, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Ayer.

Notary Public
My Commission Expires:

ACCEPTANCE OF DEED

The Town of Ayer, acting by and through its Board of Selectmen pursuant to the vote taken under Article 36 of the Ayer Town Meeting of May 12, 2014, a certified copy of which is attached hereto, G.L. c. 82, §21-24, G.L. c.83, §1, G.L. c.83, §4, and G.L. c. 40, §39B, hereby accepts the easements granted to the Town by instruments recorded with the Middlesex South District Registry of Deeds in Book 42658, Page 459, Book 33901, Page 104, and Book 42658, Page 466, as modified by instrument recorded in Book 44651, Page 151.

Executed under seal this ____ day of _____, 2014.

TOWN OF AYER
By Its Board of Selectmen

COMMONWEALTH OF MASSACHUSETTS

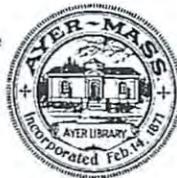
Middlesex, ss.

On this ____ day of _____, 2014, before me, the undersigned notary public, personally appeared _____, member of the Ayer Board of Selectmen, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Ayer.

Notary Public
My Commission Expires:

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel P.E., Superintendent
Pamela J. Martin, Office Manager



Water Division

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

August 14, 2014

Board of Selectmen
Town of Ayer
Town Hall
1 Main Street
Ayer, MA 01432

RE: Pleasant Street and Taft Street Water Main Replacement

Dear Board Members:

The Department of Public Works opened bids for the Pleasant Street and Taft Street Water Main Replacement on August 14, 2014. A total of 7 bids we received with the following results:

Boucher Construction Corp.	\$222,211.66
Commonwealth Construction and Utilities	\$223,054.56
N Granese & Sons inc.	\$227,954.35
JJ Phelan & Sons, Inc	\$236,357.75
Moriarty & Sons Inc.	\$236,704.30
N Cibotti Inc.	\$245,802.70
Blue Diamond Equipment	\$257,514.30

Based on the our review of the bids and the Contractor's Experience Statement , I recommend that the Town award the contract to Boucher Construction Corp. Attached is the Notice of Award. If you concur with this recommendation, I will notify the contractor and have them prepare contracts, bonds and insurance certificates for execution by the Board.

Should you have any questions or comments, please do not hesitate to contact me.

Regards,

AYER DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E.
Superintendent



**SECTION 00810
NOTICE OF AWARD**

Dated August 19, 2014

Project:	Owner: Town of Ayer	Owner's Contract No.:
Contract: Pleasant Street And Taft Street Water Main Replacement	Engineer's Project No.:	
Bidder: Boucher Construction Corp		
Bidder's Address: (send Certified Mail, Return Receipt Requested)		
435 Lancaster Street		
Leominster MA 01453		

You are notified that your Bid dated August 14, 2014 for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for **Pleasant Street And Taft Street Water Main Replacement**

The Contract Price of your Contract is Two hundred and twenty two thousand two hundred and eleven dollars and sixt six cents (\$222,211.66) based on the unit prices submitted in your bid.

Four copies of each of the proposed Contract Documents (except Drawings) accompany this Notice of Award.

You must comply with the following conditions precedent within **Five** days of the date you receive this Notice of Award.

1. Deliver to the Owner **four** fully executed counterparts of the Contract Documents.
2. Deliver with the executed Contract Documents the Contract security [Bonds] as specified in the Instructions to Bidders and General Conditions.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

Owner

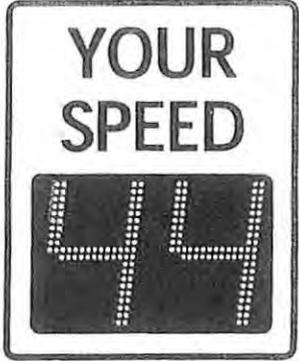
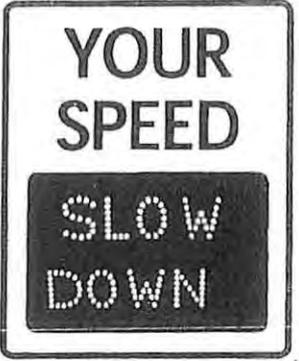
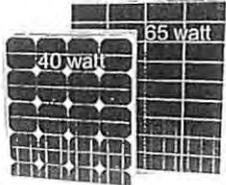
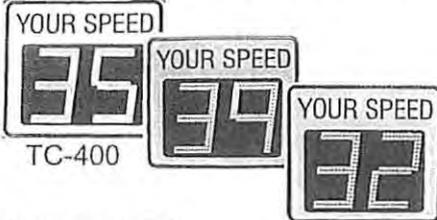
By: _____
Authorized Signature

Title

radarsign™
MAKING ROADS SAFER

2014 Product Catalog



RADAR SPEED SIGNS		
Part # TC1000A	AC Powered Radar Speed Sign with two digit 17" LED display <ul style="list-style-type: none"> - Operates 24/7 with AC power supply - Hard wire to 100V-240V power supply - 36"w x 44"h YOUR SPEED faceplate with 6" lettering - Stainless steel mounting bracket set, up to 4.5" diameter - 3/8" aluminum Bashplate™ provides maximum vandal resistance - Bluetooth® wireless transmitter 	 <p>TC-1000</p> 
Part # TC1000S	Solar Powered Radar Speed Sign with two digit 17" LED display <ul style="list-style-type: none"> - Provides years of uninterrupted service - Operates up to 2+ weeks on a full charge - Includes two 12-volt AGM batteries - 36"w x 44"h YOUR SPEED faceplate with 6" lettering - Stainless steel mounting bracket set, up to 4.5" diameter - 3/8" aluminum Bashplate™ provides maximum vandal resistance - Bluetooth® wireless transmitter 	
SLOW DOWN Alert Message SLOW DOWN alert message is a feature on all TC-1000 models. The driver speed will flash within the programmed speed range. The SLOW DOWN message can also be displayed as well.		
SOLAR PANELS		
Part # AA018 (panel) AA002 (bracket)	65 Watt Solar Panel (with pole mounting bracket) All TC-500 models include a 40 watt solar panel and can be upgraded to a 65 watt solar panel. Recommended for locations in northern latitudes and for sites where traffic volume is very high (>10,000 vehicles per day).	
YOUR SPEED FACEPLATES		
Part # RS010 RS011 RS012	TC-400 Your Speed Sign, 24" x 21" w/ 3" lettering; White Your Speed Sign, 24" x 21" w/ 3" lettering, Fluorescent Yellow Your Speed Sign, 24" x 21" w/ 3" lettering, Safety Orange	
RS008 RS009 RS007	TC-500 Your Speed Sign, 24" x 26" w/ 4" lettering, White Your Speed Sign, 24" x 26" w/ 4" lettering, Fluorescent Yellow Your Speed Sign, 24" x 26" w/ 4" lettering, Safety Orange	
RS015 RS017	TC-1000 Your Speed Sign, 36" x 44" w/ 6" lettering, White Your Speed Sign, 36" x 44" w/ 6" lettering, Fluorescent Yellow	

PRIVATE WAY SNOW REMOVAL POLICY

Town of Ayer, MA Board of Selectmen Adopted _____

Minimum standards for private ways to be eligible for emergency winter maintenance, consisting of snow plowing and sanding only, in accordance with Massachusetts General Law Chapter 40 Section 6c; adopted by The Board of Selectmen, _____ .

The following standards were compiled in an effort to address snow and ice removal operations on private roads/ways in the Town of Ayer, Massachusetts. In particular, surface conditions, widths, clearances, and roadside obstacles are identified as obstructions to safe, cost-effective snow and ice removal operations. These issues inhibit emergency response for rescue personnel and can cause considerable damage to snow plow equipment. In some cases, damaged vehicles/equipment may need to be removed from the snow removal effort. Some of these items cause delays in the removal process, which in turn causes delays in our efforts in other parts of town.

The minimum standards are as follows:

1. The DPW will perform yearly inspections of all private roads. Inspections will be completed by August 31st of each year. Results (i.e. failed roads/ways) will be posted on the Town Website in September. Re-inspection of failed roads/ways will be completed by November 1st of each year providing ample time to address deficiencies. The residents / property owners will be required to make repairs. When the PRIVATE WAY SNOW REMOVAL POLICY repairs are completed the DPW will, upon request, re-inspect a roadway to ensure that it complies with standards and notify homeowners of their findings. When all minimum standards are met plowing and sanding services will be provided. Substandard roads/ways will not be plowed.
2. The minimum travel width shall be ten (10) feet.
3. Roadside clearances shall be two (2) feet from the edge of pavement on each side. Vertical clearance shall be no less than twelve (12) feet along the traveled portion of the road.
4. All roadways (paved and unpaved) shall be free of defects (potholes or rutting) exceeding three (3) inches in depth. All potholes shall be filled to the approximate level of the surrounding roadway.
5. All private roads/ways shall have a visible street sign and be open to the public.
6. There must be ample room for an emergency vehicle to turn around if the road is a dead end. Space at the end of the road should be of sufficient size for emergency vehicles or town snowplows to be able to turn around in a safe manner.
7. Manhole covers, catch basins and roots shall be at or below grade.

8. The entire length of road/way shall meet these standards. Sections of the road/way, beyond a location where any of these standards are not met, will not be plowed.

9. The Town of Ayer, its employees or sub contractors shall not be held liable for any damage to private property improvements while performing snow removal operations. Improvements such as, but not limited to, stone walls, fences, irrigation lines, cobblestones, mailboxes, lawns, shrubs or trees adjacent to the way and damaged as a result of snow removal operations will not be repaired or replaced by the Town or its agents.

The minimum standards outlined above are meant to serve as a guideline. It is understood that there will be exceptions to these standards. Exceptions will be determined on a case-by-case basis, and must be in keeping with the general intent of this policy.

The failed or deficient roads will be posted as described in the aforementioned plan. However all roads will be plowed during the winter of 2014/2015. We will again re-inspect these roads in the summer of 2015, following the procedure as laid out in the plan; and only plow those roads that meet these guidelines.

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Pamela J. Martin, Business Manager

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

Memorandum

Date: August 19, 2014
To: Ayer Board of Selectmen
From: Mark Wetzel P.E., Public Works Superintendent
Re: Unaccepted Roads Workgroup

From time to time, residents contact the DPW or Selectmen requesting repairs or improvements to their street only to learn it is unaccepted or private and that repairs cannot reasonably be undertaken under Massachusetts General Law. In addition, the Town receives Chapter 90 road maintenance money based on the miles of accepted roads in the Town. The Town does not have an existing policy, procedure and priority for repairing and / or accepting these unaccepted roads.

Based on information compiled by former DPW Superintendent Dan Nason, Ayer has approximately 10,000 feet of private or unaccepted roads. There are additional roads, whose status with either MassDOT or the Town is unclear. I recommend that the Town form a workgroup of active citizens and key staff to address this issue and make recommendations for methods, priorities and policies for improving and accepting streets.

The proposed tasks of the workgroup include:

1. Review Street Inventory and develop an accurate list of unaccepted/private roads and characteristics
2. Prioritize the list for accepting / improving roads based on public safety, maintenance costs, required improvements and cost, legal issues and effort to upgrade and accept.
3. Investigate methods to fund required improvements, including a street betterment policy.
4. Document the process for residents to have their road accepted or repaired
5. Prepare a draft bylaw for Repairs to Private Ways in accordance with MGL C40 S6N.
6. Recommend how to communicate to the residents the results of this study

This process will include public participation, including public input meetings and use of social media to communicate status and activities of the workgroup.

I recommend that the workgroup consist of the following:

DPW Superintendent / Town Engineer
Member of Board of Assessors
Member of Planning Board
3 residents (including one private road resident, one unaccepted subdivision road resident

Schedule- This is a major project and will require assistance and support from other Town staff and Town Counsel. I propose the following schedule:

Workgroup kick-off meeting	mid September 2014
Complete inventory	January 2015
Public meeting	February 2015
Presentation to Town Meeting	May 2015
Complete report	August 2015
Implement recommendations	Fall Town Meeting 2015

Workgroup Study Outline

1. Existing Conditions, Issues and Community Needs
2. Inventory of Accepted, Unaccepted and Private Roads
3. Massachusetts General Laws / Ayer Policies and Bylaws
4. Condition and Cost To Repair Roads
5. Funding Road Improvements
6. Street Acceptance Standards
7. Street Improvement Funding
8. Street Acceptance Guidance
9. Recommendations

Town of Ayer

Department of Planning & Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8221 ♦ 978-772-8208 (fax)



MEMORANDUM

TO: Board of Selectmen

FROM: David Maher, Director DPD

DATE: August 12, 2014

RE: BOS Approval of Chairman's Signature for Documents for
FY11 EDF Grant

The Office of Community Development is requesting approval, per DHCD suggestion and direction, by the Ayer Board of Selectmen to re-open the FY11 CDBG Housing Rehab Grant and the approval of a budget for Rehabilitating an additional 2 to 3 housing units.

Due to the fact in recent months, the Ayer Office of Community Development Has recaptured grant funds that can be used to re-capitalize the Program Income account totaling \$70,937.71. In order to utilize these funds, DHCD requires us to spend the Program Income money through an existing grant. It is our recommendation, with DHDC approval, that the Town re-opens the FY11 CDBG Housing Rehab Grant and uses this money to Rehab additional houses within the community.

Please find attached the CDBG grant amendment form for the approval of the extension and budget and an email from Mark Southard, Deputy Director, and DHCD which is supporting these efforts of the Ayer Office of Community Development.

David Maher
Director, Community and Economic Development

Cc Alicia Hersey, Robert Pontbriand

Request the Board of Selectmen approve signature by the Chairman on attached documents for FY11 CDBG grant Extension and Budget.

Town of Ayer

Department of Planning & Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8221 ♦ 978-772-8208 (fax)



MEMORANDUM

TO: Board of Selectmen, Robert Pontbriand

FROM: David Maher, Director DPD
Alicia Hersey

DATE: August 12, 2014

RE: BOS Approval of FY15 CDBG Grant Public Input Process

Honorable Board members:

In preparation for the 2015 DHCD State grant cycle, our office is preparing to proceed with the FY 15 Grant Application Public Input Process. We are proposing three Public Hearings for citizens to discuss the current Community Development Strategy, future needs and additions to the CDS to include the Town's current and future priorities and needs based on these meetings.

These Public Hearings would be held on September 3rd, Sept. 9th and Sept. 24th. Simultaneously we will be meeting with other Town Boards and Commissions to review the Town's CDS and gain their input. Per DHCD and grant submission protocol, the Office must inform the BOS of its intention and have the support of the Board to move forward.

Our intention is to make a report back to you at your October 7th meeting.

David Maher
Director, Community and Economic Development

Request the Board of Selectmen approve by vote the FY15 CDBG Public Input Process.

Town of Ayer

Department of Planning & Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8221 ♦ 978-772-8208 (fax)



MEMORANDUM

TO: Board of Selectmen, Robert Pontbriand
FROM: David Maher, Economic & Community Development
DATE: August 12, 2014
RE: Expansion of Community Development Hours

Members of the Ayer Board of Selectmen:

The Offices of Economic and Community Development are currently in the process of opening the FY11 CDBG Grant, developing a FY15 CDBG Grant application, administering the current SAMSHA Drug Court Mental Health Grant, supporting Habitat for Humanity project on Central Ave., as well as our general daily activities in support of community and housing issue. I am requesting an expansion of hours for Alicia Hersey in the Community Development office to support all of this activity.

At this time I am requesting the Board approve the following funding of the Community Development Office.

CDBG Program Income	16 hours per week
Economic Development	8 hours per week

This would be a total of 24 hours a week, 4 – 6 hour days. At 24 hours a week this would move Ms. Hersey into a benefited position. It should be noted that the Office of Community Development was administered by a benefited Union full time position (which was predicated on available grant funding). Two thirds of the fringe benefits for this position would be covered by the CDBG Program Income or re-capitalized grant money.

At this time Ms. Hersey does not need Insurance coverage and the Fringe expense will be minimal. Especially due to the increase of activity for our already busy Community Development office, I am looking for approval by the BOS for these expanded hours of the Community Development Office for the current administrator, Ms. Hersey.

In my capacity as Director, I have made Ms. Hersey aware that these expanded hours and full-time status is completely depended on available CDBG funds including those we currently have and those we will be working to be awarded and she is aware of that financial background.

