SELECT BOARD
Minutes
March 4, 2020 – 7:00 PM
Town Hall

Vision Statement - The Town of Ashland will be a prosperous and fiscally sound community with a full range of housing, business, cultural, educational, and recreational opportunities in a safe and attractive environment for residents and visitors.

Mission Statement - The Ashland Select Board is dedicated to promoting responsible fiscal management, advocating for sustainable development & growth and providing excellent municipal services which will enhance the quality of life in our diverse community. The Ashland Select Board is committed to providing clear goals and objectives for Town management and creating effective engagement and public participation with residents, state legislators and other elected officials in order to achieve our mission.

Call Meeting to Order
Steve Mitchell called the meeting to order at 6:30 pm and mentioned that WACA TV is recording and broadcasting the meeting live. Present at the meeting were Chair Steve Mitchell, Vice Chair Yolanda Greaves, Joe Magnani, Rob Scherer, Brandi Kinsman, Town Manager Michael Herbert. Assistant Town Manager Jenn Ball and Executive Assistant Susan Robie.

Mr. Mitchell asked Casey Haworth to lead the board in the Pledge of Allegiance.

Citizen's Participation
There were none.

Scheduled Hearings/Appearances
Proclamation – In Honor of David Haworth
Joe Magnani read a proclamation in honor of David Haworth and presented it to the Haworth Family. Steve Mitchell presented the family with a Select Board coin.

Casey and Ashley Haworth thanked everyone for honoring their Dad and the support everyone has shown.

Joe Magnani mentioned that the first time he met Dave was at Sunnyside and enjoyed knowing him.

Rob Scherer explained that he met Dave from youth sports and extends his condolences to the family.

Steve Mitchell reminded everyone that the Scouts are holding a pancake breakfast on Saturday at the Family Center.

Cirrus Apartments – Bond Release
Peter Matchak explained that in March 2019 the Select Board received a $216,000.00 bond for the completion of the Cirrus Apartments project. Peter explained that bond has two elements, Campanelli & Thorndike Development, the owner of the property, posted a $141,000.00 performance bond and $75,000.00 in cash held in escrow. A punch list was provided and completed by the developer; therefore, Campanelli & Thorndike is requesting the bond release and stated that the escrow agreement was met.
Brandi asked what recourse the town has if the bond is released and the stormwater basin fails. Peter explained that the developer is required to complete the project as outlined in the agreement, but they are not responsible for the maintenance, so moving forward this would become the responsibility of the town.

Russell Dionne, from Campanelli & Thorndike, explained that the progress list the board was provided is not current and the required work was completed.

Michael Herbert commented that he has concerns with the bond release and given past issues he wants to ensure the basin is working as designed. Michael recommended the board release the bond and retain the $75,000.00 until after one year of operational performance data is confirmed. He also stressed the need for the new owner to be informed whose responsibility addressing an issue would be. Russell suggested the board review the O&M currently recorded on the deed which outlines Michael’s concerns, as additional work done mitigates those issues, and therefore, he petitioned to reduce the holdback to approximately $20,000.00.

Joe Magnani referenced Progress Report Item #29, Exhibit A concerning the irrigation well and the testing procedures. Russell explained that the wells were tested, one passed, and one did not due to an elevated level of manganese. The second testing in the spring of 2019, both passed. The wells are tested twice a year and the reports have been submitted to the Board of Health. Additionally, Joe asked if the mud overflow on the RTD Rd. has been resolved. Russell explained that during construction the silt had failed, and they have addressed the issues.

Yolanda Grcaves mentioned that because of the mild winter she is not sure that the system has been tested under typical snow conditions and she supports holding back a portion of the escrow.

Steve Mitchell also felt that testing the basin is best and time is needed to confirm it is working properly.

Rob St. Germain, Chair of the Stormwater Committee, stated that under the IDDE bylaw if any of the systems do not work town can enforces that the property owner make the repair or assume the expense.

Russell suggested deferring to the consultant CGB and have them determine the value of the holdback, based on the repairs to the pond.

Yolanda Grcaves made a motion to release of the bond for Cirrus Apartment and holdback $25,000.00. This motion was seconded by Brandi Kinsman with a unanimous vote of 5-0-0.

**Hanto - Entertainment**

Chief Alfano explained that he inspected the property last month and noted some of the changes that have completed. He explained that flooring, carpeting, and wallpaper have been updated to help reduce the noise. He also mentioned that a new door was added to change the exit from area. Chief Alfano explained that the Hanto has not installed a house sound system which he suggested would be helpful to control over sound.

Steve Mitchell explained that he understands that Ray Jiang is looking to have the hours restored.

Steve asked if they have had any live music and Ray responded that that have had a band and acoustic music. Yolanda Grcaves asked if there have been any complaints and Chief Alfano responded that they have had no calls.

Joe Magnani asked what the type of bands performed. Ray explained that he has had bands and acoustic music, but there have been no complaints.

Brandi Kinsman asked who would be responsible for managing the music and entertainment. Ray explained that in most cases it would be him, but there is another manager as well. He is hoping to have bands twice a month.
Yolanda asked Ray if he is willing to purchase his own sound system. Ray said he hopes to be able to make the investment in the next couple of months.

Ray explained that he does not plan to have bands on the regular basis, and he is now the person that controls the bands and how often they are scheduled.

Steve and Yolanda explained that they support restoring the Entertainment License as it was before the restrictions were instituted. Ray explained that he would like to have music allowed until 11:30 pm.

Yolanda Greaves made a motion to restore the entertainment hours as they were prior to the restriction being put in place and that no police detail is required. This motion was seconded by Brandi Kinsman with a unanimous vote of 5-0-0.

**Review of Signs**

Kevin Langmeyer stated that the Ashland Football team won the past Superbowl and he is seeking approval for recognition signs. He presented a map that showed the location of existing signs and explained that he is seeking the board's feedback on standardizing these signs going forward. Kevin clarified that the proposed signs are informational not regulatory, so the board has leeway regarding the signage parameters.

There was a brief discussion concerning an appropriate signage protocol, different from the sign bylaw, for school related occasions. The board also discuss their interest in preserving these signs for certain periods.

Steve Mitchell asked Kevin to propose a procedure and come back to board for a review. Yolanda offered to investigate through MAPC whether other communities have guidelines that may be leveraged.

**Select Board/Town Manager Priority Project Update**

**Rail Transit District**

Michael Herbert explained that there have been no recent discussions with United Group of Companies. Steve mentioned that an Executive Session was listed on this evening’s agenda, but canceled, as there was nothing new to discuss.

**Update on the Public Safety Building**

Michael reported that the committee has met a couple times recently and they are working on elevations, building renderings and space layout. Police and Fire have an option to review the plans and make changes and work with the architects. The schematic design will be done once the changes have been completed and then pricing obtained. A public forum is targeted for early April.

Michael explained that the website dedicated to this project is working and updated to ensure all the documentation is available for the public to view. Steve Mitchell explained that WACA is working on informational videos that will be released showing the current spaces.

