

OCT 4, 2013
Noon JCCV



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

Tuesday, October 8, 2013, 6:30pm

Meeting Agenda

6:30pm: Call To Order in Open Session: Review, Amend and Approve Agenda

*6:35pm: **EXECUTIVE SESSION:** Pursuant to MGL Chapter 30A, Section 21A, Exemption #3 (Collective Bargaining) Fire Union Contract Negotiations

*7:30pm: **OPEN SESSION**:** Board of Selectmen to Reconvene in Open Session

*7:30pm: Final Review and Approval of the Special Fall Town Meeting Warrant

*8:00pm: Approval of the Notice of Award for Main Street Lighting Contract

*8:15pm: Town Administrator's Electronic Communications Policy Protocols

*8:30pm: JBOS Update: Devens Transition & Integration Matrix; Alt. JBOS Rep.

*8:45pm: Town Gazebo and Landscaping of Memorial Garden

*9:00pm: Adjournment

**Note: (All Meeting Agenda Times are Estimated Times for Planning Purposes and Do Not Necessarily Constitute Definitive Times)*

***Note: (All Open Session Meetings of the Ayer Board of Selectmen are Video Recorded by APAC)*

Town of Ayer



SPECIAL FALL TOWN MEETING WARRANT

Ayer Town Hall, Great Hall, 1 Main Street, Ayer, MA 01432

Monday, October 28, 2013, 7:00pm

Commonwealth of Massachusetts
Middlesex, ss.

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Ayer qualified to vote in Town Elections and Affairs to meet at the Great Hall of the Ayer Town Hall located at 1 Main Street, Ayer, MA 01432 on Monday, the Twenty-Eighth (28th) day of October, 2013, at seven o'clock in the evening (7:00 p.m.) then and there to act on the following articles:

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

Given under our hands this ___ day of October AD 2013.

Pauline Conley, Chairman

Gary J. Luca, Vice-Chairman

Christopher R. Hillman, Clerk

James M. Fay, Member

Jannice L. Livingston, Member

The Ayer Board of Selectmen

Any persons needing disability related assistance (such as signing, etc.) at the town meeting please contact the Selectmen's Office at 978-772-8220 before October 11, 2013. We shall make every reasonable effort to assist you.

Large print version of the text of this warrant is available upon request.

ARTICLE 1: FORMER CENTRAL FIRE STATION

To see if the Town will vote to transfer the care, custody, maintenance and control of the Town-owned land and improvements thereon described below and known as the Central Fire Station property from the Board or Officer currently maintaining such property for its current purpose to the Board of Selectmen for the purpose of disposition by sale or lease, and further to authorize the Board of Selectmen to sell or lease for a period in excess of three years all or a portion of the land, with improvements thereon, shown on Assessors Map 26, as Lot 184, being all or a portion of the land described in a deed recorded with the Middlesex Registry of Deeds upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, or take any action thereon or in relation thereto.

Note: At the 2013 Annual Town Meeting, the Board of Selectmen was authorized by Town Meeting to conduct a study of the Former Central Fire Station and come back to Town Meeting with a formal recommendation. The Board of Selectmen on advice from the Fire Station Re-Use Committee issued a Request for Proposals under MGL Chapter 30B for the sale and/or lease of the former Central Fire Station. The Board of Selectmen received no responses. This Article would transfer the Former Central Fire Station to the Board of Selectmen to be sold with all proceeds going into the Town's General Fund.

Sponsor: Board of Selectmen
Finance Committee

Two-Thirds Majority Vote Required

ARTICLE 2: PETITION FOR STREET ACCEPTANCE – EASY STREET

To see if the Town will vote to accept the layouts of the following street as a public way, the metes and bounds of which are on file in the Office of the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, fee interest or easement in such public ways and any and all easements related thereto, and further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, on such terms and conditions as the Board of Selectmen deems appropriate or take any action thereon or in relation thereto.

Note: The metes and bounds are on file in the Office of the Town Clerk at Town Hall, M-F, 8:30am to 5pm.

Sponsor: Board of Selectmen
Planning Board: Recommends
Finance Committee:

Simple Majority Vote Required

ARTICLE 3: CRABTREE WASTEWATER PUMPING STATION

To see if the Town will appropriate the sum of \$72,000.00 from the Wastewater Enterprise Fund Surplus for the purposes of replacing the Crabtree Wastewater Pumping Station, including any design or engineering services related thereto, or take any action thereon or in relation thereto.

Note: The Crabtree Wastewater Pumping Station is currently in a declining state of operations and timely replacement has been recommended by the DPW Superintendent.

Sponsor: Board of Selectmen Simple Majority Vote Required
Finance Committee:
DPW Superintendent: Recommends

ARTICLE 4: ADOPTION OF MGL CHAPTER 40, SECTION 8G (POLICE MUTUAL AID)

To see if the Town will vote to accept the provisions of Massachusetts General Law, Chapter 40, Section 8G (Police Mutual Aid) or take any action thereon or in relation thereto.