Thank you for your support of this matter.

David Maher
Director, Community and Economic Development

Board of Selectmen

MEETING TUESDAYS AT 7:00 P.M. • UPPER TOWN HALL • 1 MAIN STREET • AYER, MASSACHUSETTS 01432



Tel. (978) 772-8220
Fax. (978) 772-3017

Town Administrator
(978) 772-8210

MEMORANDUM

DATE: August 14, 2014

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: Town Administrator's Report for August 19, 2014 BOS Meeting

Dear Honorable Selectmen,

I offer the following Administrative Summary for the Town Administrator's Report for the August 19, 2014 BOS Meeting:

Report from Executive Session(s) per OML

- In accordance with the provisions of the Open Meeting Law, I will offer a brief oral report out of the past three Executive Sessions of the Board those votes which are no longer Executive Matters (Resolution of the DPW Office/Business Manager Grievance); (Terms of the Employment Contract of the Benefits and Payroll Manager; Note: Contract already on the Town Website).

Review of MGL Chapter 61 as it Relates to Pleasant Street Extension Project

- Upon recommendation of Town Counsel, respectfully, the Board should review, deliberate, and make a decision based on the attached Memo from Town Counsel regarding the issue(s) of MGL Chapter 61 as it relates to the Pleasant Street Extension Project (See Attached).

Award of Town Hall Windows Replacement Contract

- The Board is respectfully requested to award the Town Hall Windows Replacement Contract in the amount of \$159,618.00 to Renewal By Andersen.
- The Town advertised the RFP in accordance with MGL in the Lowell Sun, on the Town's website, and in the Secretary of State's Central Register. Six firms took out the RFP, only one firm returned the completed RFP. The non-price proposals were opened on July 25, 2014 by the Town Administrator. The non-price proposals were reviewed by the

Evaluation Team (Chief Pedrazzi; Town Administrator; and Mr. Sherman) on July 30, 2014. At the conclusion of the evaluation of the RFP, the Evaluation Team opened the price proposal. Renewal by Andersen not only met all of the Town's RFP criteria and was deemed to be responsive and responsible but their price of \$159,618.00 was lower than the \$168,000.00 approved by Town Meeting for the project on May 12, 2014. (See Attached)

Opening of the Fall Town Meeting Warrant

- The Board is respectfully requested to vote to open the Fall Town Meeting Warrant. The Fall Town Meeting will take place on Monday, October 27, 2014 at 7pm in the Great Hall of the Ayer Town Hall. The deadline for the submission of Citizens Petitions to the Town Clerk's Office will be Friday, October 3, 2014 at 12:30pm.

MJTC Appointment

- The Town's two appointed representatives to the Montachusett Joint Transportation Committee are Ms. Pauline Hamel (Appointed by the BOS) and Mr. James Luchessi (Planning Board Representative).
- The MJTC has asked each of its Member Communities to declare who the Town's primary, voting representative shall be. (See Attached).
- It is respectfully requested that the Board vote to designate Ms. Pauline Hamel as the Town's primary voting representative to the MJTC.

MNHG Appointment

- It is respectfully requested that the Board vote to appoint Mr. Kevin Johnston, Benefits and Payroll Manager as the Town's primary representative to the Minuteman Nashoba Health Group (MNHG). (Note: The Town Administrator serves as the alternate representative).

Old Fire Station Appraisal

- In accordance with the provisions of MGL Chapter 30B, before the Town can complete the sale of the Old Fire Station, the Town is required to conduct an independent appraisal of the Old Fire Station.
- The Board is respectfully requested to vote to authorize \$1,800.00 from the Town's UDAG Account (Recycled Funds) for the purposes of an independent appraisal of the Old Fire Station at 14 Washington Street and to authorize the replenishment of the \$1,800.00 to the Town's UDAG Account from the proceeds of the sale of the Old Fire Station.



KOPELMAN AND PAIGE, P.C.
The Leader in Municipal Law

101 Arch Street
Boston, MA 02110
T: 617.556.0007
F: 617.654.1735
www.k-plaw.com

August 14, 2014

Brian J. Winner
bwinner@k-plaw.com

Hon. Christopher R. Hillman and
Members of the Board of Selectmen
Ayer Town Hall
One Main Street
Ayer, MA 01432

Re: Pleasant Street – Conversation of Chapter 61 Forest Land

Dear Members of the Board of Selectmen:

I am writing regarding the above mentioned property, classified as forest land under G.L. c.61, which is currently subject to an application for approval of a preliminary subdivision plan. I am writing to request your instructions as to how to proceed in light of the fact that the property has been sold and/or is being converted from forest land in apparent violation of G.L. c.61, more particularly without a Notice of Intent to Sell and/or Convert and an opportunity for the Town to consider its right of first refusal.

The location of the proposed subdivision is composed of three parcels, Lot 106 Map 12, Lot 1 Map 12 and Lot 9 Map 13, totaling approximately 44.1 acres. I am informed that each of these lots has been classified as forest land under G.L. c.61 since at least 1996, that appropriate liens were recorded at such time, and that they are still classified as such at present and at least continuing through Fiscal Year 2015. I am also informed that on January 15, 2014 two of these lots, Lot 9 Map 13 and Lot 106 Map 12, were deeded from the Pleasant Street Realty Trust to Riley Jayne Farm, LLC for a recited purchase price of \$750,000. Riley Jayne Farm, LLC was created on October 25, 2013 to “engage in investment in, and ownership and development of, real estate...including buying, acquiring, owning, operating... interests in real estate...” according to the Secretary of the Commonwealth’s records. The third lot, Lot 1 Map 12, remains owned by Cowfield Trust, its legal owner since 1995. Recently the Town received an application for approval of a preliminary subdivision plan on behalf of both Riley Jayne Farm, LLC and Cowfield Trust. That plan proposes 34 lots across all three parcels.

The provisions of G.L. 61, §8 address a right of first refusal of a municipality for property in that municipality classified as forest land. The statute states, states in relevant part:

Land taxed under this chapter shall not be sold for, or converted to, residential...use while so taxed... unless the city or town in which the land is located has been notified of the intent to sell for, or to convert to, that other use... Any notice of intent to sell for other use shall be accompanied by a statement of intent to sell, a statement of proposed use of the land, the location and acreage of land as shown on a map...and the name, address and telephone number of the landowner... Any notice of intent to convert to other use shall be

KOPELMAN AND PAIGE, P.C.

Hon. Christopher R. Hillman and
Members of the Board of Selectmen
August 14, 2014
Page 2

accompanied by a statement of intent to convert, a statement of proposed use of the land, the location and acreage of land as shown on a map... The notice of intent to sell or convert shall be sent by the landowner, by certified mail or hand-delivered, to the... board of assessors, to its planning board and conservation commission.... For a period of 120 days after the day following the latest date of deposit in the United States mail of any notice which complies with this section, the city or town shall have, in the case of intended sale, a first refusal option to meet a bona fide offer to purchase the land.

In addition to the above right of first refusal, there are other implications of removing or disqualifying land from G.L. c.61 classification, including an obligation for the payment of roll back taxes under G.L.c.61, §7 for example.

The facts as provided suggest that at least two of the three parcels in question have been “sold for residential use” without a requisite Notice of Intent to Sell and that the third parcel is now being “converted to residential use” without the benefit of a requisite Notice of Intent to Convert. In my opinion, this failure to provide such notices constitutes a clear violation of the requirements of G.L. c.61, §8. While consideration should be given as to whether the Town has actual interest in acquiring the subject parcels, the Town will not be in a position to make that determination until the terms of the sale are disclosed and/or the “full and fair market value” of the land to be converted is known. In either event, in my opinion, the Town’s option is not triggered until proper notice is given to the Town as required under the statute.

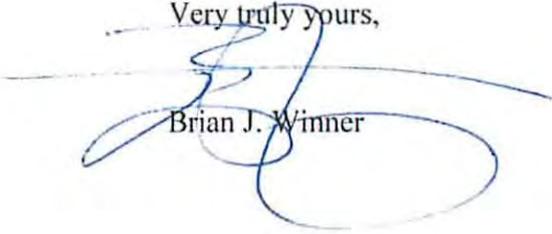
Accordingly, I recommend that the Town authorize Town Counsel to issue a demand to the owners of Lot 9 Map 13 and Lot 106 Map 12 for a copy of the purchase and sale agreement and for a Notice of Intent in compliance with the requirements of G.L. c.61, §8. The Town should also issue a similar demand regarding the apparent intent to convert Lot 1 Map 12. As we are now aware of these developments, it is critical that the Town act quickly to provide notice to the property owners to minimize any potential claim that the Town knew of the conversions and, through inaction, waived its right to demand its statutory right of first refusal. Once the property owners are on notice and we have received responses we can evaluate how to best proceed at that time. If no responses are received, to the Town may decide whether to take legal action, i.e. instituting a lawsuit, to prevent any change or use and to enforce its rights under the statute. Of course, if it is clear or becomes clear during this process that the Town has no interest in pursuing the acquisition of the property, our attention can be refocused on removing the lands from G.L. c. 61 classification and assessing taxes as appropriate.

KOPELMAN AND PAIGE, P.C.

Hon. Christopher R. Hillman and
Members of the Board of Selectmen
August 14, 2014
Page 3

Kindly advise if we are authorized to proceed, and do not hesitate to contact me if you have any further questions.

Very truly yours,


Brian J. Winner

BJW/eon

cc: Board of Assessors

504179/AYER/0001

TOWN OF AYER

TOWN HALL WINDOWS REPLACEMENT PROJECT

RFP OPENINGS

Friday, July 25, 2014, 4:05pm
Ayer Town Hall – 1st Floor Meeting Room
1 Main Street, Ayer, MA 01432

1. Company Name: *Renewal by Andersen*
RFP Opened: *yes*
Sealed Price Proposal Included: *yes*
2. Company Name:
RFP Opened:
Sealed Price Proposal Included:
3. Company Name:
RFP Opened:
Sealed Price Proposal Included:

Signed:

Robert A. Pontbriand 7/25/2014

Robert A. Pontbriand, Town Administrator
Procurement Officer

Witnessed:

Carly M. Antonellis 7/25/14

Carly M. Antonellis, Assistant to the Town Administrator

Dated:

Susan E. Copeland
Susan E. Copeland Ayer town clerk and
tax collector
July 25, 2014

Renewal
by Andersen.



WINDOW REPLACEMENT an Andersen Company

Replacement Window PROPOSAL

PREPARED FOR:

Ayer City Hall
Robert Pontbriand
Dan Sherman

PREPARED BY:

Tom Wilson

Renewal by Andersen

JOB LOCATION:

1 Main St.
Ayer, MA 01432



*Price Proposal
opened 10:22am
After Committee
Evaluated Non-Price Proposal*

(Signature)

30 Forbes Rd.
Northborough, MA, 01532
Phone (508) 351-2200
Fax (508) 986-7072
Website: www.renewalbyandersen.com

July 21, 2014

Thank you for taking the time to meet with me to discuss ideas concerning the replacement of the windows for the town of Ayer. I would briefly like to tell you about Renewal by Andersen (RBA) and why the homeowners of Massachusetts have made us the number one window replacement company in the state.

RBA provides \$1,500,000.00 of liability insurance per occurrence. All of our employees are covered by Workers Compensation Insurance so that you will not be exposed to any liability should any of our employees be injured while on this job. We are licensed with the State of Massachusetts Department of Consumer Affairs (#144318) for your protection.

In addition:

- We are members of Certified Contractors Network (CCN)
- We are members of Better Business Bureau (BBB)
- We are members of NARI (National Association Remodelers Industry)

As a legitimate and dependable replacement window manufacturer, we maintain these affiliations and credentials to provide you with the highest level of confidence and customer service.

Renewal by Andersen is the only replacement window division of Andersen Window Corporation.

Our Window and Door Consultants are experts – knowledgeable in all products available. They can advise you with construction related issues along with design suggestions pertaining to your job.

Our window installers are certified craftsmen who attend on-going training keeping them up to date on the latest technological advances in the window industry.

All work performed is covered by Renewal by Andersen's Limited Warranty for Products and Installation. This Limited Warranty includes all replacement costs for the entire term of the warranty. Your Window Consultant will be glad to explain the Warranty and why it is important to understand the details prior to making a decision.

We do it right – we do it by the book – or we don't do it at all.

Very Truly Yours,

Sam Wilson

Window & Door Consultant

Renewal by Andersen/Boston

30 Forbes Rd.
Northborough, MA, 01532
Phone (508) 351-2200
Fax (508) 986-7072
Website: www.renewalbyandersen.com

This project has been specified in accordance with local building codes, industry standards and manufacturer specification requirements. All work will be installed by our Certified Craftsmen exceeding industry standards and optimizing the products potential.

The following is an overview of what I observed upon inspection of your property in order to develop this quote. First, let me review the two approaches that we can take in replacing your windows.

1. *Insert Windows* – *This is where we utilize the existing window frame along with the existing interior and exterior casings and sills, this is what we do in the majority of window replacement projects. It is less costly, requires less material, is a quicker job significantly reducing labor time as compared to a “Full Frame” approach and is the least invasive option.*

2. *Full Frame* – *This is the approach that we take when the existing frames and casings are not of a quality or condition that will ensure an installation meeting the Renewal by Andersen’s standards and the customer’s expectations. With the Renewal by Andersen Fibrex window all of the windows frame and exterior components are comprised of the Fibrex material. This is “down to the studs” replacement.*

When we inspected your windows we observed that the insert approach is the correct option and will maintain the buildings historic integrity.

The following is a recap of the key features of the RBA windows that will be installed in your property:

High Performance Low E 4 Smartsun Glass –

- 70% more energy efficient in the summer – Reduced AC cost and ensures temperature balance throughout the home*
- 45% more energy efficient in the winter – Actual energy savings will vary from customer to customer.*
- Reduces water spots by up to 99% when activated by sunlight – repels dirt which allows you to hose off the windows for most of your cleaning requirements – the double hung windows also tilt in for ease of cleaning.*
- Blocks up to 95% of harmful UV rays which will protect your furniture, drapes, collectibles and wall coverings*

Key benefits of the exclusive patented Fibrex material;

- Fibrex never needs painting. Is maintenance free and will not peel, crack, blister, pit, or corrode.*
- Fibrex will not rot!*
- Excellent insulator – prevents heat or cold transfer in or out of your home*
- Strength of Fibrex results in narrower frame – (increased viewing area than most other replacement windows)*
- Fibrex contains 40% of reclaimed wood fiber – reduced impact on the environment*
- Resistant to temperature changes -does not excessively expand and contract like other materials*
- Resistant to fading and cracking due to the sun.*

We at RBA understand that for most people this may be your first experience with replacing windows. With that in mind, we want to offer you this list of “what to expect” during your window project. We hope this will help to avoid any confusion or problems before, during and after we arrive to complete your project.

Scope of Work to be performed for the installation of your new Windows:

- Your Window Consultant will assist you in scheduling an appointment for the Measure Technician to visit your home and do the final measurements of all the windows included in your project. This will help ensure maximum viewing area and the tightest fit for protection against the elements.
- Your Measure Technician will review with you the installation requirements for your project along with reviewing the installation process steps.
- **Maintaining clear communications is crucial to ensure your satisfaction!**
- On the Installation day(s), our fully licensed and insured Installation Team will be in charge of:
 - Protecting the work areas in your home with drop cloths and tarps.
 - Identifying a good space to work from that is convenient and effectual for everyone.
 - Inspection and preparation of wall openings to ensure there is no hidden damage.
 - Applying flashing and triple sealant to openings as per RBA Installation Standards
 - Installation of Renewal by Andersen Fibrex Windows with (High Performance - Low E4 Smartsun Glass with Argon/Nitrogen blended gas in the insulating glass space).
 - Ensure all Glass Area is clean (inside and outside surface)
 - Removal of installation waste and disposal off property (EPA approved procedures for lead paint disposal and containment as needed).
 - Clean-Up of installation and set-up station area.
 - Providing “Zero Defect Form” (we are not happy until you are)
- Prior to our Team departing, your Installation Manager will explain to you how to operate the new windows as well as explaining Renewal by Andersen’s Limited Warranty for product and labor (Glass 20 yrs., Non-glass 10 yrs.) – Parts and Labor Non pro-rated.