Mark Dassoni asked if the website is going to change and include the updated information which Michael explained they are working on it. He wanted to be sure that the pictures will be updated.

**Update on the Downtown Project**

Michael explained that the bid documents are online for the Downtown Redesign Project and the Streetscape enhancements, and the bid is due back at the beginning of April. He expects the cost to be just under $4 million, but the estimate does not include the portion that goes under the railroad tracks. He expects the final cost, including that work, to be within the $9 million estimated total project cost.

Steve Mitchell explained that a meeting was held Monday afternoon at the Library to review the timeline and the plan to mitigate the impact to local business. Construction is scheduled to start in July 2020, and the project is estimated to take 2 years to complete.
Concerning the Quiet Zone and the downtown efforts, the board discussed planning the work required on Main St. to minimize the disturbance, the work required on the culvert and the underground utility connections to residences and businesses.

**Warren District & Valentine Estate**
Michael Herbert explained the barn demolition is scheduled for March 30th and the reconstruction will go out to bid.

The Hall House went out to bid and the awardee raised concerns with renovations and proposed razing and rebuilding a replica. Michael explained that the rebuild would be a replica of the existing house, but the rebid would give bidders the options of a rebuild or remodel.

There was a brief discussion concerning the basis for what the board considered to be an abrupt shift in the approach. They also discussed renovation methods and stipulations to preserve the property’s historical status.

Yolanda Greaves made a motion to support submission of new RFPs to include either a rebuild or renovation of the Hall House. This motion was seconded by Rob Scherer with a unanimous vote of 5-0-0.

Concerning the Valentine Property, Michael reported that one more historical property group from the Josiah Smith Tavern in Weston is presenting at the Valentine Committee next Thursday.

**Consent Agenda**
A. Accept the February 5, 2010 Regular Session Minutes.
B. Notification of the Town Manager’s Appointment of Kyle Hallisey to the Fire Department as a Fulltime Firefighter.
C. Approve the request for the Greater Ashland Lions Club Toll Road – Saturday September 26, 2020 from 9:00 am to 1:00 pm with a rain date of Saturday October 3rd.
D. Approve a $5,000.00 award requested by Mazi Kitchen and Bar located at 320 Pond Street to be used for Sign and Façade improvements and approve $30,000.00 for reimbursement of equipment.
E. Approve $10,000.00 award requested by Diversity Early Learning Center located at 118 Main Street for rental reimbursement and $3,435.00 for sign and façade improvement to help cover the cost of the new fence
F. Accept the resignation of Albert J Gemperline from the Historical Commission effective February 26, 2020.
G. Accept the FY2020 Student Awareness of Fire Education in the amount of $4,565.00 and Senior SAFE Grant in the amount of $2552.00.

Yolanda Greaves made a motion to approve the consent agenda as presented. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

**Coronavirus**
Steve Mitchell explained that Michael Herbert has provided information regarding the Coronavirus and explained that they links are updated frequently. Michael explained that he wants everyone to stay home when sick and wash your hands frequently.

**Old / New Business**

**Volunteer Breakfast**
Steve Mitchell reminder that the Volunteer Breakfast will take place on March 7th Ashland Community Center.

**Name the MBTA Access Road**
Steve Mitchell explained the need to formally name the MBTA Access Road. Michael mentioned that Chief Robie had suggested Memorial Drive and he has asked the board to support that name.
Yolanda Greaves made a motion to rename the MBTA Access Road as Memorial Drive. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

**Eversource Update**
Steve Mitchell explained that there is no additional information on Eversource to report. Also, there is nothing of any substance to report concerning Land Court case, except for the dates established for the Verizon summary judgement on February 10th, the town’s summary judgement on March 12th, and Verizon’s cross motions on March 26th.

Rob Scherer reported that the consultant estimates providing the report in four to six weeks.

**Scholarship Application**
Steve Mitchell announced that Scholarship Application are now available and submission due by May 1st.

Steve Mitchell asked Joe and Yolanda if they would continue to serve on the Scholarship Committee. Both are willing.

**Retreat**
The board discuss their availability for a board retreat. Michael suggested scheduling after Town Meeting on May 6th and the election on May 19th. Michael will send a Doddle Poll to the board to determine the date.

**Tri-Board Meeting**
Steve Mitchell explained that he spoke with Laurie Tosti and Michael spoke with Jim concerning a Tri-Board Meeting, and March 24th is a date that works for most, except for Yolanda.

Yolanda asked if the budget gap will be discussed or if the focus of the meeting is only on the building projects. Michael stated that the budget gap is for him and Jim to figure out based on a discussion with Finance Committee.

**Town Manager Report**

**Update on the FY20 Budget**
Michael explained that he provided links to budget and wanted to note on the revenue side more tax liens were collected in the first part of the year compared to any other year.

**FY21 Budget Update**
Michael reported that the GIC has voted on their rate increases and they are more than anticipated. He is analyzing the potential impact to those on health insurance plans.

Michael explained that the School Department requested an additional $166,000.00 over what is allocated through fiscal policies. Michael and Jim Adams, Superintendent, are working on a solution for FY21.

**Adoption of the Continuing Disclosure Procedures**
Michael reported a vote on the adoption of the continuing disclosure procedures is required as part of our Annual Audit.

Yolanda Greaves made a motion to adopt the Continuing Disclosure Procedures. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

**Update on Nyanza/EPA Remediation**
Michael explained that a meeting was held, and the EPA was encouraged to find a final remedy for operational unit 2 and the associated contamination. In January the EPA’s recommendation, GW4 is for the proposed remediation plan, and GW5 would include a ground water extraction well.

Joe Magnani explained that there has been concerns with the area under the tracks and asked if this is being addressed. Steve Mitchell explained that they are hoping to drill to address those areas.
Michael recommended GW5 and asked the board to discuss this at the next meeting.

Yolanda requested that this information is added to the town’s website if it is not already available.

**Board Reports**

**Brandi Kinsman**
Brandi attended the Mindess Building meeting last Tuesday.

She reported on her Office Hours held last Saturday and said it was well attended.

Brandi attended the walk at the Trolley Brook Trail and said it was a great turnout.

She also attended the Sustainability Meeting on Monday, and the Community Center is reserved on April 26th at 2:30 pm for a Climate Summit to discuss Net Zero.

**Rob Scherer**
Rob reported on the House Transportation Bill. This bill would increase a gas tax, but the Governor is not supporting it.

He mentioned that tomorrow the Upper Charles Trail Committee will be meeting at 7:00 pm at the Community Center with the residents from Voyagers Lane and Pine Lake community.

Rob mentioned that he will be addressing the Lions concerning Net Zero.

Rob also attended the Mindess Building meeting and he was surprised by the amount of land clearing that would be done.

**Yolanda Greaves**
Yolanda attended a MassDOT meeting in Westborough held to discuss Mass Turnpike bridge projects not in Ashland but may impact the town.