Note: This Article represents a reaffirmation and retroactive adoption of MGL Chapter 40, Section 8G which is required by the Town to participate in certain Police Mutual Aid Agreements.

Sponsor: Board of Selectmen Simple Majority Vote Required
Police Chief: Recommends

ARTICLE 5: TRANSFER(S) FROM CAPITAL STABILIZATION : Town-Wide Telephone Upgrade

To see if the Town will vote to transfer the sum of \$45,000.00 from the Capital Stabilization Fund for the purposes of upgrading the Town's telephone system for the DPW, Library, Police, and Town Hall, including but not limited to design, equipment purchase, and installation, or take any action thereon or in relation thereto.

Note: This Article would fund the upgrade of the telephone systems at the DPW, Library, Police, and Town Hall

Sponsor: Board of Selectmen Two-Thirds Vote Required
Finance Committee:
Capital Planning Committee: Recommends

ARTICLE 6: TRANSFER ARTICLE FROM BOS SALARY TO I.T.
DEPARTMENTAL BUDGET

To see if the Town will vote to transfer the sum of \$2,506.00 from Board of Selectmen Salary Budget to the I.T. Departmental Budget and vote to transfer the sum of \$4,000.00 from Capital Stabilization for the purposes of partially funding the Town Hall Mondopad (computerized video screen and stand) for Town Hall, including but not limited to equipment purchase and installation, or take any action thereon or in relation thereto..

Note: Mondopad is a large, mobile multimedia presentation piece of equipment that will be used at BOS, Fin Com, and other Meetings at the Ayer Town Hall. It has the capacity for video, audio, video conferencing, internet access, and various other presentation capabilities. The device is also ADA compliant. The Article would fund the Mondopad by transferring \$2,506.00 from the BOS Salary Line in addition to \$4,000.00 from Capital Stabilization.

Sponsor: Board of Selectmen
Finance Committee:

Two-Thirds Vote Required

A True Copy Attest: _____ **Date:** _____
John C. Canney, II
Town Clerk/Tax Collector

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

_____ **Date:** _____
Robert D. Friedrich, Constable

DEPARTMENT OF PUBLIC WORKS

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

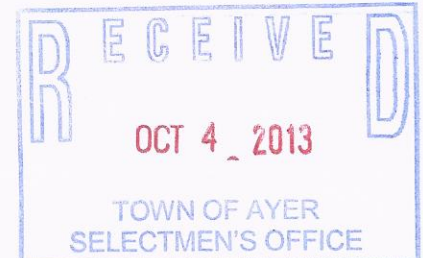


Water Division

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

October 4, 2013

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



RE: Main St Street Light Improvements, Recommendation of Award

Dear Board Members:

The Department of Public Works opened bids for the Main St Street Light Improvements on October 3, 2013. A total of 7 bids we received with the following results:

Blais Electrical Corp..	\$44,440.00
Mass Bay Electrical Corp.	\$45,100.00
Sanibel Elect. Corp.	\$45,740.00
Brite-Lite Elect. Co. Inc.	\$59,000.00
Dagle Electrical Construction., Inc.	\$66,380.00
Siemens	\$72,310.00
Fall River Elect Associates Inc.	\$82,340.00

Based on the our review of the bids and the Contractor's Experience Statement , I recommend that the Town award the contract to Blais Electrical 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



Notice of Award

Date: October 8, 2013

Project: **Main St Street Light Improvements**

Owner: Town of Ayer

Owner's Contract No.: #2

Contract: **Main St Street Light Improvements**

Engineer's Project No.:

Bidder: Blais Electrical Corporation

Bidder's Address: 15 Proctor Street

Framingham, MA 01702

You are notified that your Bid dated **October 3, 2013** for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for **Main St Street Light Improvements**.

The Contract Price of your Contract is **forty four thousand four hundred and forty Dollars (\$44,440.00)**,
Four copies of the proposed Contract Documents (except Drawings) accompany this Notice of Award.

You must comply with the following conditions precedent within 10 days of the date of this Notice of Award..

1. Deliver to the Owner 4 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 (Article 20), General Conditions (Paragraph 5.01), and Supplementary Conditions (Paragraph SC-5.01).
3. Deliver with the executed Contract Documents the Insurance Certificates as specified in Supplementary Conditions (Paragraph SC-5.04).

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

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: September 5, 2013

TO: Ayer Board of Selectmen
CC: Ms. Janet Lewis, Selectmen's Secretary

FROM: Robert A. Pontbriand, Town Administrator

SUBJECT: Town Administrator's Policy Protocols Regarding Electronic Communications

Dear Honorable Selectmen,

I want to first thank you for the time on your meeting agenda for September 3, 2013 to discuss my concern(s)/issue(s) with the use of electronic communications between the Board, the Town Administrator and the Department Heads. Though it was a positive, candid discussion, respectfully, no real consensus on direction, guidance, and/or policy from the Board materialized for moving forward and concern(s) and issue(s) still remain.