SCOPE OF WORK for your home:

1. **Color of windows – Dual color exterior Forest Green and interior White or Canvas**
2. **Installation of custom inserts on all specialty windows and replacement windows**
3. **Full Fiberglass Mesh screens**
4. **The window exterior & Interior will be our exclusive low maintenance Fibrex**
5. **Total of 74 Windows - 16 Specialty and 58 Double Hung's**
6. **Full Divided lite Grids (dual colors) to match windows**

Supporting information for selecting Renewal by Andersen:

1. Renewal by Andersen's exclusive Fibrex window is composed of 40% wood fiber and 60% thermal polymers which will not rot, blister, absorb moisture (which causes swelling and sticky windows), or support the growth of mold
2. The Renewal by Andersen warranty covers all material and labor for the full warranty period – no service or trip charges,
3. The Renewal by Andersen Fibrex window does not require any periodic maintenance such as painting or rot repair.
4. Our window maximizes the glass area.
5. Andersen Windows are recognized for resale value and quality by the National Association of Realtors by a factor of 6 to 1
6. Angie's List Super Service Award – 2007,2008,2009,2010,2011, 2012, 2013.
7. Renewal by Andersen is known to be reputable and of high quality– Our installers work exclusively for us, and adhere to a 20 point installation excellence process
8. Renewal by Andersen windows are Energy Star and Green Seal Certified for honor and environmental stewardship.

Renewal by Andersen is the custom replacement window division of Andersen Window Corporation; our goal is to provide total piece of mind by enhancing our customer's experience. We provide the highest quality product and service helping improve your homes efficiency, comfort, and appearance.

Retail and Discounts:

Retail \$221,869.02

-39% (\$62,251.02) Volume Discount =

Total Installed Cost of the Project which includes all discounts with "dual colored windows" - \$159,618.00

*Deposit due at contract signing: \$53,206.00

*Balance due at start of installation: \$53,206.00

*Balance due at completion of installation: \$53,206.00

Total Installed Cost of the project which includes all discounts with "same color interior/exterior windows"
- \$151,848.00

*Deposit due at contract signing: \$50,616.00

*Balance due at start of installation: \$50,616.00

*Balance due at completion of installation: \$50,616.00

Financing Options Available

References:

Michael Velji- \$64,066.67
31 5th Street
Charlestown, MA. 02129
Phone: (617)719-7599

James Knotts- \$107,259.00
22 Pleasant Street
Natick, MA. 01760
Phone: (508)234-2500

Doug Godferey- \$50,681.00
St. John Evangelist Church
410 Washington Street
Duxbury, MA. 02332
Phone: (781-974-5560

Thank you,

Tom Wilson - Window and Door Consultant

Renewal by Andersen Boston
(508)353-0478

30 Forbes Rd.
Northborough, MA, 01532
Phone (508) 351-2200
Fax (508) 986-7072
Website: www.renewalbyandersen.com

TAX COMPLIANCE CERTIFICATION

Pursuant to M.G.L. c.62C, §49A, I certify under the penalties of perjury that to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

Renewal by Andersen Corporation.
Signature of Individual or Corporate Name

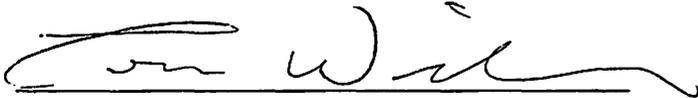
41-1918413
Social Security Number or
Federal Identification Number

By David Sullivan
Corporate Officer (if applicable)

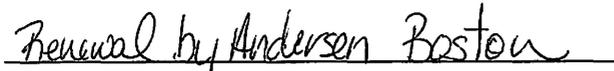
7.16.2014
Date

CERTIFICATE OF NON-COLLUSION

The undersigned certifies under the penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.



Signature of individual submitting bid or proposal



Name of business



Date

6. Formal votes. In the event that consensus cannot be reached on an issue before the MJTC, a formal vote can be requested of the representatives present and eligible to vote (i.e. communities and organizational members) through an appropriate motion and second. Each community and organizational member of the MJTC may cast only one vote regardless of the number of representatives from that community or organization present at the meeting when the vote is to occur. Final decision of the issue will be determined by a majority vote (50%+) of the representatives present and voting, provided a quorum exists and votes.

ARTICLE VIII

COMMUNICATIONS

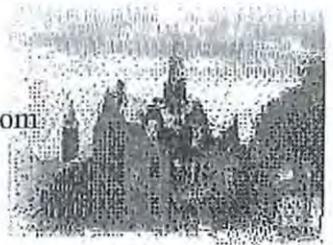
1. Communications Policy. In accordance with its established policy of an open and broadly participatory transportation planning process, the MJTC and its staff will make every effort to establish and maintain strong two-way lines of communication with boards of selectmen and city and town planning boards, with elected and appointed officials at municipal, district, and county levels of governments, with state and federal agencies, with the Montachusett Regional Planning Commission, its delegates, alternates, and staff, with other regional planning agencies and above all, with the general public in its twenty-two (22) municipality planning region.
2. Mailings. A fundamental component of the MJTC communications policy is a comprehensive mailing list which will include:
 - (1) all members of the MJTC;
 - (2) all boards of selectmen, mayor, city and town planning boards;
 - (3) organization, institutions and groups with an interest in transportation planning;
 - (4) elected and appointed public officials at every level of government with an input into transportation policy in the Montachusett Region.
 - (5) regional planning and transportation agencies with areas of jurisdiction contiguous to the Montachusett Region and others with reciprocal mailing policies;
 - (6) news media; and
 - (7) other agencies and organizations as may seem desirable.
3. News Releases. It is the stated policy of the MJTC that the staff establish and maintain close relationships with the working media; with reporters, editors, and news directors of daily and weekly newspapers and other publications with a local or regional input, radio and television stations, and operators of cable television systems.

ARTICLE VIII

AMENDMENTS AND EFFECTIVE DATE

1. Amendments to the Bylaws. These Bylaws may be amended after a notice to that effect containing the section or sections of the Bylaws affected and the text of the proposed amendment has been sent with the announcements of two successive regular meetings of the MJTC to all municipalities in the District and to all representatives on record. The proposed amendment will be on the agenda of the first meeting for discussion only and on the agenda of the second meeting for action under the rules of Article VI of these Bylaws. Copies of amended sections as passed will be included in the next mailing.
2. Effective date of these instruments. The effective date of adoption of these instruments shall be following notification to the membership and representatives preceding two successive monthly meetings of the MJTC and discussion and affirmative action at the said meetings. These Bylaws are the original instruments of the Montachusett Joint Transportation Committee.

Town of Ayer
Board of Selectmen
Town Hall, First Floor Meeting Room
Ayer Massachusetts, 1432



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Tuesday, January 8, 2013

**Selectmen's Meeting Live (Channel 8) and on Town of Ayer Website:
www.ayer.ma.us**

James M. Fay, Chairman	X	Christopher R. Hillman, Member	X
Frank F. Maxant, Vice-Chair	X	Gary J. Luca, Member	X
Pauline Conley, Clerk	X	Robert Pontbriand, Town Administrator	X
Janet S. Lewis, Secretary	X		

7:02p.m . Chairman Fay called the meeting to order.

7:02p.m. Open Session - Agenda Amendments- Public Service Announcements

Mr. Pontbriand requested the Board's permission to add a #8. to his report, re the Board's voting delegate to the Annual MMA Conference on Jan.25-26, 2013, and also a Item #9. re a communication he received earlier today from the Town Clerk/Collector re additional staffing request for his office.

Agenda item #1. Public Input-

Gerri Love, resident re the Town's adoption of a Town Flag. Ms. Love advising to this project a community initiative-solicit renderings from Town residents, Schools re flag design. Project to fall under Historical Commission/Society representation re rules/guidelines for submissions and will come back to the Board for distribution to community/media.
Selectman

Luca thanking Ms. love for bring this forward .. great idea.

Agenda Item #2. C.R. Pierce ABCC resubmission-Mr.Pontbriand updated the Board to this transfer before the Board on 10-16-12, approved and sent to ABCC. ABCC sent back to the Town for non-compliance by DOR. Since then the issues were resolved with petitioner and DOR and license back before the Board for reconsideration to the ABCC. Chairman Fay stated his concerns re Board coming to wrong conclusion questioning if license is still considered active. Chairman Fay requesting an informal investigation. Selectman Maxant stating the Board did not de-activate when should have when license was not used. Selectman Conley stating she was ok with investigation to go forward on 1-22-13 re history of license re if it is active or not and transferred within timeframe requesting to check statute. Motion made by Selectman Maxant to conduct a Public Hearing re CR Pierce's License and request Mr. Pontbriand contact ABCC re history of License and if it is still active, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #3. JBoS Update-1. JBoS MOU-Selectman Maxant stated his concern re the first paragraph 5th line language. "The MassDevelopment Executive Vice President for Devens will represent MassDevelopment as the non-voting member". Selectman Maxant suggesting this person be designated in MOU as unspecified, feeling if same person is designated it will show the same disrespect. Selectman Luca suggesting to leave as is, they need someone to represent the organization. Selectman Conley requesting to see amendments, opportunity to review,

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questioning what if all three Town's don't agree are we back to square one. Selectman Conley agreeing with 2nd to last paragraph re agreeing not to spend money and requesting to clarify by amending to state members of JBOS at JBOS Meeting. Selectman Luca stating at meeting last year he did not hear these arguments only heard appointment re member. Selectman Luca moved to approve the MOU as written, 2nd by Selectman Hillman. Selectman Conley revisited the Board's vote of 11-27-12 & 12-4-12 re Board withdrawing from JBOS & reconsidering changes in MOU and advising to not seeing draft MOU. Selectman Maxant spoke re clarifying intent -no action without authority of Board. Selectman Luca again stating members was the only change. Chairman Fay called for a vote: Selectman Luca aye, Selectman Hillman aye, Selectman Maxant aye, Chairman Fay aye, Selectman Conley no, 4-1 motion passes. Selectman Maxant took this opportunity to discuss the Dec. 2012 Lowell Sun article re Marty Meehan's UMass Expansion plans i.e. campus on Devens. Pauline Hamel urging Board to find out what his interest are re the college. The Board requested a letter be prepared for their review for their next meeting on January 22nd.

Agenda Item #4. DPW-Supt. Wetzel's Report-

1. Hoyle Tanner Ind. Pretreatment Program-year 3

Supt. Wetzel advised to Hoyle Tanner administering the Town's industrial pretreatment program for many years. Supt. Wetzel reviewed with the Board the Agreement dated 1-4-11, endorsed by the Board, included an optional year three not to exceed \$42K (the same fee as year two). Supt. Wetzel recommended the Board approve year three of the Town's Industrial Wastewater Pretreatment Program, in the amount not to exceed \$42k. Selectman Conley moved the Board vote to extent Consultant's Agreement with HTA for one additional year ending 12-31-13 in the amount not to exceed \$42K, 2nd by Selectman Luca VOTE: unanimous, so moved.

2. MA WARN Mutual Aid System Update-Supt. Wetzel clarified the Board's concerns re standard operating procedures in the participation agreement. Supt. Wetzel advising to benefits to the MA WARN Network would provide Ayer access to staffing, specialized expertise, supplies & equipment that we may not have re a specific emergency. Provides a legal document that details the operation, responsibilities and reimbursement related to the response. Allows the town to be reimbursed for mutual aid cost by FEMA (you must have an agreement in place to receive FEMA reimbursement)

Leadership Team: Supt. Wetzel updated the Board to the Leadership Team- Savos Damos from Littleton, is the current Chairman, Ayer can designate a member to the Leadership Team. Liability each community would have their own workman's comp in place, and there is no other provisions detailing indemnification/liability. Selectman Conley requesting Town administrator to check with our insurer to be assured Town's coverage would be in place. The Board rescheduled this matter for their meeting on Jan. 22nd, not time sensitive, to assure Town's protection.

3/4. Water Shut-Off Status update. Supt. Wetzel updated the Board to the communities response to the Town's Shut-off Policy advising to some residents opting to pay others entering into payment plan (done on a case by case basis). Supt. Wetzel reviewed the Agreement for Payment -past Due Water/Sewer Account. Selectman Maxant stating he sees no urgency and Board should be reluctant to shut off water. Mr. Pontbriand advising to water/sewer lien list continues to grown year after year which doesn't benefit the rate payers or DPW. The DPW is moving forward with the Board of Selectmen in a positive manner and it is a good step to standardize a payment plan the goal being the town provides these services and there is cost

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associated with those services. Selectman Conley agreeing it being a step in the right direction. Mr. Pontbriand advised the Board to being bothered by The Tax Collector allowing for three year payment plan for customers to pay their bills which he felt needs further review. Supt. Wetzel advising the Board to DPW starting up quarterly billing re water/sewer bills to assist residents with an easier payment method. Selectman Luca moved the Board vote to approve the Agreement for Payment as presented and outlined by Supt. Wetzel, 2nd by Selectman Conley, VOTE: unanimous, so moved.

5. Snow Removal Update-Supt. Wetzel-reviewed with the Board the Town sidewalks that are historically maintained by the Department of Public Works following winter storms. (see attached) advising the Board to the DPW will continue to maintain these sidewalks unless instructed or directed otherwise by the Board. The Board reminded residents/Businesses of their responsibility to keep sidewalks clear of snow & ice under the Town's Bylaw. Supt. Wetzel advising Board to problems arising with the plowing of private streets/unaccepted roads in example Old Groton Rd. (behind Pleasant Street). Mr. Wetzel advising to street does not go all the way through, very narrow not wide enough to do job with regular plow had to bring in special equipment ...in the future he will need the assistance of residents of Old Groton Rd. Mr. Pontbriand advising to meeting with Supt. and Foreman of the Highway Dept. last Friday and updated the Board to everything the DPW did last year re snow removal will be plowed this year. Issues remaining to be worked on is getting these unaccepted roads approved at Town Meeting, these roads are currently being maintained and plowed. i.e. Snakehill Rd., Old Groton Rd. a group effort meeting to be conducted with the Planning Board, DPW, Assessor and the Town Administrator to be scheduled re identifying all the Town's unaccepted streets that the Town wants plowed for the Fall Town Meeting. Supt. Wetzel recommending the residents on these unaccepted streets sign waiver before plowing/maintenance begins. Mr. Pontbriand reminded the Board to their past request re receiving a quote from Town Counsel authorizing the research and legal status of this road with the Registry of Deeds & Probate at a cost of \$1800.00, and reminding them to probability of price going up, this option still on the table. Street Signs- Supt. Wetzel updated the Board to new signs on order at a cost of \$5K -Town Seal on all the new signs. Selectman hillman requesting if new signs would be strong enough to withstand vandalism. Supt. Wetzel stating poles are strong enough and hopefully long enough. Signs should be up by Spring 2013.

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Selectman Luca on another mater requested Supt. Wetzel's thoughts re snow removal from Main Street sidewalks being done during the day. Currently being done at night/weekend and businesses affected. Supt. Wetzel advising this being tried in past and problems arising with traffic issues. Selectman Maxant suggesting the use of electronic sign board to help detour traffic during removal operations.

Agenda Item #5. Town Administrator's Report-The Board met with Robert Pontbriand. (see Administrative Update dated 12-19-12 to 1-8-13)

1. Dee Transportation Bus Contract finalized and for the Town's regional school busing.
2. 2013 Licensing-completed.
3. Old Central Fire Station draft finished. Documentation from Town of Shirley very helpful to be presented to Board for their 2-5-13 meeting.
4. Parking Facility Update-All Financial Funding secured. transfer of Rail Trail moving forward from DCR and property acquisitions. Need public input re design/layout. start up projected for February 2013.