Yolanda attended an MMA Policy meeting in Boston concerning proposed bills, including one from the cannabis industry.

She mentioned an Economic Development bond bill that should be announced this week concerning housing choice.

Yolanda attended the MetroWest Regional Collaborative meeting last week concerning deer hunting and regulations. She mentioned in Weston they implemented bow hunting and it has helped address the deer population.

Concerning upcoming events, the MAPC Winter Council is holding a meeting in Framingham and Thursday morning is the YMCA Marathon Breakfast kick-off.

Monica Juitt passed away and Yolanda extended her condolences to the family. Martin Shapiro passed, and she extended her condolences to his family.

**Joe Magnani**
Joe expressed his excitement with the work that has been done on the Public Safety Building.

He also mentioned that on March 7th the Boy Scouts Pancake Breakfast from 7:30 am to 11:00 am.

**Steve Mitchell**
Steve recommended the board schedule a retreat sooner than later. He proposed a high-level agenda, including draft policies, a signs protocol discussion, and the approach concerning legislative items.
Steve explained that U.S. flags were purchased five to six years ago, and the time has come to replace them. A quote was obtained to replace them, and he asked for the board’s support at the next meeting.

Kevin Langmeyer asked the board to consider holding-off and review whether any of the flags can be used for one more year, and to avoid replacing them when they will need to come down to accommodate the downtown project.

Adjournment
Yolanda Greaves made a motion to adjourn. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Meeting Materials:
This agenda is subject to change and includes those items reasonably anticipated by the Chair to be discussed at the meeting. Not all agenda items may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.
January 9, 2020

Mr. Peter Matchak, Town Planner/Director
Town of Ashland
101 Main Street
Ashland, MA 01721

RE: Bond Reduction
Cirrus Apartments RTD Site

Dear Mr. Matchak,

During the summer/fall of 2019 and on January 7, 2020 we have visited the site to evaluate the work completed to address items on the punch list dated January 9, 2019. We found the items listed in the letter to be completed except for the final record drawings should be submitted to the Town of Ashland with the additional information which was listed as missing. An electronic cad file should be submitted for use on the Towns GIS.

The stormwater basin appears to be functioning as designed. No standing water was observed in the basin on January 7, 2020. The modifications performed in the summer/fall of 2019 seem to alleviate the longstanding problem with the basin.

If you have any questions regarding this matter, please contact our office.

Respectfully Submitted,
GCG Associates

Michael J. Carter

Michael J. Carter, P.E.
Project Manager
ESCROW AGREEMENT

This Escrow Agreement (the “Agreement”) is made this 28th day of March, 2019, between the Town of Ashland, by and through its Board of Selectmen, 101 Main Street, Ashland MA (the “Town”) and Ashland Transit Apartments Owner LLC, a Delaware Limited Liability Company, One Campanelli Drive, Braintree, MA ("Owner").

WHEREAS, the Owner has constructed an apartment complex on the property known as 1 Cirrus Drive, Ashland (the "Property"); and

WHEREAS, the Owner still has outstanding 10 occupancy permits which have not issued relative to the development and has not completed the site work and infrastructure in accordance with the Site Plan Approval issued by the Town of Ashland Planning Board as more fully set forth on Exhibit A ("Outstanding Work"); and

WHEREAS, the Owners are desirous of completing the Outstanding Work but prior thereto are seeking to refinance the Property and in order to complete the refinancing are in need of receiving all of the Occupancy Permits for the development on the Property; and

WHEREAS, the Town is willing to take a form of security to assure the timely completion of the Outstanding Work in exchange for the release of the Occupancy Permits.

NOW, THEREFORE, in consideration of the agreements herein set forth and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. The Owner shall complete the Outstanding Work in accordance with the Schedule attached hereto as Exhibit A and incorporated herein by reference.

2. The Owner shall pay to the Town two hundred sixteen thousand and 00/100s dollars, ($216,000), of which seventy five thousand and no/100's dollars ($75,000) will be paid in cash to be held by the Town Treasurer and one hundred forty one and no/100's ($141,000) will be provided in a performance bond (collectively "Escrow Amount") the cash to be held in a separate account by the Town Treasurer and the bond to be provided to the Town upon the execution hereto to secure the completion of the Outstanding Work in accordance with Exhibit A. All work to be done in a good and workman like manner to the full and reasonable satisfaction of the Town.

3. The Owner shall pay the Town's Peer Review Engineer for its work in reviewing the proposed Outstanding Work and confirming satisfactory completion of same. The estimated costs of the Peer Review Engineer are accounted for in the Escrow Amount. The Town may pay the Peer Review Engineer from the Escrow Account when and as the invoices become due
without further authorization from the Owner. In the event the costs of the Peer Review Engineer exceed the estimated amount, the Owner shall replenish the Escrow Amount for the excess costs associated with the Peer Review Engineer.

4. In the event the Owner does not complete the Outstanding Work in accordance with the schedule as set forth in Exhibit A, the Town may undertake to complete said work but is not required to do so. In the event the Town undertakes the work it shall immediately be paid the funds from the Escrow Amount first exhausting the cash and then the performance bond as required. In the event the costs of completion of the Outstanding Work exceeds the Escrow Amount, the Owner shall immediately, but no later than 5 business days from receiving written notice of same, pay to the Town the amount of the overages for the Outstanding Work.

5. In the event of any dispute between the Town and the Owner the parties shall endeavor to resolve such dispute amongst themselves. In the event after 20 business days the parties are unable to resolve the dispute the parties agree to submit to binding arbitration under the Commercial Arbitration Rules of the American Arbitration Association and each party shall be responsible to pay their own costs and expenses and share equally in the cost of the Arbitrator.

6. All notices, requests, demands and other communications hereunder shall be sent via facsimile or in writing and shall be deemed to have been duly given in writing if delivered in hand or when mailed in the continental United States, registered mail, return receipt requested, postage prepaid:

(a) If to the Town:
Lisa L. Mead
Mead Talerman & Costa LLC
30 Green Street
Newburyport MA 01950
978 63 7700 (phone)
978 463 7747 (fax)
Lisa@mtclawyers.com

(b) If to the Owner:
Dan DeMarco, Manager
Ashland Transit Apartments Owner LLC
One Campanelli Drive
Braintree, MA
Work 781-849-1440
Cell 781-249-3543
ddemarco@campanelli.com
or to such other address as any party may have designated for itself by a written notice to the others in the manner herein prescribed, except that notices of change of address for notice shall be effective only upon receipt.

7. This Escrow Agreement may be executed in multiple counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

8. Except as otherwise governed by applicable federal law, this Escrow Agreement, and all rights and remedies of the parties, shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts, without regard to the principles of conflict of laws. Any action brought to interpret and/or enforce this Agreement shall be tried in state or federal courts located in Essex County, Massachusetts and all claims to improper venue and forum non conveniens are waived; and the parties hereby submit to Massachusetts personal jurisdiction and all claims to failure to obtain personal jurisdiction are waived.