Therefore, I am respectfully presenting you with what will be the Town Administrator's Policy Protocols Regarding Electronic Communications with respect to the Board effective immediately:

1. The Ayerbos@ayer.ma.us Account will only strictly be used by the Town Administrator for the scheduling of meetings; dissemination/distribution of documents in electronic format; and/or emergency notifications.
2. Given the volume of e-mails the Town Administrator receives from all sources on a given day, the Town Administrator will respond to non-urgent e-mails from Selectmen within forty-eight (48) hours of receipt.
3. Given the time required to properly and accurately assemble the Board's Meeting Packets, the Town Administrator will not respond to Selectmen e-mail on the Fridays before Board Meetings.
4. The Town Administrator respectfully requests that any and all e-mails sent to Department Heads be copied to the Town Administrator. The practice of Selectmen e-mailing Department Heads respectfully should be used at a minimum and for only the purposes of seeking information and/or asking a question. The Town Administrator will weekly, provide hard copies of any such e-mails in the boxes of each Selectmen so that everyone has the same information.

5. Effective immediately, the Town Administrator will not respond to any texting and/or instant messaging from Selectmen. The Board is respectfully requested to practice the same since the issue(s) surrounding OML and Public Records with respect to texting and/or instant messaging are very vague and the potential implications concerning.

6. The Town Administrator respectfully requests that the Board strongly consider only accessing the Board Packet electronically on the web-site and print the sections they may want for the meeting. In the event that you want something specific in hard copy, Janet can also print that out. The amount of time and effort as well as cost put into the physical production of the packets is considerable and more often than not, a majority of the packets sit in the BOS Office until the respective meeting commences. I would like this item to be put on a future BOS Agenda for further discussion. Of course, a hard copy packet will be produced for a Selectman if requested.

7. In terms of managing a more effective work schedule, the Town Administrator would respectfully like the Board to consider the establishment of a scheduled thirty (30) minute time period of individual Selectman to meet with the Town Administrator. This can be done either in the Town Administrator's Office during normal working hours (8:30am-6:00pm) or by telephone during normal working hours.

8. The Town Administrator as a practice will not respond to Selectmen e-mail after 6pm during business hours (M-F) and will not respond to Selectmen e-mail on Saturdays, Sundays, and Holidays. Please note that in the event of an emergency, the Fire Chief, Police Chief, and DPW Superintendent all have my contact information and will contact me. In the event of a Town-related emergency (as I have always done), I will contact the Board using Ayerbos@ayer.ma.us.

These Town Administrator Policy Protocols Regarding Electronic Communications will go into effect as of September 5, 2013. If you have any questions or concerns, please do not hesitate to contact me. Furthermore, I welcome and additional ideas and/or suggestions.

Finally, the Town Administrator understands and respects the Board of Selectmen's official decision to instruct the Town Administrator regarding any changes to these protocols that the Board and Town Administrator mutually discuss and agree to.

Thank you for your time and consideration.

Sincerely,



Robert A. Pontbriand
Town Administrator

Devens Transition & Integration Matrix

Jurisdiction over the lands within the Devens Regional Enterprise Zone (DREZ) shall remain with the respective towns.

The DREZ will be maintained as a distinct entity that will act as an overlay district within the towns and transcending geographical boundaries.

The current zoning within the DREZ shall remain in force through the Transition Period (to be defined) unless modified in accordance with the provisions of Chapter 498.

MassDevelopment will continue to serve as the development entity for the DREZ through the Transition Period.

The Devens Enterprise Commission (DEC) shall continue to serve as planning and approval authority in the DREZ through the Transition Period.

The Stakeholder Communities of Devens, Ayer, Shirley & Harvard (DASH) shall establish a governing council comprised of members elected from the respective communities. The council shall provide financial, administrative and management oversight during the Transition Period, and shall be responsible for the duties thereafter.

Residents living in the DREZ shall be citizens of the town in which they reside based on geographical boundaries.

School children residing in the DREZ shall have the option of attending the school of their choice within the Stakeholder Communities based on established enrollment limits set by the towns. The towns will be compensated for the cost per pupil in as shown on Schedule 19 of their End of Year Reports.

The DASH communities will commence a program of cooperative curriculum development, professional development, special education coordination, course sharing and senior administration of the schools.

The DASH communities will immediately embark on the exploration of cooperative use and management of the following municipal services:

Police

Fire

Dispatch

Ambulance

DPW

DPU

Assessing

Finance

Code Enforcement

Recreation

Other

All public utilities within the DREZ, including gas, electric, sewer and water shall be developed and managed in such a way as to provide the opportunity for services to all of the DASH communities.