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5. Central Ave. parking-Temporary parking not necessary. Letter being prepared to be sent to owner of parcel (Rakip) re his seeking other opportunities, hybrid solution withdrawn being that the project has changed considerably since then.
6. Shepley Hill-Met with DEP, EPA, PACE, Board of Health on Jan. 9, 2013 at 1pm at Town Hall. Agreement reached to hold Public Hearing in Town of Ayer. Town will be sending out notices to people directly affected once date has been established. DOA has committed to give Town the tools and resources necessary re cleanup.
7. 2014 Budget underway, Fin-Com completed their first pass of 2014 Town-wide budget review.
8. 2014 Calendar presented and reviewed with Board.
9. Public Records Training-scheduled for 1-17-13 from 10-12 at the Town Hall.
10. 2012 Town Report deadline re submission of Department Reports 2-1-13 to Cindy Knox. Mr. Pontbriand requesting the Board's thoughts re the Cover/Dedication for 2012 Report be given to him as soon as possible.
11. MMA Conference January 25, & 26, 2013 in Boston. Attending this year's conference will be Town Administrator, Selectman Conley and Cindy Knox. The Board designated Selectman Conley as the Board's voting member at the Conference. Motion made by Chairman Fay 2nd by Selectman Luca, VOTE: unanimous, so moved.
12. Town Clerk/Collector letter re request for additional staffing-Mr. Pontbriand presented the Town Clerk's Letter of 1-4-13 seeking permission to hire part-time 20 hour benefited temporary assistant while Asst. Tax Collector is out on extended sick leave. Lengthy discussion focused on receiving Doctor's Statement re sick leave validation re absence, expected length of absence of Asst. Collector, funding of position, Treasurer already assisting Tax Collector/Clerk with duties why additional request, she is doing good job, and has no problem assisting is bonded, familiar with MUNIS operation, CORI compliant and no additional cost to Town. Selectman Luca expressed concerns re Union Contract position and Union not allowing. Chairman Fay requesting more information be provided too many gaps unanswered.
13. 2013 Annual Town Meeting Warrant open and will close on 3-29-13. Selectman Maxant urging Board to keep open as long as possible.
14. Berry Property updated re transfer of land to Town or MART

Agenda Item #6. Selectmen's Questions/New Business

Chairman Fay requesting the Board submit topics they would like to see in 2012 Board of Selectmen's Report re Town Report be copied to him as soon as possible. The Board requested better mechanism to track Public input & Selectmen's concerns under Town Administrator's Report in the future.

Selectman Conley suggested the Board investigate opening road that runs behind the Old Sandy Pond School House that has been blocked off for years for truck traffic which it was created to do and closed by Selectmen. Discussion included concerns regarding safety i.e. additional traffic coming down Sandy Pond Rd., i.e. beach area, encouraging more trucks coming through Town, meeting with Little Red School House Board of Directors promoting school house might hinder them regarding opening road. Involving MRPC re traffic study, traffic calming. Speed bumps placement in town i.e. Main Street also, re recent pedestrian traffic fatality. The Board requested to revisit prior truck traffic reports and invite Chief Murray in to meet with the Board re this matter.

Agenda Item #7. Minutes-Selectman Conley moved the Board vote to approve the minutes of 11-30-12 as amended, 2nd by Selectman Hillman VOTE: unanimous, so moved. Mr. Pontbriand advised the Board to Ms. Knox suggesting a standardized form re Minutes be formulated advising to many different minute submissions being done by elected Boards, Committees. Commissions on Town website/reports. Selectman Conley volunteering to streamline make template for Board.

9:35p.m. Selectman Luca moved to adjourn the meeting, 2nd by Selectmen Hillman, VOTE: unanimous, so moved.

9:35p.m. Meeting adjourned.

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Date: _____

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Pauline Conley, Clerk

- Attachments:
- Agenda #2. ABCC Form 43 Resubmission: C.R. Pierce
 - Agenda #3. JBoS- MOU Amendment
 - Agenda #4. HTA Industrial Pretreatment Contract
 - MA Warn Mutual Aid System
 - Water Shut-Off Policy
 - List of SideWalks Maintained in Town
 - Agenda #5. Town Administrator's Administrative Report 12-18-12/1-8-13
 - Town Clerk's letter re Additional staffing request

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TOWN OF AYER
BOARD OF SELECTMEN MINUTES

Tuesday, January 22, 2013
Ayer Town Hall
1 Main Street
Ayer, MA 01432

PRELIMINARIES:

PRESENT

James M. Fay, Chairman
Frank F Maxant, Vice-Chair
Pauline Conley, Clerk
Gary J. Luca, Member
Christopher R. Hillman, Member

CALL TO ORDER

7:05P.M. Chairman Fay called the meeting to order

ANNOUNCEMENTS/REVIEW AND APPROVE AGENDA

Amend Agenda- Town Administrator request to add #9. Under his Report re: Release of Property Lien-54 Pearl St.

1. PUBLIC INPUT

- 1.1 Tim's Transport LLC-Timothy Holland (Livery License)
The Board voted unanimously to approve letter to MA DOT re Tim's Livery LLC operating in Town of Ayer.
2. John Canney II, Town Clerk/Collector request for full-time Temporary Assistant Tax Collector-The Board met with Mr. Canney re concerns re length of absence of his full time Asst. Collector out on sick leave since Nov. 21, 2012 and Dr.'s update re projecting another 8-10 weeks probable absence. Issues discussed with Mr. Canney focused on: Work level, skills, labor pool, Impact-Bargaining (Union), MUNIS experience-bonded retired individual preferred. Mr. Canney discussed current assistance by Treasurer very helpful but needing full time person-very busy time of the year. Selectman Conley suggesting the hiring of a clerk or senior work-off person to do office portion and Treasurer to continue to do MUNIS portion of work load. Mr. Canney again advising Treasurer has her own responsibilities and cannot always

be available when needed. Town Administrator advising to no proposal being submitted by Town Clerk/Collector re Senior Work Off Program. Selectman Maxant recommending if Treasurer has the time to assist on a long term basis Board should approve. Chairman Fay cautioning Board to Treasurer up for election in April 2013 and may/may not be re-elected. Selectman Luca moved to approve a position of Temporary Full-time Assistant Tax Collector subject to funding by the Fin-Com and Impact bargaining with AFSCMF 93, 2nd by Selectman Maxant, VOTE: Selectman Luca aye, Selectman Maxant aye, Chairman Fay aye, Selectman Conley no, Selectman Hillman no.

3. Chief Murray-Update on Traffic-Willow Rd and Westford Rd. The Board met with Chief William Murray. Chairman Fay took this opportunity to congratulate the Chief on the quick work of the Department re the recent burglary at Partridge's Garage and acknowledging quick action by Officer Cunningham re incident.

3.1 Truck Traffic-Chief Murray updated the Board to ongoing study being conducted by Department re vehicle count in area proceeding and alternatives being investigated i.e. installing signs banning right hand turn onto Sandy Pond Road from Westford Rd., however, this would require state approval as Sandy Pond Rd. is a public road- partial exclusion possibility/voluntary compliance. Discussion heard re meeting with Town of Littleton in 2004 re intersection improvement/s which never went anywhere. Chief Murray suggesting re-opening the road behind the school house. Cost to re-open projected around \$100K and tree/s removal required. Chief Murray advising to Fire Chief advising to multiple accidents there in the past and road closed. This could be eliminated with one-way traffic placed on cut through. The Board requested the Sandy Pond School House Assoc. be contacted re impact of opening road concerns, survey request and possibility of it being done by Senior Work Off Program re vehicle count. The Board heard from local businesses re Sandy Pond Road traffic exclusion impact on Central Ave. businesses and local businesses i.e. Nashoba Valley Trucking- Robert Hebb and Cains Foods Marketing Director re negatively impacted financially and labor wise by truck ban, problem caused by out of town truckers not familiar with turn as well as to impact on School buses, railroad crossing. Selectman Hillman advising to Town of Littleton having a truck exclusion in place questioning how are they doing it. The Board suggested to meet with the DPW, Police, and get best proposal re what can and cannot do. The Board informed all to this issue in the investigative stage, more to come, and continued this discussion for 2-17-13.

Agenda Item #4. DPW Report-The Board met with Supt. Wetzel-

4.1. Sludge Disposal Contract-Supt. Wetzel presented the Board the MOU for Sludge Disposal with Upper Blackstone Water Pollution Abatement District- Supt. Wetzel advising to City of Fitchburg stopped accepting sludge last year. Three proposals received and advised to UBWPAD the most cost effective. Supt. Wetzel advising to same language in contract as City of Fitchburg's with contingency (sludge taken to Cranston, RI) Contract effective from October 1 through June 30, 2013.

Selectman Luca moved the Board vote to approve the MOU for Sludge Disposal with UBWPAD effective October 1, 2012 through June 30, 2013 and authorize the Chairman's signature, 2nd by Selectman Conley VOTE: unanimous, so moved.

4.2 On another matter the Board discussed with Supt. Wetzel the Main Street lighting re pedestrians hit/killed crossing the street i.e. lights missing, changing lights to face downward on street. Supt. Wetzel advising to his looking into double raised crosswalks for better reflection and also stating light poles are not in right locations being a big factor. The Board also suggesting looking into LED lights.

Agenda Item #5. Town Administrator's Report- See Administrative Update 1-9-13 to 1-22-13

5.2 C.R. Pierce Alcohol License Reconsideration The Board went off the posted agenda to take up the license reconsideration due to large assembly of business owners present. Mr. Pontbriand updated the Board to both he and Ms. Lewis having conversation/s with ABCC Investigator and advising Board to their voting back in October to approve the license and the license process should proceed, failure to do so could open the Town up to serious legal challenges. Selectman Maxant updating the Board to 30 Main Street store opening today (T. Bresnahan-C.R. Pierce, Inc.) and of his being first person to make purchase there. License is active which was questioned by Board as well. Selectman Conley moved the Board vote to approve License #006000013 Reconsideration Transfer from C.R.Pierce Inc. to Barnum Road Liquors, Inc.-Prit Patel -One Barnum Road, Ayer, MA for an All Alcohol Package Store License, 2nd by Selectman Hillman, VOTE: Selectman Conley aye, Selectman Hillman aye, Chairman Fay aye, Selectman Maxant no, Selectman Luca no. VOTE: 3-2 motion passes. Selectman Luca stating he feels there should not be another liquor store in Town.

5.1 Governor's Proposal re Regional Housing Authorities- Mr. Pontbriand updated the Board to the

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recent advisory re Regional Housing Authorities being explored. Mr. Pontbriand acknowledging the Town's local Housing Authority having a great record and recommending Board request the Legislature to allow Ayer to remain as is. Selectman Luca moved the Board write letter to State to allow Ayer to remain as is, 2nd by Selectman Conley, VOTE: unanimous, moved. Selectman Luca acknowledging work by Director doing a great job.

5.3 Vicksburg Sq. letter re UMass Lowell -Mr. Pontbriand updated the Board to letter on counter to Chancellor Marty Meehan for the Board's signatures re his recent announcement to Devens becoming a future UMass Lowell Campus and the Board welcoming further discussion re this expansion.

5.4. Department of Public Health re Regionalized Medical Marijuana Centers-Mr. Pontbriand updated the Board to the Department of Public Health opening five (5) distribution centers in the Commonwealth-five per county. The Board requested to schedule this matter for discussion on 2-5-13 re Board taking pro-active stance-establishing by-law re control.

5.5 Ayer Shirley Region School District Snow & Ice Removal-Mr. Pontbriand updated the Board to Supt. Mock referred Board to last page of 5-17-11 MOU Amendment -Article 7. where Town is responsible for snow removal. Mr. Pontbriand advising the Board for the last couple of years all parties: ASRSD, Board of Selectmen, DPW were under the assumption that the ASRSD was responsible for snow removal and the ASRSD paid the town approximately \$10K last year, however per the amendment to the Agreement the Town is responsible for snow/ice removal. The Town to adjust the Fy-14 Regional Assessment to reflect a reduction to take into account the town's cost for snow removal. (\$22K/-10 storms)

5.6 Fy-2014 Budget- Mr. Pontbriand presented the Board the updated Budget & Annual Town Meeting (5-13-13) Election (4-22-13)/Meeting Guide.

5.7 Shepley Hill-Mr. Pontbriand gave the Board an update of the 1-9-13 Meeting-Mr. Pontbriand reviewed concerns raised and acted upon at that meeting with the Board. Delayed close of Public comment period re Draft Environmental Impact Statement to 4-5-13. The Town to hold Public Hearing re remediation of Shepley Hill Landfill 3-2013 at 7p.m. at Town Hall. Town will apply for technical assistance from EPA re remediation and assured that the Town's application will be expedited and granted. Congresswoman Tsongas to be contacted to assist re Draft Impact concerns.

5.8 Conservation Commission-Mr. Pontbriand updated the Board to Chairman Fay and he attending the 1-10-13 Con-Com Mtg. along with Mr. Miller from the Dam & Pond Com. re roles and responsibilities of the Board of Selectmen, Con-Com and Dam & Pond Com. re vegetative controls of the ponds. Dam & Pond Com to report re inventory and conditions of dams/ponds. Con-Com to control weeds in ponds.

5.9 Volunteer Form-Community service opportunities for residents -form to be placed on website-facebook and cc schools. Motion to approve form made by Selectman Maxant, 2nd by Selectman Hillman VOTE: Unanimous, so moved

5.10 Christmas Lights Reimbursement-Selectman Hillman recusing himself and stepping away from table. Mr. Pontbriand reviewed MGL Chapter 44, Section 53A with the Board re Board of Selectmen accepting gifts from individual and corporations and expending funds on behalf of the Town of Ayer. The Board after deliberation re ownership of lights and authorized expenditures approved the reimbursement of funds for the following individuals: Christopher Hillman-\$641.37, John Clifton-\$63.56 and Scott Houde \$40.00 contingent upon invoice documentation/receipt. Total reimbursements \$744.93. Motion made by Selectman Luca, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

5.11 Property Lien-Mr. Pontbriand presented the Dept. of Planning & Development's Release of Property Liens for 54 Pearl Street, Ayer, MA as recommended by Susan Provencher Program Manager (15/yr lien \$19,225.00) Motion to approve release of lien made by Selectman Maxant, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #6. New Business/Selectmen's Questions-

6.1 Selectman Hillman-Transponders in Town Vehicles-Selectman Hillman advising to Town of Tewksbury currently utilizing this system very beneficial -tracking by Ayer Police Dept., DPW i.e. mileage/GPS encouraging Board to look into, do analysis i.e. cost beneficial, options to be developed Mr. Pontbriand to run this by Ayer Police re Unions feedback. The Board set this discussion back for their 2-19-13 meeting.

6.2 Selectman Hillman-Newsletter-reiterated his earlier recommendation re Selectmen's newsletter being put together for quarterly release re town-wide issues encourage Police Dept., DPW, Fire Dept., to submit quarterly updates for publication. Selectman Luca suggesting Nashoba Tech. be contacted re publishing for Town. Town Administrator to check with Ms. Know re electronic version to be placed on

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Web & Facebook and have each Selectman write article for publication. Mr. Pontbriand advising to Dept. Head reports come in on monthly basis and could also be incorporated into Selectmen's quarterly report as well and request participation from Ayer Shirley Regional School District as well. Newspaper to be non-political publication and forwarded to Communication Committee for their input.

6.3 Selectman Luca-JBoS Update-Selectman Luca updated the Board to MOU signing on the Agenda for Thursday night 1-24-13 and review of the RFP re Police services, gathering information from residents regarding what they want for services and real cost of services.

6.4 Selectman Maxant re Strengthening Sex offender Residency By-law -Selectman Maxant stating his concerns re By-law unconstitutional and have Town Counsel define weak points. The Board disagreeing with Selectman Maxant re by-law being unconstitutional.

Agenda Item #7. Minutes- Town Administrator presented template developed by IT Director re Town-wide submission of minutes format for all Departments, Committees and Commissions.

9:58p.m. Selectman Luca moved to adjourn the meeting, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

9:59p.m. Meeting adjourned.

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Date: _____

Pauline Conley, Clerk

Attachments

1. Tim's Transport Livery License
Town Clerk/Collector -Request for Temporary Assistance
2. DPW-Sludge Disposal contract
3. ABCC Form 43 License Reconsideration
4. Vickburg Sq. Meehan Letter
5. ASRSD Amendment to Agreement (snow/ice)
6. Xmas Lights reimbursement

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, March 26, 2013

The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: www.ayer.ma.us

Chairman Fay called the meeting to order at 7:05p.m.

Present: Chairman-James Fay, Vice-Chairman Pauline Conley, Clerk-Christopher Hillman, Members-Gary J. Luca and Frank Maxant, Town Administrator Robert A. Pontbriand, and Janet Lewis Secretary.