IN WITNESS WHEREOF, the parties hereto have executed this Escrow Agreement under seal on the day and year first above written.

Owner:

By: ____________________________
    Its: Manager

Town

By: ____________________________
    Its: Town Manager
EXHIBIT A
SCOPE OF WORK
<table>
<thead>
<tr>
<th>Task</th>
<th>Status</th>
<th>Schedule</th>
<th>Escrow Account Value</th>
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<tbody>
<tr>
<td><strong>Stormwater Pond:</strong></td>
<td></td>
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<tr>
<td>10 Provide reason why stormwater basin is holding water. Stormwater</td>
<td>Open</td>
<td>Look for weather window of 5-6</td>
<td>$ 100,000.00</td>
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<tr>
<td>basin should be draining and not holding water.</td>
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<td>days starting mid-June. Dewater,</td>
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<td>remove any silt, inspect soils for</td>
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<td>permeability. If permeability</td>
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<td>insufficient add low flow outlets</td>
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<td>and/or wicks. Seed any disturbed</td>
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<td>areas. Outside completion date</td>
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<td>Sept 1, 2019.</td>
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<tr>
<td>12 Volume Certification</td>
<td>Open</td>
<td>Volume calculation to be checked</td>
<td>$ 1,000.00</td>
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<td>or updated upon draining of pond.</td>
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<tr>
<td>13 Establishment of growth</td>
<td>In Progress</td>
<td>Sept 1, 2019</td>
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<tr>
<td><strong>Site</strong></td>
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<tr>
<td>15 Directly across Building #3, #4, &amp; #5</td>
<td>In Progress</td>
<td>August 15, 2019</td>
<td>$ 100,000.00</td>
</tr>
<tr>
<td>16 Behind Recycling Building &amp; Garage D (Groundwater Breakout)</td>
<td>In Progress</td>
<td>August 15, 2019</td>
<td>$ 10,000.00</td>
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<tr>
<td>17 Behind Building #9</td>
<td>In Progress</td>
<td>August 15, 2019</td>
<td>$ 1,500.00</td>
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<tr>
<td>19 Exposed HDPE at top of slope across Building #4</td>
<td>In Progress</td>
<td>August 15, 2019</td>
<td>$ 500.00</td>
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<tr>
<td><strong>Loam &amp; Seed</strong></td>
<td></td>
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<tr>
<td>24 Grass strip (construction entrance near stormwater pond)</td>
<td>In Progress</td>
<td>May 1st for initial loam and seed.</td>
<td>$ 500.00</td>
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<td>(May have to be redone or touched</td>
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<td>up after basin work.</td>
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<tr>
<td>27 Groundwater breakout in Electric Conduit (High Street side)</td>
<td>In Progress</td>
<td>TBD by Eversource</td>
<td>No Value Required</td>
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<tr>
<td><strong>Other</strong></td>
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<td>28 Peer Review</td>
<td>Open</td>
<td>GCG review of escrow value.</td>
<td>TBD</td>
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<tr>
<td>29 Irrigation Well Testing for Well #2</td>
<td>Open</td>
<td>Well#2 start-up testing. Annual</td>
<td>$ 1,000.00</td>
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<td>testing per the permit will be a</td>
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<td>budget.</td>
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<td><strong>TOTAL</strong></td>
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<td>$ 216,000.00</td>
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SURETY BOND

Bond # 47-SUR-300032-01-0008

KNOW ALL MEN BY THESE PRESENTS:

That, Ashland Transit Apartments Owner LLC
Berkshire Hathaway Specialty Insurance Company
as Principal and, as Surety are held and firmly bound unto the
Town of Ashland
as Obligee, in the amount of One Hundred Forty-One Thousand and 00/100 Dollars ($141,000.00)

for the payment whereof Principal and Surety bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Now, therefore, the condition of this obligation is such that if the Principal will complete
the Outstanding Work in accordance with the terms and conditions of the Escrow Agreement dated March 28, 2019
between the Town of Ashland and Ashland Transit Apartments Owner LLC, and as further detailed in Schedule A
attached and incorporated into said Escrow Agreement
then such obligation shall be null and void; otherwise, it shall remain in full force and effect.

No right of action shall accrue on this bond to or for the use of any person or corporation
other than the Obligee named herein or the heirs, executors, administrators, or successors of Obligee.

Signed and sealed this 29th day of March, 2019

Ashland Transit Apartments Owner LLC
Principal
By (Signature)

Berkshire Hathaway Specialty Insurance Company
By (Signature)

Nicole Roy
Attorney in Fact

GR0709-4
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<td>In Progress</td>
<td>August 15, 2019</td>
<td>$ 10,000.00</td>
</tr>
<tr>
<td>17 Behind Building #9</td>
<td>In Progress</td>
<td>August 15, 2019</td>
<td>$ 1,500.00</td>
</tr>
<tr>
<td>19 Exposed HDPE at top of slope across Building #4</td>
<td>In Progress</td>
<td>August 15, 2019</td>
<td>$ 500.00</td>
</tr>
<tr>
<td>Loam &amp; Seed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 Grass strip (construction entrance near stormwater pond)</td>
<td>In Progress</td>
<td>May 1st for initial loam and seed. (May have to be redone or touched up after basin work.</td>
<td>$ 500.00</td>
</tr>
<tr>
<td>27 Groundwater breakout in Electric Conduit (High Street side)</td>
<td>In Progress</td>
<td>TBD by Eversource</td>
<td>No Value Required</td>
</tr>
<tr>
<td>Other</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>28 Peer Review</td>
<td>Open</td>
<td>GCG review of escrow value.</td>
<td>TBD</td>
</tr>
<tr>
<td>29 Irrigation Well Testing for Well #2</td>
<td>Open</td>
<td>Well#2 start-up testing. Annual testing per the permit will be a regular part of the operating budget.</td>
<td>$ 1,000.00</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>$ 216,000.00</td>
</tr>
</tbody>
</table>
Power Of Attorney
BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY / NATIONAL INDEMNITY COMPANY / NATIONAL LIABILITY & FIRE INSURANCE COMPANY

Know all men by these presents, that BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, a corporation existing under and by virtue of the laws of the State of Nebraska and having an office at One Lincoln Street, 23rd Floor, Boston, Massachusetts 02111, NATIONAL INDEMNITY COMPANY, a corporation existing under and by virtue of the laws of the State of Nebraska and having an office at 3024 Harney Street, Omaha, Nebraska 68131 and NATIONAL LIABILITY & FIRE INSURANCE COMPANY, a corporation existing under and by virtue of the laws of the State of Connecticut and having an office at 100 First Stamford Place, Stamford, Connecticut 06902 (hereinafter collectively the "Companies"), pursuant to and by the authority granted as set forth herein, do hereby name, constitute and appoint: Michael J. Cusack, Nicole Roy, Nicholas Labbe, Sandra C. Lopes, Laurie Rothwell, Jean M. Feeney, John J. Gambino, 131 Oliver Street, of the city of Boston, State of Massachusetts, their true and lawful attorney(s)-in-fact to make, execute, seal, acknowledge, and deliver, for and on their behalf as surety and as their act and deed, any and all undertakings, bonds, or other such writings obligatory in the nature thereof, in pursuance of these presents, the execution of which shall be as binding upon the Companies as if it has been duly signed and executed by their regularly elected officers in their own proper persons. This authority for the Attorney-In-Fact shall be limited to the execution of the attached bond(s) or other such writings obligatory in the nature thereof.

In witness whereof, this Power of Attorney has been subscribed by an authorized officer of the Companies, and the corporate seals of the Companies have been affixed hereto this date of December 20, 2018. This Power of Attorney is made and executed pursuant to and by authority of the Bylaws, Resolutions of the Board of Directors, and other Authorizations of BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, NATIONAL INDEMNITY COMPANY and NATIONAL LIABILITY & FIRE INSURANCE COMPANY, which are in full force and effect, each reading as appears on the back page of this Power of Attorney, respectively.

[Signatures]

By:
David Fields, Executive Vice President

By:
David Fields, Vice President

NOTARY
State of Massachusetts, County of Suffolk, ss:
On this 20th day of December, 2018, before me appeared David Fields, Executive Vice President of BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY and Vice President of NATIONAL INDEMNITY COMPANY and NATIONAL LIABILITY & FIRE INSURANCE COMPANY, who being duly sworn, says that his capacity is as designated above for such Companies; that he knows the corporate seals of the Companies; that the seals affixed to the foregoing instrument are such corporate seals; that they were affixed by order of the board of directors or other governing body of said Companies pursuant to its Bylaws, Resolutions and other Authorizations, and that he signed said instrument in that capacity of said Companies.

[Notary Seal]

GEOFFREY A. DELISIO
Notary Public
Commonwealth of Massachusetts
My Comm. Expires November 29, 2024

I, Ralph Tortorella, the undersigned, Officer of BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, NATIONAL INDEMNITY COMPANY and NATIONAL LIABILITY & FIRE INSURANCE COMPANY, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies which is in full force and effect and has not been revoked. IN TESTIMONY WHEREOF, see hereto affixed the seals of said Companies this March 29, 2019.

[Signatures]

BHSIC, NICO & NLF POA (2018)
BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY (BYLAWS)

ARTICLE V.

CORPORATE ACTIONS

EXECUTION OF DOCUMENTS:

Section 6(b) The President, any Vice President or the Secretary, shall have the power and authority:

1. To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company bonds and other undertakings, and

2. To remove at any time any such Attorney-in-fact and revoke the authority given him.

NATIONAL INDEMNITY COMPANY (BY-LAWS)

Section 4. Officers, Agents, and Employees:

A. The officers shall be a President, one or more Vice Presidents, a Secretary, one or more Assistant Secretaries, a Treasurer, and one or more Assistant Treasurers none of whom shall be required to be shareholders or Directors and each of whom shall be elected annually by the Board of Directors at each annual meeting to serve a term of office of one year or until a successor has been elected and qualified, may serve successive terms of office, may be removed from office at any time for or without cause by a vote of a majority of the Board of Directors, and shall have such powers and rights and be charged with such duties and obligations as are vested in and pertain to such office or as may be directed from time to time by the Board of Directors; and the Board of Directors or the officers may from time to time appoint, discharge, engage, or remove such agents and employees as may be appropriate, convenient, or necessary to the affairs and business of the corporation.

NATIONAL INDEMNITY COMPANY (BOARD RESOLUTION ADOPTED AUGUST 6, 2014)

RESOLVED, That the President, any Vice President or the Secretary, shall have the power and authority to (1) appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company bonds and other undertakings and (2) remove at any time any such Attorney-in-fact and revoke the authority given.

NATIONAL LIABILITY & FIRE INSURANCE COMPANY (BY-LAWS)

ARTICLE IV

Officers

Section 1. Officers, Agents and Employees:

A. The officers shall be a president, one or more vice presidents, one or more assistant vice presidents, a secretary, one or more assistant secretaries, a treasurer, and one or more assistant treasurers, none of whom shall be required to be shareholders or directors, and each of whom shall be elected annually by the board of directors at each annual meeting to serve a term of office of one year or until a successor has been elected and qualified, may serve successive terms of office, may be removed from office at any time for or without cause by a vote of a majority of the board of directors. The president and secretary shall be different individuals. Election or appointment of an officer or agent shall not create contract rights. The officers of the Corporation shall have such powers and rights and be charged with such duties and obligations as are vested in and pertain to such office or as may be directed from time to time by the board of directors; and the board of directors or the officers may from time to time appoint, discharge, engage, or remove such agents and employees as may be appropriate, convenient, or necessary to the affairs and business of the Corporation.

NATIONAL LIABILITY & FIRE INSURANCE COMPANY (BOARD RESOLUTION ADOPTED AUGUST 6, 2014)

RESOLVED, That the President, any Vice President or the Secretary, shall have the power and authority to (1) appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company bonds and other undertakings and (2) remove at any time any such Attorney-in-fact and revoke the authority given.

BHSIC, NICO & NLF POA (2018)
Super Bowl Town Signs
1 message

SARA LA TE SSA <LATESSA227@hotmail.com>
To: "srobie@ashlandmass.com" <srobie@ashlandmass.com>

Mon, Feb 3, 2020 at 11:37 AM

Good Morning Susan,

I was given your email address from my friend Lisa Dwinnells as she thought maybe you could point us in the right direction. As you drive into some towns you will see at the town line "Home of the 2015 Baseball Champions" or Home of the 2016 Lacrosse Champions. We wanted to ask how do we go about a "Home of the 2019 Football Super Bowl Champions"? How neat would that be each time you drive into town you would see that! If you have any information or if you could direct me to the person that I could speak to that would be wonderful! Thank you for your time.

Sara Latessa
Existing sports signage
1 message

Kevin Langmeyer <klangmeyer@ashlandmass.com>  
To: Sue Robie <srobie@ashlandmass.com>  
Cc: Roy Correia <rcorreia@ashlandmass.com>, Doug Small <dsmall@ashlandmass.com>  
Wed, Feb 5, 2020 at 6:57 AM

Sue
As requested. The current sports signs around town are as follows.

1. 08-09 Softball / Pond st. @ Market Basket
2. 08-09 Softball / Fountain st. Town line
3. 98 Softball / Myrtle st Town line
4. Multiple at common area @ Union, Cherry, Summer see picture.

There are no further sports signs other than listed.
We can get together to discuss at your convenience.

Kevin
Signs
1 message

Kevin Langmeyer <klangmeyer@ashlandmass.com>
To: Sue Robie <srobie@ashlandmass.com>

Tue, Feb 4, 2020 at 1:20 PM

![Image of a sign that reads: Ashland High School, Division II State Champions Softball 2008, 2009]
SELECT BOARD
Minutes
February 5, 2020 – 6:30 PM
Town Hall

Vision Statement - The Town of Ashland will be a prosperous and fiscally sound community with a full range of housing, business, cultural, educational, and recreational opportunities in a safe and attractive environment for residents and visitors.