Agenda Additions-

Town Administrator

8.7 Army Right of Entrance-Environmental Assessment, related to the ongoing environmental monitoring of the Shepley Hill Landfill Superfund Site.

8.8 MOU/FSA-HRA finalized with all Town Collective Bargaining Groups and Mr. Pontbriand requesting to make public disclosure.

8.9 Shriver Job Corp. Renewal Agreement

Ms. Conley-New Business/Selectmen's Questions

1. Grant Training

2. Habitat - 76 Central Ave., Ayer, MA

3. Selectmen's 2-19-13 Minutes

Mr. Maxant-request to go off the posted Agenda to take up later items prior to the Public Hearing and dispose of Agenda Item #3, no 2nd, motion lost. Mr. Luca moved to leave Agenda as presented, 2nd by Mr. Hillman, Vote unanimous, so moved.

Announcements Mr. Fay called for a Moment of Silence for longtime resident and respected Town Employee Wellman Parker, retired Fire Chief, Electrical Inspector, Emergency Mngt. Director, who passed on Friday, March 15, 2013. Ms. Conley called for a moment of Silence for John J. Tobin of Abington, MA brother-in-law of Chairman Fay who passed away on March 23, 2013, recipient of the French Legion of Honor Chevalier from Henry Bertrand-Pradviel, Deputy Consul of the Consulate General of France the highest civilian award equivalent to the U.S. Medal of Honor for his military service in Northern France during WWII.

Agenda Item #1. Public Interest Mr. Fay requested if there was anyone present wishing to meet with the Board under Public Interest. Murray Clark, School Building Committee, re high School Project. Mr. Clark met with the Board to request the Selectmen's support waiving the Town's permitting fees for the Ayer Shirley High School Project. Mr. Clark stated it was the schools understanding that permitting fees have not been charged in cases of other significant projects owned by the Town of Ayer and asking the same consideration be applied in this instance. Mr. Luca moved the Board vote to waive the Building Permit fees except the Electric, Plumbing & Gas Inspectors fees, 2nd by Mr. Hillman VOTE: unanimous, so moved. Mr. Maxant feeling this being unfair to Town of Ayer Taxpayers, Ayer paying and Shirley again not paying anything.

7:15p.m. Agenda Item # 2 Public Hearing -Fy-2014 Water & Sewer Rates- Mr. Hillman opened the Public Hearing by reading the Public Hearing notice into the record published in the Nashoba Publications the week of March 15, 2013 and on the Town's Website. Mr. Fay turned the discussion over to Lisa Gabree who conducted an overhead presentation re the criteria for rate increases for water/sewer. (see attached). Overhead presentation included: Enterprise Funds, Tasks, accomplishments, septage capacity, selling future capacity, establishing targets re water/sewer capital stabilization funds, water & sewer expenses & revenues, fees review, and impact to residents.

Water Rate: Selectman Conley moved the Board vote to approve the Fy-2014 Water Rate for Step 1 Users to \$2.41 for step 2 Users to \$3.00

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For Step 3 Users to \$3.45 as recommended by the Committee, 2nd by Mr. Maxant, VOTE: Unanimous, so moved.

Sewer Rate: Ms. Conley moved the Board vote to approve the Fy2014 Sewer Rate for Step 1 Users to \$6.49

for Step 2 Users to \$7.18

for Step 3 Users to \$8.17 as recommended By the Committee, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Mr. Hillman suggesting the Committee re look at increasing the tie-in and shut-off fees in future.

8:00p.m. Mr. Luca moved the Board close the Hearing, 2nd by Ms. Conley, VOTE:

unanimous, so moved.

Agenda Item #3. Properties Enforcement-Atty. Greg Corbo, Town Counsel K&P

3.1 The Board met with Atty. Greg Corbo, Town Counsel from K&P. Mr. Hillman prior to Atty. Corbo starting his discussion requested Mr. Maxant to recuse himself due to his Conflict of Interest. Mr. Maxant refused stating his attitude has remained unchanged for twenty years and he has nothing to do with people involved. Mr. Hillman advising to Mr. Maxant refusing to recuse himself from an earlier Executive Session re same. Selectman Hillman stating he totally disagrees with Mr. Maxant. Mr. Fay advising to Board earlier forgoing the Executive Session mentioned feeling a discussion including Mr. Maxant would be inappropriate. Ms. Conley stating tonight's discussion would be generic not relating to anyone's property.

Atty Corbo advised the Board to the various empowerments of officials re targeted properties i.e. Board of Health-Public Health concerns, Building Inspector- Town By-laws, State Building Codes & State Law re dangerous structures, Conservation Commission re wetlands, and Police & Fire re general policing powers stating some overlap and entities should work together. Atty. Corbo advising the Board to having the flexibility to tailor the remedy to meet the situation, the court route is swift and effective, the court doesn't like to be ignored. Atty. Corbo advising regarding out-lying and recalcitrant property owners the Town should expect it to be a time consuming process and not expect results over night, but results are ultimately achieved. There is no magic bullet to clean targeted properties but the town's approach should be consistent and ensure people are treated in like fashion without singling out one person at the exclusion of others. Atty. Corbo explained for Mr. Maxant the definition of "Nuisance" as the persistent use of property which interferes with the rights of others by causing injury via sight, sound or smell, the definition is intentionally vague to be incorporated to a particular community. Mr. Fay requesting "White Paper" of property enforcement discussion from Atty. Corbo for the Board's review.

Agenda Item # 4 George Bacon, Chairman Ayer Historical Commission-re Town Flag

Chairman Fay presented the flag prepared by Jeri Love for the Board's consideration. Mr. Fay requesting the communities assistance to submit more renderings to the Historical Commission. The Board discussed the present flag currently displayed in the Hall of Flags at the State House being a white flag with the Town's seal in black depicting g the Town's 225th Birthday, with gold fringe. The Board reviewed the process of submission to the Historical Commission and timeline for presentation at Town Meeting for the voters to decide. The Board requested to check on the official submission status of Town's flag wishing not to dishonor the Town's original flag. Mr. Bacon to check on regulations at the State House.

Agenda Item #5. Kevin Kidder-Livery License Letter to Port Authority-The Board met with Kevin Kidder The Board reviewed with Mr. Kidder's his Livery License status. Mr. Kidder advised to transporting clients to and from the airport only and seeking a letter from the Board of Selectmen to their having no objection to his doing business in Town of Ayer and authorizing this service. Mr. Luca moved to approve Mr. Kidder's letter authorizing his Livery Service in the Town of Ayer, 2nd by Ms. Conley, VOTE: unanimous so moved. (change typo in letter from Kenneth Kidder to Kevin Kidder).

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Agenda Item #6. Board of Selectmen Position Letters/ on recent E-mail communications-The Board took an official position re recent communications (letters, emails) sent to State Offices/Officials from Mr. Maxant i.e. land in Town of Shirley-collateralization of land, under his Selectmen's title from the Board of Selectmen/ Town of Ayer. Mr. Maxant denying he sent communications on behalf of Board. Ms. Conley moved the Board authorize the Town Administrator to send letter/s to State Offices/Officials advising to Board of Selectmen not supporting any of Mr. Maxant's positions, 2nd by Mr. Luca, VOTE: 4-0, Mr. Maxant abstaining, motion passes.

Agenda Item #7. Supt. Wetzel's Report-The Board met with Mark Wetzel, Supt. of DPW

7.1 Grove Pond Water Treatment Facility and Wells Expansion Award-Supt. Wetzel updated the Board to DPW receiving seven (7) bids on 2-14-13. Onsite Eng. reviewed the bids and recommended award to Winston Builders Corp. of Northborough, MA in the amount not to exceed \$2,297,889.00. Supt. Wetzel advised the Board, when the contract is awarded, he will issue a Credit Change Order in the amount of \$316,870.00 based upon identifying items that can be eliminated in bid to reduce costs related to the backwash recycle system resulting in a construction cost of \$2,004,043.00 of which there is a balance of \$2,320,913.00 to fund this project per the Town Accountant. Ms. Conley moved to approve Supt. Wetzel's recommendation to award the Grove Pond Treatment Facility and Wells Expansion to Winston Builders of Northborough, MA for the bid award not to exceed \$2,297,889.00, in a memo dated 3-2-13, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

7.2 Spectacle Pond Water Treatment Plant Backwash Pump Change Order #2.

Mr. Luca moved the Board vote to approve the Change Order #2 recommended by Supt. Wetzel, dated 3-15-13, total sum of Change Orders 1-7, in the amount of \$29,119.95 and authorize the Chairman's signature, 2nd by Ms. Conley, VOTE: unanimous, so moved.

Agenda Item #8. Town Administrator's Report-The Board met with Robert Pontbriand

Ms. Conley urging the Board meet as a full Board to take up, review the 5-13-13 Annual Town Meeting Warrant articles, set date, time and post separate meeting.

8.1 Administrative Update-see update dated 3-6-13 to 3-19-13

8.2 Veterans Agent Reappointment- Mr. Pontbriand recommended the reappointment of Veterans Agent Michael Detillion effective 4-1-13 to 3-31-14 in accordance with General Laws. Ms. Conley moved to reappoint Michael Detillion to the Veterans Agent position effective 4-1-13 to 3-31-14, 2nd by Mr. Hillman VOTE: unanimous, so moved.

8.3 Rail Trail Parking Lot-Mr. Pontbriand updated the Board to transfer of land in process this being confirmed by lawyer for DCR/DEM work in progress. Mr. Pontbriand advising to transfer imperative for project to move forward MART cannot start project until transfer is acquired.

8.4 Ayer/Shirley Regional High School Property Easement -The Board voted to approve the Verizon easement at 141 Washington Street recorded with the Registry of Deeds in Book 8135 Page 81 recorded on 9-9-53 shown as Parcel 019-020-.2-000-001.0 for the transmission and or distribution of telecommunication over and across grantor's land. Motion moved by Ms. Conley 2nd by Mr. Maxant, VOTE: unanimous, so moved.

8.5 5-13-12 DRAFT ATM Warrant #2. Mr. Pontbriand presented DRAFT #2 Revision of 3-1-13 revised on 3-26-13 with Town Counsel's edits, containing 39 Articles, no citizens petitions for Board's review. Meeting to be set up for 1st week in April for Board's final edit/review. Mr. Pontbriand reminded the Board to Joint Meeting with Fin-Com re Fy-14 Budget on Wednesday 4-3-13.

8.6 Fire Station Re-Use RFP- Mr. Fay requested the revised RFP presented earlier be reviewed by the Committee at their next meeting on 4-1-13 and rescheduled this matter for the Board's 4-2-13 Meeting.

8.7 Department of Army Right-of-Entrance for Environmental Assessment-relating to ongoing environmental monitoring of the Shepley's Hill Landfill Superfund Site. Ms. Conley moved the Board vote to approve the DOA Right of entry for the environmental assessment as stated above ROE #2505 recommended by the Town Administrator in a memo dated 3-26-13 land identified as Assessors Map 25

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Lot 23, Assessors map 26 Lot 10 and Assessors Map 32 the public roadway Shirley St. address #2931 and the intersection of Union, shown as Exhibit "A", 2nd by Mr. Hillman, VOTE: unanimous, so moved.

8.8 Collective Bargaining (HRA/FSA MOA) -Mr. Pontbriand announced the successful negotiations of the Health Insurance Reimbursement (HRA) Account and the Establishment of the Flexible Spending Account (FSA) MOA with all the Town's Unions commencing on 6-1-13 with a 90 day drawdown period from 6-1-13 to 8-31-13, All parties agreeing on 9-1-13 any remaining funds in the HRA will be equally distributed among all HRA participants. Payments to be issued pre-taxed and as a health care credit. Parties agree per the 3-29-12 MOA that the Town will offer a Flexible Spending savings Account (FSA) effective 6-1-13 and the Town will cover all FSA administrative costs. Mr. Pontbriand advising to this MOA being approved earlier tonight by a 5-0 vote of the Board of Selectmen in Executive Session and ratified by all CBU's.

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8.9 Shriver Job Corps Work program Renewal: The Board approved Mr. Pontbriand's authorization to endorse the Shriver Job Corp Work Program's 3 year Renewal Contract commencing 7-1-13 to 6-30-15. Motion made by Ms. Conley, 2nd by Mr. Luca VOTE: unanimous, so moved.

Agenda Item #9 New Business/Selectmen's Questions-

Selectman Conley-Grants -Mr. Pontbriand updated the Board to Mr. Maher- Economic Development Director attending intensive Grant Seminar to assist Department Heads in writing/finding Grants for their Departments. Mr. Pontbriand congratulating Department Heads who have over the years demonstrated strong achievements in securing grants i.e. Fire Chief, Police Chief, Town Acct., Supt Wetzel, Cindy Knox, Dan Sherman and Green Committee. Mr. Pontbriand advising to his next Department Head Meeting focusing on securing Grants for the Town.

Habitat- Ms Conley advising to Habitat very interested in land at 76 Central Ave. stating she checked into tax status and found all taxes has been paid on property and checking on any other associated cost hoping to get this project up and running by the end of summer and back on the town's tax role and affordable housing stock.

Selectman Hillman-withdrew Vehicle transponders from agenda to be rescheduled.

Curbside Trash Pick-up- Mr. Luca advising to Mr. Hillman and he investigating putting out RFP to get an estimate re cost associated with this service in April. Mr. Luca stating curb-side will encourage/increase recycling throughout the Town.

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Chairman Fay-advised to 4th of July Fireworks contract awarded by Town Administrator for \$6K with Fire Chief's approval.

10:05p.m. Mr. Luca requested to extend meeting for five minutes, 2nd by Ms. Conley, VOTE unanimous, so moved.

MINUTES -Mr. Hillman moved the Board vote to approve the Minutes of 2-19-13 as amended, 2nd by Selectman Conley, VOTE: Selectman Conley aye, Selectman Hillman aye, Selectman Luca aye, Selectman Maxant no, Chairman Fay aye. 4-1 motion passes. Selectman Maxant taking exception to minutes reflecting he left table for ten minutes and insisted it was only three minutes having viewed the tape. Mr. Maxant took this opportunity to discuss strengthening the Sex Offender Residency By-law by reading Town Counsel's letter into the record. The Board stating their objection to this being Executive Session material and moved to adjourn the meeting over Mr. Maxant's objection.

10:10p.m. Mr. Luca moved to adjourn the meeting, 2nd by Mr. Hillman VOTE: Selectman Hillman aye, Selectman Luca aye, Selectman Maxant __, Selectman Conley aye, Chairman Fay aye. 4-1 motion passes.

10:10 meeting adjourned.

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Christopher Hillman, Clerk Date: _____

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, April 23, 2013

The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: www.ayer.ma.us

Chairman Fay called the meeting to order at 7:0p.m. advising all to Board of Selectmen Open Session Meeting is video recorded by APAC.

Present: Chairman-James Fay, Vice-Chairman Pauline Conley, Clerk-Christopher Hillman, Members-Gary J. Luca and Frank Maxant and Town Administrator Robert A. Pontbriand.

Chairman Fay read into the record Exemption #1. for the Reasons for Convening Executive Session (MGL Chapter 39, s30b)

To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual. Chairman Fay requested Mr. Maxant wished Open Session or Executive, Mr. Maxant answered Open Session.

Mr. Fay read the complaints against Mr. Maxant.

1. G.L. Chapter 26.8A, Section 23 9c) (2)
2. A.G. Public Records
3. Release of Executive Session Minutes
4. Selectmen may contemplate further censure at a later date.

Chairman Fay read from Nashoba Publications-Public Spirit 4-19-13 edition asking Mr. Maxant if he released this information.

Mr. Maxant asked how you came to this complaint. Did Board conduct "Serial" Meeting with Town Administrator?

Chairman Fay-consulted Legal opinion-re provision of Conflict of Interest Law provides:

1. No one currently on Board or anyone present shall disclose contents of meeting.
2. Executive Session Exempt under Public Records-mandatory disclosure.

Chairman Fay stated Board polled to meet.

Mr. Luca advising the Board has done this before.

Mr. Hillman advising to email sent asking to meet.

Chairman Fay requested if the Board wanted to file complaint

1. Ethics
2. A.G. Violation

Ms. Conley moved the Board refer matter to Ethics Commission to investigate whether Conflict of Interest Law broken, 2nd by Mr. Luca, VOTE: Chairman Fay aye, Mr. Luca aye, Mr. Hillman aye, Ms. Conley aye, Mr. Maxant abstaining, 4-1 motion passes.