Mission Statement - The Ashland Select Board is dedicated to promoting responsible fiscal management, advocating for sustainable development & growth and providing excellent municipal services which will enhance the quality of life in our diverse community. The Ashland Select Board is committed to providing clear goals and objectives for Town management and creating effective engagement and public participation with residents, state legislators and other elected officials in order to achieve our mission.

Call Meeting to Order
Steve Mitchell called the meeting to order at 6:30 pm and mentioned that WACA TV is recording and broadcasting the meeting live. Present at the meeting were Chair Steve Mitchell, Vice Chair Yolanda Greaves, Joe Magnani, Rob Scherer, Brandi Kinsman, Town Manager Michael Herbert, Assistant Town Manager Jenn Ball and Executive Assistant Susan Robie.

Mr. Mitchell asked Rob St. Germain to lead the board in the Pledge of Allegiance.

Citizen’s Participation
Mark Dassoni offered comments concerning the Eversource project.

Robert Wallace asked if the board could advocate for assistance for those working on the Barrett Bill. Additionally, Robert felt that the town needs to do a better job getting information out to residents about town projects and legislative matters.

Keith Ferguson wanted to understand if the land court case that the board referenced was the Eversource case. Keith stated that he is the Trustee for the Great Bend Trust and wanted to understand how the trust could get involved. Additionally, Keith asked what the relationship is between Colonial Power and Public Power. Lastly, he said he is very proud of the town government for their stance with the Eversource project, and thanked Steve for offering an apology.

Ray Zambuto thanked the town for their representation with the Eversource project and explained that he and his wife, as abutters, are interested in working with the town.

Diane Ring explained that the Eversource issue is very complicated and appreciated the continued support.

Ann Bretton thanked Steve for his apology and said that at the MetroWest Daily News they work very hard to report everything accurate. She appreciated Steve owning his comment and apologizing for it.

Rob St. Germain thanked the board for voting to hire the consultant.
Scheduled Hearings/Appearances

**Government Finance Officers Association Distinguished Budget Award**
Michael Herbert explained for the third year in a row the Town of Ashland has been presented the Government Finance Officers Association Distinguished Budget Award.

Brittany Iacponi, Finance Director/Town Accountant thanked the department heads and their staff who assisted her in achieving the award.

**Decision on Eversource Application**
Steve Mitchell read Eversource’s response to the Energy Facility Citing Board

Carl Hakansson, Conservation Commission member, explained the basis for the Conservation Commission’s denial of the Eversource application for the Hopkinton Ashland transfer line. He said since 2018 the Conservation Commission has been reviewing the Notice of Intent application by Eversource for an Order of Conditions. Carl explained that the Conservation Commission used both the State Law and the local Ashland Wetlands bylaws as reason for the denial. He also noted that the Conservation Commission’s denial can be appealed to the State Dept. of Environmental Protection and Superior Court, as well as the Utility Citing Board.

**Sustainability Committee**
Steve Mitchell introduce Mark Moniz, the Sustainability Committee’s appointment candidate. Mark explained that he moved to Ashland a year ago and is excited to get involved with the Sustainability Committee.

Yolanda Greaves made a motion to appoint Mark Moniz to the Sustainability Committee with a term that will expire on 8/31/21. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

**Mindess Building Committee Update**
Paul Kendall, Mindess Building Committee Chair, provided the board with an updated the Mindess Building Committee activities. Paul presented a timeline of the project milestones and stated that by the end of March the Building Committee is hoping to have a project to present to both the Select Board and the School Committee. Additionally, the committee is hoping to hold a few Tri-board meetings. The MSBA Scope and Budget is scheduled for October in preparation for the November Town Meeting and the ballot vote in December to begin the design development January 20201, with a plan to open the renovated building in 2023. Paul also reviewed the conceptional building designs based on the enrollment options.

Jim Adams, Superintendent of Schools, explained that the survey is still open for anyone interested in providing their input.

Paul mentioned that grade configuration and site configuration may free up another building or location. Steve explained that repurpose of property has been discussed in conjunction with the Public Safety Building as well.

Asked the committee at some point to provide operating cost estimates along with the Net Zero option.

**Ashland Fire Department – Introduction of Newest Members**
Chief Robie introduced Curtis Mogren, Steven Mulone and Ryan Phelan, newest members of the Ashland Fire Department.

**Class II License – 39 Nickerson Road**
Steve Mitchell read the legal notice to open the Public Hearing
Yolanda Greaves made a motion to delay the Public Hearing. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Yolanda Greaves made a motion to reopen the Public Hearing. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Katie Gutwill appeared and said that she is representing her husband Matthew Gutwill who is traveling. She explained that they are seeking a Class II License to store up to 5 automobile and marine vehicles at 39 Nickerson Road prior to selling them.

Steve Mitchell asked for public comments.

John Babineau, Police Mechanic for Framingham, explained that he will be doing the repair work offsite at his garage.

Yolanda Greaves made a motion to close the Public Hearing. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Yolanda Greaves made a motion to approve the request for a Class II License to be granted to TJS Auto and Marine Sales for up to 5 vehicles with operating hours Monday through Friday 7:00 am to 5:00 pm, Saturday 9:00 am to 4:00 pm and closed on Sunday, subject to verification of the address. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Wine and Malt License – Dulce D Leche
Steve Mitchell opened the public hearing by reading the legal ad and explained that a Wine and Malt License has been requested by Dulce D Leche located at 200 Homer Avenue.

Yolanda Greaves made a motion to postpone the Public Hearing. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Yolanda Greaves made a motion to reopen the Public Hearing. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Julius Remenar, owner of Dulce D Leche, appeared and said that he is asking to utilize the Liquor License between the hours of 11:00 am to 10:00 pm. Julius stated that five front-house employees, he and his wife are TIP certification and the documents will be submitted to the town.

Steve Mitchell asked for public comments. There were none.

Yolanda Greaves made a motion to close the Public Hearing. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Yolanda Greaves made a motion to approve the request for a Wine and Malt License for Dulce D Leche with the hours of 11:00 am to 10:00 pm seven days per week. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Entertainment License – Dr. Greens
Steve Mitchell opened the Public Hearing for an Entertainment License by reading the legal notice. Steve explained that Dr. Greens is located at 200 Homer Avenue.

Jason Thomas described the proposal to add musical entertainment to his existing business. He is seeking approval for a 2- or 3-person group that would sing and play music. He is requesting the license
for Thursday – Saturday to coincide with his current hours of operations. He will begin hosting music on Friday nights and may add additional nights in the future.

Steve Mitchell asked for public comments. There were none.

Yolanda Greaves made a motion to close the Public Hearing. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Yolanda Greaves made a motion to approve the Entertainment License as requested by Dr. Greens which will allow them to have amplified entertainment on Thursday, Friday and Saturday from 6:00 pm to 11:00 pm. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

**Community Choice Power Supply Program**
Mark Cappadona, from Colonial Power Group, appeared and updated the board on Community Choice Power Supply Program. He reviewed the proposal to offer an opt-in product and or make modifications to the current program. He explained that the submission Dept. of Energy Resources and Dept of Public Utilities processes are taking much longer than expected, so he recommended starting the process soon.

Michael concluded that the program is positive, and residents are taking advantage due to the savings. He also stated that since the program was established savings have been in excess of $900,000.00.

Steve asked about energy source. Mark explained that the town is currently at 26% renewable and the balance is renewable energy credits.

Mark explained that the program is at a 6-year low for the natural gas market. Michael Herbert said he would like to offer different options to allow residents to select the source of their energy.

Mark explained the REC (green product) and the brown (provide minimal renewables) options. He agreed that it would be best to make the changes and increase the town’s options in preparation to move forward. Mark indicated the he would provide the plan by the first March meeting and the Michael Herbert will post the plan for review and comments.

**Stormwater Committee**
Rob St. Germain introduced Ned Breed, a nominee for the open Stormwater Committee position. Ned appeared and explained that he moved to Ashland about a year ago and is a Civil Engineer currently working on a Stormwater Project as part of the job. He said based on his training and interest he thought getting involved in the community he lives it would be great.

Yolanda Greaves made a motion to appoint Edward “Ned” Breed to the Stormwater Advisory Committee to a term that will expire on 8/31/22. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

**Update from the Dog Park Committee**
Cara Tirrell, President and Candice “Candi” Wilson, Vice President of the Dog Park Committee appeared. They requested the use of a town owned piece of property with the preference being the parcel located along the MBTA Access Road. They also identified a parcel on Olive Street that would be acceptable.

They explained that with a property identified they can apply for a Stanton Foundation Dog Park Grant. The design grant is intended to cover 100% of the design costs from $10,000 to $25,000, a construction grant will fund 90% of hard construction capped at $225,000 and capital improvement grants are available after the park is open. As part of the process the community is required to contribute to Dog Park and a staff member has assigned to this. Grant submission are due anytime during the year, but they
only provide 10 per year so time is very important. Information about the project can be found at www.ashlanddogpark.com.

Candi explained that they have held several fundraising activities and raised $3,125.00 in 2019.

Candi explained that the committee received a lot of feedback regarding dog feces that has not been cleaned up, so recently the committee started a “Poop Patrol” which is a group of volunteers that clean up poop around town.

Rob asked about the facility’s design. Candi and Cara explained that they would like to keep the area as natural as possible with fenced areas for small dogs and another area for other dogs.

Cara explained that they have selected the MBTA parcel because the lack of neighbors, the central location and the easy access to two acres.

Carly, May, Cara and Allison from Girl Scout Troop 82051 explained the reasons they support the dog park project, including that it will offer dogs a place to exercise and a social outlet for both dogs and dog owners.

Michael Brogan reminded the board that the Dog Park is not a budget line item and the committee is not looking for funding, only the land donation.

Ed Perry explained that he heads the Poop Patrol and provides other administrative activities.

The board asked how this dog park will impact the situation on the Warren Conference Center. Candi and Cara explained that park rules will be enforced, and professional dog walkers will not be allowed, and patrons will be limited three dogs. Cara explained that they hope to have the option to ticket violators. Enforcement of dog bites will be the same as all other areas.

Yolanda explained that she has been a supporter of the park since she started on the board. She understands this will not eliminate the issues at the State Park or the Warren Conference Center, but it should impact it at some level. Yolanda asks the board for consideration but understands that with all the projects going on this may not be the right time.

Michael remarked that the committee has made good points and he wants to board to understand that something else may have to be pushed aside if the town takes on this project. He explained that most of what it needed is procurement and that only having one person doing procurement is tough. Michael explained that until the YMCA is surveyed it would be hard to provide a defined piece of the land.

Yolanda Greaves made a motion to approve the allowance of two acres of the land on the RTD property for the Ashland Dog Park. This motion was seconded by Brandi Kinsman with a unanimous vote of 5-0.

Select Board/Town Manager Priority Project Update

Rail Transit District

Michael restated that two acres have been allocated for a dog park. He also mentioned the UGC project which is a 180-unit senior housing develop. Discussions have been going on for a year and half and the board has been asking for a smaller footprint in order to draft a development agreement. As a result of the meeting held today, they hope to have a draft at the first meeting in March.
Public Safety Building
The Public Safety Building Committee met last week, and they are expecting to have the first set of drawing on the 12th. Steve explained that with the wetland delineation resolved and the land concerns resolved the building’s footprint and design can be determined.

Downtown Project
Michael explained that this project is going out to bid on March 6th. Meetings with the construction mitigation group will be scheduled soon.

Warren District & Valentine Estate
Jenn explained that the town received permission to demolish the barn, but there is no date just yet.

Michael mentioned that the committee is meeting with other communities that have done similar projects and they have benefited greatly from the education received from each community that shared their process.

Consent Agenda
A. Notification of the Town Manager’s Appointment of Alena LeGros to the Fire Department as a Fulltime Firefighter.
B. Waive the 15-day waiting of Nick Bialzik and Derek Wang to fill the position of Library Page which is a 5-hour position at the Public Library.
C. Accept the private grant MVMA Stray Animals in the amount of $1,000.00 to be used by Animal Control to pay for Veterinarian Services.
D. Accept the $100.00 donation from Arlene Thacker for the purchaser of adult and children’s books.
F. Accept the Resignation from Kyle Ahlers from the Sustainability Committee
G. Approve the Request for the Jimmy Fund and DMSE Sports 2020 Walk – This is a Charitable event that is scheduled for Sunday October 4, 2020.
H. Approve the $5,000.00 award requested by 2Mauro’s from the Economic Incentive Program to be used for sign and façade as recommended by the Economic Development Group.

Steve Mitchell asked to remove the appointment to the Sustainability Committee and the appointment of the Stormwater Committee from the Consent Agenda.

Yolanda Greaves made a motion to the Consent Agenda. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Old / New Business
Apology
Steve Mitchell apologized to the MetroWest Daily News reporters for a comment he had made at the last meeting.

PFAS Chemicals
Michael Herbert explained that PFAS chemicals are forever chemicals. One of the contributing items is foam used for fighting fires. The guidelines have changed, and the Dept. Environment Protection will issue new regulations soon that will include these chemicals. The town tests for certain chemicals on a regular basis, but PFAS chemical are not included currently.

Eversource – Technical Consultant Proposal
Rob Scherer explained the letter regarding the Eversource project that the board submitted.
Michael Herbert reviewed the expertise that Dr. Elizabeth Stanton will provide including the analysis on the needs and cost, as well as a report to the board. Additionally, Dr. Stanton will provide testimony as needed for a consulting fee of $24,820.00. Michael is recommending that the board vote to accept this proposal and noted the fees will come out of the legal budget.