Mr. Maxant stating he did nothing improper. Ms. Conley stating matter referred to Ethic Commission to determine. Ethics will hear Mr. Maxant.

Chairman Fay requested this also be filed with the A.G. re Public Records. Ms. Conley moved the Board file official complaint with A.G. re improper release of November 14, 2013 Executive Session Minutes, 2nd by Mr. Hillman VOTE: Chairman Fay aye, Mr. Luca aye, Mr. Hillman aye, Ms. Conley aye. Mr. Maxant abstaining, 4-1 motion passes.

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Mr. Maxant challenging whether improperly is correct. Chairman Fay stating he needs vote of Board.

Mr. Hillman stating he has been on the Board for over a year re 20 executive sessions re minutes and suddenly this get released without proper closure.

Mr. Maxant stating bylaw makes us a target. Public needs to know.

Mr. Hillman stating what makes us a target is you contacting other parties.

Mr. Maxant stated he responded to others who have contacted him.

Mr. Hillman question Mr. Maxant if he had ever spoken to King.

Mr. Maxant stated yes about football.

Chairman Fay stated this concludes business and called for a motion to adjourn. Mr. Luca moved to adjourn, 2nd by Ms. Conley, VOTE: unanimous, so moved.

7:15p.m. Meeting adjourned.

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TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, May 7, 2013

The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: www.ayer.ma.us

Chairman Fay called the meeting to order at 7:07p.m. advising all to Board of Selectmen Open Session Meeting is video recorded by APAC.

Present: Chairman-James Fay, Vice-Chairman Pauline Conley, Clerk-Christopher Hillman, Members-Gary J. Luca and Jannice Livingston, Town Administrator Robert A. Pontbriand, and Janet Lewis Secretary.

Chairman Fay welcomed Senator Jamie Eldridge and Representative Jennifer Benson to the meeting. Chairman Fay welcomed Jannice Livingston to the Board of Selectmen upon her successful election on 4-30-13.

Announcements: Chairman Fay made the following announcements

1. Lupus Proclamation- Chairman Fay read into the record a LUPUS Proclamation declaring May 2013 as LUPUS Awareness Month.
2. LUPUS Bowl-a-Thon Thursday, May 16, 2013 at Harvard Lanes from 5:30-7:00p.m.
3. LUPUS Awareness Pins -being sold at the Town Hall-Selectmen's Office beginning Friday, May 10, 2013.
4. 4th of July Grand Marshall-chosen by the Committee for 2013 MS. Pauline Hamel
5. welcome to new business-
6. Welcome to Pierre Comtois new press reporter from Nashoba Publications covering meeting.
7. Mr. Luca announced the MA Letter-carriers Food Drive Saturday, May 11, 2013, urging residents to leave non-perishables by door for pick-up by postal employees.

Amendment/s to Agenda-Selectman Luca-under Town Administrator's Report -requested to add
10.6 Devens Police RFP
10-7 Curbside RFP

Chairman Fay called for a motion to approve the Agenda.

Mr. Luca moved the Board approve the Agenda as amended, 2nd by Ms. Conley, VOTE: unanimous, so moved.

Agenda item #1. Presentation of 2012 Annual Town Report -The Board welcomed back Joan Pena and presented Mrs. Pena with the Town Report dedicated to her husband Mr. Robert Pena who passed away in 2012.

Agenda Item #2. Welcome to new Selectwoman Jannice Livingston-The Board again took this opportunity to congratulate Ms. Livingston up her recent election to the Board and looked forward to working with her.

Agenda Item #3. Senator Jamie Eldridge and Representative Jennifer Benson-The Board welcomed back Senator Eldridge & Rep. Benson and thanked them for coming to brief the Board re State Funding and local issues. Senator Eldridge opened his remarks by advising to Representative Harrington unable to be present do to another pressing engagement, sending g the Board her apology. Senator Eldridge advising to budgetary issues still dominating the legislative agenda but assuring the Board to his working to retain his constituent's share of the money including protecting local aid to Cities & Towns i.e. school transportation, educational spending and lottery aid. Senator Eldridge also promising to work to preserve safety net funding including money for the homeless, low-income families, at risk children, people with disabilities and the elderly. Infrastructure, public transportation, water, (Mr. Luca urging sewer also be included) libraries, schools and higher education also high on his agenda including a fair and equitable tax system to support the states goals & objectives. Representative Benson opened her remarks by stating she felt a special connection with Ayer re educational concerns i.e. local aid returning to 2008 levels and being dedicated to getting more money out to Cities & Towns advising to the State budget being more streamlines and transparent and trying to focus money where necessary. The Board

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thanked both Senator Benson & Representative Benson for coming out to meet with the Board. On the local level areas discussed with the Board were economic development on Devens via new Film Studio ensuring local hiring and advised by Board to Disney Rep touring studio. Funding re new Court House and Medical Marijuana Centers also dominated the local requests re updates.

Agenda Item #4. Re-organization of the Board of Selectmen-Mr. Fay opened the floor for nominations for the re-organization of the Board for Chairman: Mr. Hillman nominated Pauline Conley, 2nd by Mr. Luca, Ms. Conley accepted the nomination, VOTE: unanimous, so moved.

Mr. Fay called for nomination of Vice-Chairman: Ms. Conley nominated Gary Luca, 2nd by Ms. Livingston,

Mr. Luca accepted the nomination, VOTE: unanimous, so moved.

Mr. Fay called for nomination of Clerk Ms. Conley nominated Mr. Hillman, Mr. Hillman accepted the nomination, 2nd by Ms. Livingston, VOTE: unanimous, so moved. Mr. Fay extended his congratulations to the new Chairman who in turn thanked the Board stating she was happy to serve.

Agenda Item #5. Public Input-no one

Agenda Item #6. David Maher-Economic Development Director re Lien Subordination-Mr. Maher introduced property owner Kelli White to the Board advising the Board to Ms. White requesting to subordinate her mortgage on the property at 83-85 W. Main Street in favor of a first mortgage. Mr. Maher advising the owner is refinancing to obtain a better interest rate and the Town's position will not be changing. Mr. Luca moved the Board vote to approve the Lien Subordination in the amount of \$84,690.00 and authorize the Chairman's signature, 2nd by Mr. Fay, VOTE: unanimous, so moved.

Agenda Item #7. Fire station Reuse RFP-Mr. Fay proposed the Board consider issuing a Statement of Interest regarding adaptive reuse of the former Fire Station since Article 10 of the 2012 Fall Town Meeting took the sale option out of the equation-don't have permission to sell. Rehab to restore the former Fire Station would be \$3.5 million dollars -with municipal use attached. Chairman Conley stating Mr. Maxant's amendment included not limiting to municipal use and advising to IT Coordinator bringing up that section of tape which she viewed and encouraged the Board revisit vote of 11-27-12 to hear what was said. The Board requested to view this portion of the 11-27-12 FTM at their meeting on 5-21-13.

Agenda Item #8. Property Enforcement Policy- Mr. Hillman suggested the Board schedule a meeting with Town Counsel and Board of Health, Building Commissioner, Conservation Commission, Fire & Police to look at tools of each committee/commission to co-ordinate strategy. This meeting to be held in Executive Session and held to Executive privilege. The Board requested this meeting be scheduled after Town Meeting or before 6-1-13.

Agenda Item #9. Board of Selectmen Goals 2013-

9.1. The Board to submit their top five (5) goals & objectives to the Town Administrator who will create a Master List of the Board's five most important Goals, which in turn will become the Town Administrators goals for 2014.

9.2 Board of Selectmen Polices & Office Procedures-Chairman Conley suggesting the Board make this a priority an look at weekly, re-work stating the policies have not been updated since 1999.

Agenda Item #10. Town Administrator's Report-see Administrative Update dated 4-17-13 to 5-7-13.

10.1 Mr. Pontbriand welcomes Selectwoman Livingston to the Board.

10-2. Energy Update-Mr. Pontbriand updated the Board to work of Green Communities working to replace street light through their new grant cycle and advising to the Town Hall seeing a 75% reduction in energy through quality controls. Ms. Livingston stated he concern re ladies room/s in Town Hall shutting off within minutes of door closing and citing safety concerns.

10.3 Reserve Fund Transfer-The Board approved a Fire Casualty and Liability Insurance transfer in the amount of \$5,086.00 for payment of unpaid MIIA invoices & CAN invoices. The Board questioned \$2500.00 deductible & requested to hold off until it is identified. Mr. Luca moved to approve the RFT in the amount of \$2,486.00, 2nd by Mr. Fay, VOTE: unanimous, so moved.

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10.4 Executive Session Minutes- Mr. Pontbriand updated the Board to all his Executive Session Minutes from 8-17-10 to present finalized for the Board's review and approval.

10.5 Town Administrator's Goals & objectives -taken up earlier in the evening under the Boards Goals & objectives.

10.6 Fy-2014 Budget & Warrant-Mr. Pontbriand took this opportunity to thank everyone for their assistance re the formation of the 5-13-13 Town Meeting Wwarrant, Fy-2014 Budget and Town Report.

10.7 Devens RFP Mr. Hillman to meet with Chief Murray and go over. Police Chief to submit cost estimates. Chief to be requested to attend upcoming meeting re this RFP re cost benefit analysis. The Board suggested their first meeting in June re this meeting.

10-7. Curbside trash pick-up Mr. Luca advising to sample RFP on MADev website suggesting the Board take a look at review options re savings and convenience of residents. Mr. Pontbriand to work with Supt. Wetzel re draft with objective being maximizing recycling and associated cost of closing the transfer station and potential re-use i.e. storage (records) draft by the end of May.

Agenda Item #11. JBOS- Mr. Luca advising to no meeting in two months. Mr. Luca approved by Board as the Board's voting member and Mr. Fay and Mr. Hillman backups. Mr. Pontbriand to notify JBOS to Mr. Maxant no longer voting representative or official voting member from Town of Ayer.

Agenda Item #12 New Business/Selectmen's Questions-

12.1 Transponders to be put back on Selectmen's Agenda for 5-21-13, re data and cost factor.

12.2 Medical Marijuana -Board to meet with proponent on 5-21-13 re proposal. DPPH Regulations to be released later this month and Board requesting to get copy as soon as possible. The Board requested Mr. Pontbriand contact Town Counsel re a one (1) year moratorium re zoning issues and for the Board to meet with Town Safety personnel and Health Boards for their input re unknowns.

Agenda Item #12. Minutes-4-16-12 Mr. Luca moved the Board approve the amended minutes, 2nd by Mr. Fay, VOTE: unanimous, so moved.

9:25p.m. Mr. Luca moved to adjourn, 2nd by Mr. Hillman VOTE: unanimous, so moved.

9:25p.m. Meeting adjourned.

Christopher R. Hillman, Clerk

Date: _____

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TOWN OF AYER SELECTMEN MEETING MINUTES

Tuesday, May 21, 2013

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The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: www.ayer.ma.us

Chairman Conley called the meeting to order at 7:07p.m. advising all to the Board of Selectmen Open Session Meeting is video recorded by APAC Present: Chairman-Pauline Conley, Gary J. Luca- Vice-Chairman, Christopher Hillman-Clerk, Members- James M. Fay and Jannice Livingston, Town Administrator Robert A. Pontbriand, and Janet Lewis Secretary.

Announcements: Chairman Conley made the following announcements

1. Memorial Day Parade-Saturday, May 25, 2013 forming at 9:30a.m. at St. Mary's Parking Lot on Shirley Street, Ayer. parade stepping off at 10:00a.m. Parade Marshalls for Memorial Day Parade- Joseph Landry of Shirley, MA and Ralph Winslow of Ayer, parade will march down Main St, stopping at Town Hall for Honorary Guest speakers' memorial and continuing on to Pirone Park for closing ceremony.

2. Re-dedication of E. Main Street Bridge in honor of William Iversen prior to parade by the American Legion.

3. Chairman Conley announced the Janice Bresnahan Road Race raising over \$28K. Congratulations extended to the Bresnahan Family.

Chairman Conley called for a motion to approve the Agenda. Mr. Luca moved the Board approve the Agenda, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Minutes: passed upon

Agenda item #1. Presentation of Certificates-Ayer Special Olympians-Chairman Conley welcomed Special Olympians: Jack Hillman, Nick Dutton, Andre Mayorga, and Josh Harris to the meeting. Ms. Conley recognized Principal Fred Deppe, and Coordinator Meg Saucier, Kristina Howard and Paula Gravelle-Para Professionals organizers of the games at Fitchburg State University on April 26, 2013. Mr. Fay presented the Certificates while Board members distributed Trophies to each of the Olympians upon their successful winning of a medal/s at the event. Flowers and Certificates of Appreciation were presented to Ms. Saucier, Ms. Howard and Ms. Gravelle from the Board. A very special thank you was sent to Jeff Thomas and the Ayer Park Commissioners for their generous donation of the trophies. Mr. Hillman expressed his deepest appreciation to all who sponsored and volunteered their assistance to this event.

7:15p.m. Public Hearing-Tross Corp.-All Alcohol License & Common Victualler's License-25 Main Street, Ayer, MA - Selectman Hillman recused himself from the discussion and left the table-Conflict of Interest -family member (cousin). Legal Notice was read in to the record published in the Nashoba Publications the weeks of 5-10-13 and 5-17-13. Chairman Conley requested if there were abutters present to speak for or against the petition, abutters' present spoke in favor of restaurant/pub. Certified mailings to abutters were presented for the record. The Board viewed architect renderings of proposed restaurant/pub, handicap accessibility, parking and advising to all employees/owners to undertake TIPS certification. Mr. Luca moved the Board vote to submit the All Alcohol License for Tross Corp. to the ABCC subject to TIPS Certification, 2nd by Mr. Fay, VOTE unanimous, so moved 4-0. The Board was advised to Kitchen in renovation process and working with Nashoba Boards of Health-(work in progress). Mr. Luca moved the Board vote to approve the Common Victualler's License for Tross Corp contingent upon Nashoba Boards of Health Approval of Food Handler's License, 2nd by Mr. Fay, VOTE unanimous, so moved. 4-0. Mr. Luca moved to close the Hearing, 2nd by Mr. Fay VOTE: unanimous, so moved.

Public Interest

1. Proposed Dog Park--Supt. Wetzel introduced Agnes Shannahan proponent for establishing a Dog Park in the Town under the Stanton Foundation Grant. Supt. Wetzel advising to being contacted by many residents re this proposal who are interested in developing a working group towards this effort.

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Mr. Wetzel advised to site being considered is a Snakehill Road parcel. The Board suggested Ms. Shannahan & others contact the Park Commissioners to get on their agenda re this proposal as well as other potential sites. Mr. Luca expressed concern re care and clean-up responsibilities and to check other communities if they have Dog Parks to see how they are run/operated. Supt. Wetzel advising to Grant paying for 90% of construction and 5% for additional annual years.

2. Central Ave Compassionate Care Inc.-The Board met with founder John Hillier of Shirley, MA and Atty. Chris Lilly. Mr. Hillier opened the discussion by advising the Board to his purchasing the former Sudz-it Building on 31 Central Avenue, Ayer, MA for a regulated medical marijuana facility. Mr. Hillier reviewed with the Board his project overview for a non-profit regulated marijuana dispensary for the production and dispensing of medical marijuana products to only qualified registered patients or their registered caregivers, as permitted under State Law passed in November 2012 and strictly regulated by the Dept. of Public health (DPH). Dispensary will not be open to the general public only qualified patients will be allowed into the facility by appointment who suffer from debilitating conditions, such as Lou Gehrig's disease (ALS), cancer, Multiple Sclerosis, HIV/AIDS, Crohn's and Parkinson's disease. Mr. Hillier advised the Board to security measures that will use state of the art alarm systems, comprehensive video surveillance to secure the security of patients, employees and the general public, building and contents. Mr. Hillier updated the Board to the voters of Massachusetts voting to legalize the medical use of marijuana (Chapter 369 of the Acts of 2012) along with 2/3 of Ayer voters. The Board advised to need to hold a Public Hearing re possible moratorium re community support, non-support, urging need to take one step at a time and want Board of Health, Police Chief & Fire Chief's perspective/input. The Board advised to Planning Board conducting a Public Hearing re Zoning Moratorium on June 6, 2013 at 7pm at the Ayer Town Hall re moratorium. The State DPH Regulations are to be released this week and everyone needs to take a look at them and proceed very carefully.

Partridge Auto Class II Auto Dealer's License Amendment-The Board met with Sean Partridge. Mr. Partridge updated the Board to his request to amend his current Class II License to increase the number of cars permitted on his lot from six (6) to fifty (50). Mr. Partridge reviewed with the Board his lot size being 44,000 sq. ft and looking to utilize 21,000 sq. ft for auto sales along both sides of his building and in the back. Mr. Partridge advised the Board to meeting with Building Commissioner and zoned properly. Mr. Partridge advising to his change of use changing as well from garage to sales. The Board advised to need to conduct a Public Hearing re this request to advise abutters of change.

Fire Station Re-Use-RFP/Statement of Interest-

The Board viewed the 2012 FTM video re Article 10 for actual language proposed by Selectman Maxant per the Board's 5-7-13 Meeting, to which Selectman Maxant's amendment removed the option to raze or sell the building. The Draft RFP and Statement of Interest presented by the Reuse Committee offered limited use of the building for municipal use. Selectman Fay suggested issuing a Statement of Interest to attract more applicants. Mr. Pontbriand advised to Town Counsel opinion to amendment gave many options by creating process or disposition of property. Mr. Pontbriand suggested the Board proceed with RFP and authorize the release of the RFP per Chapter 23B. Mr. Fay stating the Committee awaits the Board's course of action. Mr. Pontbriand advising the RFP will come back to the Board re acceptance or rejection.

Board of Selectmen's Policies & Procedures-Mr. Pontbriand distributed current copies of the Board of Selectmen's Policies & Procedures advising to last review conducted in 1999. Mr. Pontbriand requested the Board review and remit their suggestions re changes/notes back to him within two weeks along with their goals & objectives for Fy-2014.

Board of Selectmen & Town Administrator's Goals & objectives 2013-2014-Mr. Pontbriand again restated the need for the Board to submit their five (5) priority Goals & Objectives to him as soon as possible then he will combine them and make a master list of the Board's combined five goals & objectives which in turn will become his Fy-2014 Goals & Objectives.

New Agenda -Chairman Conley advising Board to her incorporating a no time limit agenda for future meetings.

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Reserve Fund Transfer-Mr. Pontbriand resubmitted the Fire, Casualty, & Liability Insurance Reverse Fund Transfer from the May 7, 2013 meeting which the Board required verification and confirmation from MIIA. Mr. Pontbriand confirmed that this \$2,500.00 is a legitimate claim that was filed in February 2013 from a residential sewer back-up caused in the town's public street. Mr. Luca moved the Board vote to approve the amount not to exceed \$2,486.00 to Account #01193-57430 as stated by Mr. Pontbriand, and authorize the Chairman's signature 2nd by Mr. Fay, VOTE: unanimous, so moved.

Roundtable-Future Topics

Selectman Hillman:

1. Schedule Board of Health Enforcement Meeting with Bldg. Com, APD & AFD
2. Chief Murray's input re Westford Rd. /Sandy Pond truck traffic

Selectman Luca:

1. Continue with Press packet release-Mr. Pontbriand advising to working with Cindy Knox to have the Board's packets on website.
2. Mr. Luca advised the Board to having person interested in serving on NVTHS School Committee. Mr. Pontbriand reminded Board to need for primary representative and alternate urging the Board to get names into him as soon as possible.
3. Home Rule Petition update (reducing Selectmen from 5 to 3) passed house. Mr. Pontbriand reminded board to Meeting on 5-28-13 with Supt. Wetzel in Open Session re DPW Projects and entering Executive Session re: contract strategy later.

9:15p.m. Mr. Luca moved to adjourn the meeting, 2nd by Mr. Hillman VOTE: unanimous, so moved.

9:15p.m. Meeting adjourned.

Christopher R. Hillman, Clerk

Date: _____

TOWN OF AYER SELECTMEN MEETING MINUTES

Tuesday, June 4, 2013

The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: www.ayer.ma.us

Chairman Conley called the meeting to order at 7:05p.m. advising all to the Board of Selectmen Open Session Meeting is video recorded by APAC Present: Chairman-Pauline Conley, Gary J. Luca- Vice-Chairman, Christopher Hillman-Clerk, Member- James M. Fay, Town Administrator Robert A. Pontbriand, and Janet Lewis Secretary. Ms. Livingston absent

Announcements: Chairman Conley made the following announcements

1. Planning Board Public Hearing, 6-6-13 @7pm re Medical Marijuana Dispensary - Compassionate Care at 31 Central Ave., Ayer, and MA possible Zoning Moratorium.
2. Selectmen's Meeting-Friday, June 7, 2013 at 8:30a.m. re the finalization of the June 24, 2013 Special Town Meeting Warrant re the ASRS Assessment and possibly the Medical Marijuana Moratorium.

Minutes-passed upon

Public Input-Terrance Perham, 39 Willard St., Ayer, MA re why Town hasn't condemned house destroyed by fire three (3) years ago. (October 2010) Mr. Perham advised the Board to meeting with the Building Inspector and Board of Health without getting any results. Mr. Perham stated he has to keep his windows shut to keep the odor out that emanates from the house next door. The roof is caving in, it smells, trash/rodents, etc. and he is afraid of children getting hurt, having seen teens going in and out of the house. Ms. Spinner stated she also shares her neighbors concerns. Mr. Hillman advised Mr. Perham to Selectmen meeting with the Board of Health, the Building Commissioner, NBOH, DPW and Town Counsel in Executive Session on 6-11-13 and he would place this address on the list to be discussed as he champions the Town-wide enforcement and clean up of properties in Town.

Michael Pattenden-status of Town's Property Tax Work off Program (former SHAVE Program) Article 37 of 2012 ATM.

David Maher, Director of Economic & Community Development -The Board met with David Maher Present for the discussion Susan Provencher and Alicia Hersey.

Lien Subodination-96 Washington St., Ayer, MA Case #06-247-09-247. Mr. Fay moved the Board vote to approve the Lien Subordination as outline in a Memo dated 5-30-13 conditioned upon a new mortgage not to exceed \$115,400.00 and the 2nd mortgage not to exceed \$50K and authorize the Chairman's signature, 2nd by Mr. Luca VOTE: unanimous, so moved.

Extension of Alicia Hersey's employment - Mr. Maher requested the Board extend Ms. Hersey's employment beyond June 30, 2013 deadline. Mr. Fay moved the Board vote to extend Ms. Hersey's employment from 7-1-13 to 6-30-14, funded through Program Income at \$18.95 for 15 hours per week and Union pay scale to be incorporated for Fy-14, 2nd by Mr. Luca. VOTE: unanimous, so moved.

Regional Application-CDG-1-Mr. Maher requested the Board allow him to contact the Town of Shirley as part of the Town of Ayer's next CDG-1 submission advising the Board to the Town's chances would greatly increase by applying with another Town as part of a regional submission, coupled with their needs score and consideration of a length of time since their last grant and Ayer's track record of administering a very successful program would give us a better chance to be awarded in 2014.

Chairman Conley suggested inviting the Town of Shirley to a meeting to see if there is interest before engaging. Mr. Pontbriand to contact the Town of Shirley re interest and report back to the Board.

Solicit Grant Writing Administration Company-Mr. Maher suggested the Board solicit a grant writing/grant administration company to write and administer the grant through the grant cycle with Ms. Hersey's support which will be a lot more difficult due to the nature of a regional application. All administrative expenses funds would be funded by grant. The Board requested contact be made first with Town of Shirley re initiating discussion of interest.

Fire Chief-re P.O. for Chief's new vehicle-The Board met with Robert Pedrazzi. The Board approved the purchase of new Fire Chief's Vehicle per Article 18 of the 5-13-13 ATM of 2013. Chief Pedrazzi

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presented P.O. #05302013FD in the amount of \$35,367.00 (with trade-in of 2003 Tahoe) without trade-in \$38,367.00 for a 2013 Chevrolet Tahoe SSV. Mr. Luca moved to approve the sum not to exceed \$38,367.00 to Mirak Automotive Group, PO #05302013FD dated 5-30-13, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

John Canney Town Clerk/Tax Collector- Extension of Temporary Asst. Tax Collector to 7-15-13
Mr. Canney updated the Board to Ms. Shepard's last day of employment 6-11-13 and requested the Board's approval to extend Ms. Shepard's employment to 7-15-13. Mr. Luca moved to approve the temporary Tax Collector's employment to 7-15-13 subject to availability of funding, 2nd by Mr. Fay, VOTE: Mr. Luca aye, Mr. Fay aye, Mr. Hillman no, Chairman Conley no, Motion fails. The Board suggested Mr. Canney meet with the Town Accountant re funding for two weeks from Fy-13 budget and two weeks from Fy-14 new budget, and clarify funds in his budget re line item to line item transfer approval. The Board invited Mr. Canney to meet with them on Friday morning at 8:30a.m. to approve extension once funding has been validated by town Accountant may or may not need RFT. Mr. Hillman requested if Mr. Canney had posted the newly adopted by-laws from Town Meeting with AG and advised not yet, he has thirty (30) days to do so.

JBoS Update-Selectman Luca updated the Board to MADev's Transition Plan looking to hiring an Administrator to be governed by JBoS and include Devens community as a member in the governing body regarding future governance of the DREZ. MADev looking at some way to evolve want to get development done. Informative White paper to be developed outlining scope, impacts for future meeting. Mr. Fay stating regretfully Disposition got in the way of the Mission Statement and Mission Statement needs to be revised. Mr. Luca stating economic growth will benefit all communities we will encounter expenses but will all share in all of this in a collaborative approach speaking to the 350 new jobs estimated between 2015-2016 with new studio during final build out; phase I (studio) opens in late summer, Phase II-Andrews Sq. Chairman Conley questioning DREZ-School Choice within stakeholder communities asking who pays for child to attend school doesn't want Devens telling ASRSD who will attend where. On another issue Mr. Luca advised to Regional Dispatch Ctr. (Lancaster, Lunenburg, Harvard & Devens) opening in late July all paid for by grants inquiring if Ayer would like to participate but not open to other towns right now.

Board of Selectmen Policies and Procedures-Mr. Pontbriand advised Board to copies of the Board's Policies & Procedures distributed on 5-21-13 re changes/amendments. Mr. Fay suggested adding a Mission/Vision Statement offering to draft one for Board's review to include economic strength, infrastructure, and public safety. Mr. Hillman stated need for economic analysis incorporated re marketing, resident's income, highway, businesses, schools, tax rate, traffic which could be developed by Mr. Maher. Policies have not been updated since 1999 need to review, update and revise manuals. Chairman Conley also echoing need to revise manuals adding a new section re relations with citizens, Public Input tracking system also suggesting to look at announcing votes electronically during selectmen's meetings. Mr. Luca suggesting to place communication policy in Board's revised policy/procedures. Mr. Fay suggesting future packets be replaced with IPADS should be a paperless society by now. Mr. Hillman questioning newsletter release status to be released after Town Meeting.

Town Administrator/Board of Selectmen Goals & Objectives

Mr. Pontbriand updated Board to compiling all of the Selectmen's Goals & objectives he received into one document which he was delighted to report spoke to for the most part to all of the same issues: policies & procedures, personnel protocols, economic development, property enforcement, and public input tracking system. Mr. Fay moved the Board vote to approve the Board's five (5) goals & objectives for July 1, 2013 to 6-30-14, 2nd by Mr. Hillman VOTE: unanimous, so moved.

Mr. Pontbriand reviewed with the Board his five Goals & Objectives for 7-1-13 to 6-30-14. administer the Policies, Procedures & directives of the BOS, Personnel Protocols, and economic development, complete Department Head Personnel Evaluations by 6-1-14, Consolidate all Town Insurance Administration, Claims & Files in BOS office, and draft proposed policy for encumbering funds by department heads. The Board reviewed the 3rd bullet -Department Head evaluations re rewarding

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motivation/reprimand insubordination are included. Mr. Luca requested if all the Goals & objectives were attainable and Mr. Pontbriand responded they were. Mr. Luca moved the Board vote to approve the Town Administrators Goals & Objectives, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Board's Open Discussion

Mr. Fay- schedule for July Meeting-1. Transponders-need data from DPW, APD & AFD re their concerns, cost factor, Union impact, requesting a white paper from all above as well as implications use/misuse of transponders. 2. Poles & light replacement cost 3. Sidewalks for Groton School Road.

Mr. Hillman advising to 15 crosswalks from Park St. to E. main St. need to have Police Chief in re his review and advice re locations of sidewalk placement/s. 2. Contact MRPC re available grants to do Market study re encouraging CVS/Market Basket to town.

New Business-Fy-14 Appointments scheduled for 6-18-13 the Board requesting to have all re-appointments come before Board.

Mr. Luca has a candidate-Ted Januskiewicz for NVRTS member. Mr. Pontbriand reminding the Board to need of vote of Town Moderator, School Committee re the permanent member and alternate member. Mr. Pontbriand suggested the Board meet at 6:30p.m. on June 24, 2013 prior to the Special Town Meeting to vote this appointment/s.

Mr. Pontbriand presented the weekly warrant in the amount of \$125,557.00 for the Board's signature. Mr. Pontbriand presented the Town Accountant's Chapter 90 reimbursements for Fy-13 in the amount of \$164,008.03 for the Board's signatures. Balance of Chapter 90 unexpended funds \$368,327.66.

9:40p.m. Mr. Luca moved to adjourn the meeting, 2nd by Mr. Hillman VOTE: unanimous, so moved.

9:40p.m. meeting adjourned.

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Christopher R. Hillman, Clerk

Date: _____

Town of Ayer
Board of Selectmen
Ayer Town Hall – 1st Floor Meeting Room
Ayer, MA 01432
Tuesday, July 15, 2014 - 7:00pm
Meeting Minutes



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Call to Order: The meeting was called to order by Chairman Hillman at 7:01pm.

Review and Approve Agenda and Announcements: G. Luca stated that he has documentation for the JBOS update under New Business. G. Luca also would like to discuss the wastewater RFP. The Sandy Pond Road and Old Groton Road updates will also be brought up under Superintendent Wetzel's report.

R. Pontbriand announced that on July 31, 2014 at 7pm in the Great Hall the DPW will be holding a Public Input Meeting on the Solid Waste Curbside Study.

R. Pontbriand also announced that the Finance Committee Chairman would not be able to make it for the 7:15pm agenda item.

R. Pontbriand also indicated that he received a letter of interest from Jeremy Callahan to be appointed to the Zoning Board of Appeals, which will be taken up under the Town Administrator's Report.

MOTION: Motion made by G. Luca and seconded by J. Livingston to approve the agenda as amended. Motion passes 3-0.

Public Input: Mr. Howard Hall came before the Board to request that the Town pave Mountain View Avenue. Although the road is a "private road" it has access to public water and sewer. M. Wetzel stated that the opinion of counsel, at this time, doesn't allow the town to pave the private way, but they are able to plow it. M. Wetzel then informed the Board about the Town of Westford's committee to study non-public ways. Mr. Hall stated he would be interested in helping out on that committee, once it's formed. M. Wetzel will be putting together a proposal for a committee and will present at the next Selectmen's meeting.

Because Mr. Hall is also under the appointments section of the agenda, G. Luca suggested taking up his Zoning Board of Appeals appointment because Mr. Hall was already in front of the Selectmen.

MOTION: Motion was made by G. Luca and seconded by J. Livingston to appoint Mr. Howard Hall to a three year term on the Zoning Board of Appeals. Motion passes 3-0.

Selectman Hillman thanked former Superintendent Carl Mock for his service to both the Towns of Ayer and Shirley.

Resident Mary Spinner brought up the condition of the flags on Main Street during the 4th of July festivities. M. Wetzel is working on the issue with his Department and the Veteran's Department.

Selectman Hillman also thanked the 4th of July Committee for another successful 4th of July celebration.

Mr. Scott Houde, Chairman, Finance Committee - Financial Policy Update: As stated earlier Chairman Houde could not attend the meeting due to an unforeseen work obligation. Both Selectman Luca and Selectman Livingston served on the policy review committee, therefore the Board felt comfortable taking up the matter.

MOTION: Motion was made by G. Luca and seconded by J. Livingston to approve the financial policy, as printed. Motion passes 3-0.

Ayer Gun & Sportsman's Club - Request for Change of Beer & Wine License: The Board received a request from the Ayer Gun and Sportsman's Club to change their hours of operation to Sunday through Saturday from 12:00pm until 11:00pm and to increase the number of functions per year to 40.

MOTION: Motion made by G. Luca and seconded by J. Livingston to approve request, effective immediately. Motion passes 3-0.

Appointment of Rail Advisory Committee: Mr. Patrick Hughes, Ms. Kathleen O'Connor were present to be appointed to the Ayer Train Station Advisory Committee. Mr. Jeremy Callahan was not in attendance. The group presented their Mission Statement and Objectives.

MOTION: Motion made by G. Luca and seconded by J. Livingston to appoint Patrick Huges, Kathleen O'Connor and Jeremy Callahan to the Ayer Train Station Advisory Committee and to appoint Carolyn McCreary and Harry Zane as Alternates. Motion passes 3-0.

Ms. Alicia Hersey, Economic Director Office: Ms. Alicia Hersey was in attendance for Mr. David Maher to request a transfer of lien for 15-17 Main Street. The property is held in trust by members of the Bresnahan and McGuane families. Joseph and Ryan McGuane are in the process of purchasing the building from the other trust members, which is why they are requesting the transfer.

MOTION: Motion made by G. Luca and seconded by J. Livingston to approve the Transfer of Lien for 15-17 Main Street and for the Town of Ayer to be subordinate in the municipal lien with signature by the Chairman when the paperwork is drawn up. Motion passes 3-0.

Chief Robert Pedrazzi, Ayer Fire Department: Chief Pedrazzi presented a purchase order that needed Board approval in the amount of \$29,757.00 to purchase Life Pack 15 from Physico Control, Inc.

MOTION: Motion made by G. Luca and seconded by J. Livingston to approve the purchase order in the amount of \$29,757.00. Motion passes 3-0.

Mr. Mark Wetzel, DPW Superintendent: Superintendent Wetzel gave an update of the Pingry Hill subdivision built by Crabtree Development, LLC. Four streets need acceptance at the Fall Town Meeting: Deer Run, Partridge Run, Hickory Way and Old Farm Way.

M. Wetzel gave an update on the National Pollutant Discharge Elimination System and presented a proposed permit compliance schedule.

M. Wetzel then presented MRPC traffic data for Sandy Pond Road. Police Chief William Murray worked with the DPW to put up additional traffic signs and signals. New cross walk will be going in this week. Both M. Wetzel and W. Murray said that solar powered signs displaying speed may help with traffic calming. M. Wetzel and W. Murray will be meeting with the Parks Commission to discuss larger issue of lack of parking.

M. Wetzel gave an update on Old Groton Road. He referenced the July 10, 2014 letter from Town Counsel and said that a bylaw is needed to establish a process to allow temporary repairs to the roadway and that most other communities assess betterments for this type of road repair roads. G. Luca and J. Livingston both expressed their concerns that the road should be graded before the winter so that a plow is able to get down the road safely and in a timely manner.

MOTION: Motion was made by J. Livingston and seconded by G. Luca to direct the DPW to grade Old Groton Road and to make it serviceable as soon as possible. Motion passes 3-0.

G. Luca stated that he realized it was a “Band-Aid” approach and that the issue is much bigger, but he is hopeful it will be addressed in the committee to study non-accepted ways, discussed earlier in the meeting.

C. Hillman then brought up the issue of GPS in town vehicles. M. Wetzel stated that the DPW did need it in the truck that goes out of town/state daily, but he didn’t see a need for it in other vehicles.

Building Department Staffing Proposal: J. Livingston asked Building Commissioner Gabe Vellante why his submitted proposal listed only 15 hours per week, when the Board previously voted on 18 hours per week. G. Luca stated his concerns that the collective board wants more coverage. R. Pontbriand stated that he will proceed with hiring a part-time inspector for 18 hours a week at \$25 per hour with two goals in mind: increased coverage and property enforcement.

BOS Policies Review: J. Livingston went over proposed changes to the Board of Selectmen’s General Policies and Procedures Manual. G. Luca and C. Hillman thanked J. Livingston for her hard work in preparing the document. Minor formatting changes and edits will be made and presented at the next Board of Selectmen Meeting on 8/19/14.

Town Administrator’s Report: R. Pontbriand asked the Board to approve the following appointments:

MOTION: Motion made by G. Luca and seconded by J. Livingston to make the following one year police department appointments: Robert Finn, Edward Nelson; Robert Soultainian – Reserve Police Officers and Robert Freidrich – Animal Control Officer. Motion passes 3-0.

MOTION: Motion made by G. Luca and seconded by J. Livingston to appoint Mr. Casey Scott as Reserve Patrol Officer, contingent upon successfully passing background check, physical and physiological check. Motion passes 3-0.

MOTION: Motion made by G. Luca and seconded by J. Livingston to appoint Jeremy Callahan to the unexpired term on the Zoning Board of Appeals with an end date of 6/30/2015. Motion passes 3-0

R. Pontbriand then went over the specifics of the new hours at Town Hall.

R. Pontbriand presented a request from St. Mary’s Parish for two (2) One-Day Beer & Wine Licenses. St. Mary’s is requesting 2 licenses for Friday September 5, 2014 and Saturday September 6, 2014 for their annual Lawn Party.

MOTION: Motion made by J. Livingston and seconded by G. Luca to approve 2 One-Day Beer & Wine Licenses from 5pm- 9pm on both September 5, 2014 and September 6, 2014. Motion Passes 3-0.

R. Pontbriand then presented a letter drafted to the General Manager of the MBTA relative to the Ayer Commuter Rail Station to emphasize the importance of a timely resolution and asked for the Board for their signatures. The Board signed the letter as drafted.

R. Pontbriand presented a letter drafted to Mr. George Ramirez at Mass Development at the request of Chairman Hillman relative to the Agreement for Wastewater Treatment and Disposal Services.

MOTION: Motion made by J. Livingston and seconded by G. Luca to approve the letter as drafted and to sign. Motion Passes 3-0.

R. Pontbriand presented a memo that was sent to the Town Treasurer relative to the OPEB/PRIT trust fund. The Treasurer has not set this fund up yet.

R. Pontbriand explained a request for three reserve fund transfers: 1) Planning Board (\$13.72) 2) ZBA (\$51.20) 3) Town Counsel (\$9,866.05)

MOTION: Motion was made by G. Luca and seconded by J. Livingston to approve the Planning Board Reserve Fund Transfer in the amount of \$13.72. Motion passes 3-0.

MOTION: Motion was made by G. Luca and seconded by J. Livingston to approve the Zoning Board of Appeals Office Reserve Fund Transfer in the amount of \$51.20. Motion passes 3-0.

MOTION: Motion was made by G. Luca and seconded by J. Livingston to approve Town Counsel Reserve Fund Transfer in the amount of \$9,866.05. Motion passes 3-0.

R. Pontbriand gave a brief review of the status of the Employee Recognition Program. He reported that at a recent Department Heads meeting, no one supported the idea.

New Business/Selectmen's Questions: JBOS Update: Selectman Luca gave out two updates relative to potential zoning changes for fall town meeting and a request for funding from MassDevelopment for JBOS members for the evaluation of zoning changes.

Properties Enforcement Update: Selectman Hillman suggested convening a meeting later in the summer.

Selectman Hillman brought up the enforcement of the Town's Littering Bylaw. Chief Murray said that the Police Department also uses the State's littering law for enforcement purposes.

Selectman Hillman would like someone to give a presentation about the logistics of GPS in Town Vehicles.

Approval of Meeting Minutes: The Board approved the following meeting minutes:

MOTION: Motion was made by J. Livingston and seconded by G. Luca to approve the meeting minutes of March 4, 2014. Motion passes 3-0.

MOTION: Motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of June 17, 2014. Motion passes 3-0.

MOTION: Motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes of June 24, 2014. Motion passes 3-0.

MOTION: Motion was made by J. Livingston and seconded by G. Luca to adjourn at 10:22pm. Motion passes 3-0.

Minutes Recorded and Submitted by Carly M. Antonellis

BOS Approved Meeting Minutes on _____

Approved by BOS Clerk _____, Gary J. Luca, Clerk

Town of Ayer

Joint Meeting of the Ayer Board of Selectmen and Ayer Finance Committee

Tuesday, April 22, 2014, 7pm
Ayer Town Hall – First Floor Meeting Room

Meeting Minutes

Attendance:

Board of Selectmen: G. Luca, Chair; C. Hillman, Vice Chair; J. Livingston Clerk; P. Conley

Finance Committee: S. Houde, Chair; J. Kilcommins, Vice Chair; M. Zawacki, Clerk; C. Meussel

Also in Attendance: R. Pontbriand, Town Administrator; T. Horgan, Moderator; S. Gintner, Treasurer; L. Gabree, Town Accountant; Chief Murray; C. Knox, I.T. Director; D. Maher, Economic Development Dir.; and Lt. B. Gill.

Call to Order of the Board of Selectmen by G. Luca at 7:00pm

Call to Order of the Finance Committee by S. Houde at 7:00pm

The first order of business was taken up solely by the Board of Selectmen which was the Layout of Mt. Laurel Way as a Public Way in the Town of Ayer.

J. Livingston, Board Clerk read the notice of Layout of Mt. Laurel Way as a Public Way into the record.

R. Pontbriand advised the Board that all procedural matters were in order for preparation for the Board's consideration to approve the layout.

MOTION: A Motion was made by J. Livingston and seconded by P. Conley to approve the Layout of Mt. Laurel Way as a Public Way in the Town of Ayer. Motion Passed 4-0.

The second order of business was taken up solely by the Fin Com which was a Reserve Fund Transfer in the amount of \$2,075.18 for the Information Technology Department.

MOTION: A Motion was made by J. Kilcommins and seconded by M. Zawacki to approve the Reserve Fund Transfer in the amount of \$2,075.18 for the Information Technology Department. Motion Passed 4-0.

R. Pontbriand provided an overview of the Joint Meeting Agenda to the Board and Fin Com.

PUBLIC HEARING ON THE FY 2015 BUDGET and 2014 ANNUAL TOWN MEETING WARRANT

The Board of Selectmen Declared the Public Hearing Open.

The Finance Committee Declared the Public Hearing Open.

The Town Accountant gave a presentation on revenue projections as they pertain to the FY 2015 budget.

The proposed FY 2015 Budget is approximately \$24 million including the ASRSD Assessment.

Proposed uses of “Free Cash” were presented and discussed:

1. Approximately \$50,000 to be used for one-time expenses in the FY 2015 Omnibus.
2. Approximately \$130,000 to be used to fund OPEB liabilities.
3. Approximately \$767,000 in FY 2015 Capital Projects Requests
4. Approximately \$250,000 to be places in Stabilization

Subtotal of these proposed uses is \$1,197,630.00 leaving a remaining balance of \$497,796.00

Presentation of the FY 2015 Budget

S. Houde, Chairman of the Fin Com made a presentation of the FY 2015 Budget.

S. Houde stated that in terms of COLA, the Fin Com recommends a 2% COLA whereas the Personnel Board has recommended a 2.5% COLA.

The Fin Com has recommended a 2% COLA for the Elected Office Holders: Treasurer; Town Clerk; Tax Collector; and Tree Warden.

The Fin Com’s position on proposed new positions were to keep the proposed funding for them in the FY 2015 Budget:

- \$75,000 for proposed full-time day Firefighter position
- \$70,000 for proposed DPW Assistant Town Engineer

The Board asked Lt. Gill, Chair of the Personnel Board to speak on the Personnel Board’s recommendation for a 2.5% COLA for FY 2015.

Lt. Gill stated that the Personnel Board has a lengthy discussion on the issue of a 2.5% COLA. Not all non-union employees in FY 2014 received a COLA. The Personnel Board feels that this would be a good faith gesture in moving toward compensation equity for all employees.

S. Houde stated that there would be an approximate \$7,000 cost impact to the FY 2015 Budget.

R. Pontbriand stated that the metrics used by the Personnel Board for determining a COLA recommendation consisted of a review of the Federal Reserve of Boston’s Cost of Living Data and the CPI Index.

P. Conley state that the Comp. Plan for non-union automatically increase one step a year and depending on the classification of the position a position may received either a 2%, 2.5% or 3% Step Increase plus a COLA. The impact could be anywhere from 4%-5% on the FY 2015 Budget.

S. Houde stated that the Personnel Board is trying to get the Non Union Compensation and Classification Study done and ready for the Fall Town Meeting. There have been delays with the company doing the study, not the Town. The plan is to implement the final study in the Fall of 2014. We should be using 2% guidance until then. There is a \$7,000 difference in the FY 2015 budget impact between the 2% vs. 2.5% COLA proposals.

P. Conley stated that the new study would not reduce any employees salary.

G. Luca stated that non-union employee has been “picked on” while the union employees continued to receive consistent salary increases. It is all about fairness and the 2.5% COLA proposal by the Personnel Board is fair and fine with me.

Lt. Gill stated that he has learned through the process of the Study that the Town needs to consistently apply appropriate COLAs to the Compensation Grid in order to properly maintain it.

MOTION: A Motion was made by J. Livingston and seconded by G. Luca to accept the Planning Board’s COLA recommendation of 2.5% for all non-union employees for FY 2015 subject to approval of Town Meeting. **Motion was defeated 2-2** (J. Livingston, Y; G. Luca, Y; P. Conley, No; C. Hillman, No)

MOTION: A Motion was made by P. Conley and seconded by C. Hillman to accept the Finance Committee’s COLA recommendation of 2% for all non-union employees for FY 2015 subject to approval of Town Meeting. **Motion passed 3-1** (J. Livingston, Y; P. Conley, Y; C. Hillman, Y; G. Luca, N)

S. Houde presented a review of the FY 2015 Omnibus Budget Line Items, highlighting the following proposed new items:

1. Increased funding to the Reserve Fund taking into account the ongoing Bolduc v. Ayer lawsuit;
2. Funding for a new desk for the Town Treasurer;
3. Funding for a documents management study for the Town Clerk;
4. Funding for the proposed full-time, day Firefighter position;
5. Funding for a full-time Building Commissioner;
6. Funding for a full-time DPW Assistant Town Engineer;
7. Increased funding for snow and ice removal; and
8. Increased funding for the 4th of July Celebration

The Board briefly discussed the issue of using private contractors next year for snow removal to supplement the DPW.

M. Wetzel stated that over one mile of new road has been added as well as the ASRSD parking lots and additional roads which justify this request for increase snow removal funds. The increase funding assumes eight (8) storm events.

S. Houde discussed the issue of “free cash”:

1. \$250,000 proposed for Stabilization Fund which would bring the Town’s Stabilization to the DOR recommended level of funding;
2. \$100,000 proposed for OPEB Liability;
3. Proposed increases to Capital Stabilization

[Note: C. Meussel of the Fin Com left the meeting]

The BOS and Fin Com then reviewed the proposed FINAL DRAFT of the Annual Town Meeting Warrant as presented by the Town Administrator.

The BOS and Fin Com discussed Article 29: OPEB Liability Account and discussed the terms and procedures to set up the account with the PRIT.

G. Luca asked if there was any Public Input or Public Questions on the proposed FY 2015 Budget and/or Town Meeting Warrant. There was none.

After a review of all Warrant Articles by the BOS and Fin Com, both bodies approved the Warrant for Town Meeting:

MOTION: A Motion was made by P. Conley and seconded by C. Hillman to approve the Annual Town Meeting Warrant. Motion passed 4-0.

MOTION: A Motion was made by J. Kilcommins and seconded by M. Zawacki to approve the Finance Committee’s position on each of the applicable Annual Town Meeting Warrant Articles. Motion passed 3-0.

MOTION: A Motion was made by J. Livingston and seconded by C. Hillman for the BOS to adjourn. Motion passed 4-0. BOS Adjourned at 9:14pm.

MOTION: A Motion was made by J. Kilcommins and seconded by M. Zawacki for the Fin Com to adjourn. Motion passed 3-0. Fin Com Adjourned at 9:15pm.

Minutes recorded by: R. Pontbriand, Town Administrator

Minutes approved by the BOS on: _____ Signed: _____ G. Luca, BOS Clerk