Brandi and Yolanda questioned the expenditure and wanted to understand how Dr. Stanton’s proposal is different from the advice from Dr. McKenna that was already paid for and other legal costs to establish intervener status.

Steve explained that he supports the proposed proposal because he felt that adding additional information to our statement will make it more cohesive.

Rob felt that this is money will be well spent and additional information will strengthen our position. Rob thought that having a tangible report will allow us to review and extract the data to use to support our case.

Joe felt that all the information we have been provided in the past has been helpful and that gathering additional information would be helpful. Joe asked that since the town currently pays the MWRA for our sewer flows through Framingham, could we charge Eversource for the use of land to transfer gas through our town.

Michael mentioned that the mitigation package provided to the Town of Ashland should be much more than what was offered last February.

Steve explained that we are vested in the process and felt this is small price to pay for this additional information.

Rob Scherer made a motion to approve the proposal to engage the Applied Economics Clinic and Dr. Elizabeth Stanton as presented. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

**Town Counsel’s Evaluation**

Michael explained that this project is typically completed in March and each board member will complete a form and submit them to the Town Manager. The Town Manager will review the feedback with the Select Board Chair and create a final document. Town Counsel’s appointment currently expires June 30, 2020.

**Ashland Post Office**

Steve Mitchell explained the reasons why the town needs a Post Office in Ashland, including housing P.O. boxes among other services.

Steve explained that a preconstruction conference was held and at this time there is no established timeline for the project. The board also reiterated that the Post Office is not a town building and that the construction bidding process will be handled at a federal level.

**Home Rule Petition**

Michael explained that the board needs to vote to sign a Home Rule Petition for changing the name of the Board of Selectmen to the Select Board.

Yolanda Greaves made a motion to forward the documentation for Home Rule Petition for changing the Board of the Selectmen name to the Select Board as required. This motion was seconded by Brandi Kinsman with a unanimous vote for 5-0-0.
2020 Annual Town Meeting Warrant
Jenn Ball explained that she is requesting that the board vote to open the 2020 Annual Town Meeting Warrant. Doing this now will allow time for printing the warrant book.

Yolanda Greaves made a motion to open the Town Meeting Warrant as of today and approve the timetable as presented. This motion was Joe Magnani with a unanimous vote for 5-0-0.

Eminent Domain Takings
The board discussed the Eminent Domain Takings for the purpose of a sidewalk as discussed at the 2019 Special Town Meeting.

Yolanda Greaves made a motion that the Board vote to compensate the owners of the following properties the following amounts for the takings voted on January 15, 2020 as determined by the Town Assessor: 10-60 Main Street - $4,758.82, 98-100 Main Street – Agreement between the landowner and the Town Manager, 118 Main Street - $3,947.90, 128-132 Main Street – As reflected in the Planning board decision, 4-12 Front Street - $394.79. This motion was seconded by Joe Magnani with a unanimous vote of 5-0-0.

Update from the Town Clerk
Steve Mitchell reminded everyone that the last day to register to vote is Wednesday February 12th and early voting begins on the Monday February 24th through February 28th.

Town Manager Report
FY21 Budget Update
Michael Herbert explained that he attended the Finance Committee last night and the Police, Fire, DPW departments and Economic Development also presented at the meeting. The General Fund budget is $66 million, an increase of $2 million. New growth is up by $600,000.00 and property purchases have a direct effect on that number. Ten million has been spent on properties in the last 3 years and that has kept about 700 units from being built.

Steve explained that he attended the Finance Committee meeting and reviewed several questions that were discussed.

Joe Magnani made a motion to go past 10:00 pm. This motion was seconded by Yolanda Greaves with a unanimous vote of 5-0-0.

Holliston/Ashland IMA Regarding Animal Control
Michael Herbert explained that the town has not conducted an analysis on the IMA with Holliston since the agreement was instituted. Chief Alfano made a presentation to the Holliston Board of Selectmen and explained it is time to adjust. The board discussed auditing the service and increasing the communication between the police chiefs.

Board Reports
Brandi Kinsman
Brandi explained that she attended the Mass Municipal Association (MMA) conference. She provided a summary of the sessions that she attended and mentioned several things that Ashland has done well. Brandi explained some of the highlights including economic development and expedited permitting discussions. The Select Board Association suggested that town host a “State of the Town” events and she would like the work towards that. She also asked to add Rules of Engagement for Town Meeting to the town’s website.
Brandi said she will send a draft of the Policy and Procedures to the board, shortly. She also mentioned that that the election season is starting, and individuals interested in running should please go to the Town Clerk’s office and pull papers which are due March 31st.

**Rob Scherer**
Rob found the No Pipeline session informative and well attended.

Rob explained that he met with Pine Lake Board of Trustees and they plan to have another meeting with the residents and the Upper Trail Committee in March 5th at 7:00 pm at the Public Library or the Community Center.

**Yolanda Greaves**
Yolanda reported that she also attended the MMA conference and she would like the town to look at our social media policy and would like to discuss the topic at a retreat. Yolanda said that it is always good to hear from the Governor

Yolanda mentioned that she was appointed to the MAPC Finance Committee.

Tomorrow is the first meeting of the We Love Ashland and the group will work on the candidate forum.

**Joe Magnani**
Joe reported that he will be attending the Valentine Committee meeting on Thursday February 13th.

Joe also attended the Nyanza EPA 5-year plan presentation at the High School that outlined the status of the Nyanza cleanup. Joe raised concern regarding the chemicals that are still being extracted from the site. Michael stated the chemicals are not carcinogenic, but the dermal impacts are unknown.

Joe reported that he responded to the email the board received from the state concerning Chapter 90 funds and suggested the state review three intersections in town, including Franklin and Olive Rd., Rte. 135 by Fountain St., and E. Union and Waverly St.

**Steve Mitchell**
Steve also attended the MMA conference and he felt the keynote speakers were somewhat flat and there were less vendors.

Steve mentioned the Impact MetroWest study that outlined issues impacting the community. Jenn Ball remarked housing it the most impacting issue and she gave examples of services provided by the Human Health Dept.

**Adjournment**
Yolanda Greaves made a motion to adjourn. This motion was seconded by Mr. Magnani with a unanimous vote of 5-0-0.

Meeting Materials:
This agenda is subject to change and includes those items reasonably anticipated by the Chair to be discussed at the meeting. Not all agenda items may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law.
Greater Ashland Lions Club  
P. O. Box 41  
Ashland, MA 01721

February 19, 2020

Ashland Select Board  
Ashland Town Hall  
101 Main Street  
Ashland Ma, 01721

Dear Board Members:

The Greater Ashland Lions Club would like to request from the Ashland Select Board permission for the following:

Grant the Greater Ashland Lions Club to hold a "White Cane Toll Road" at the intersection of Main Street and Route 135 on Saturday, September 26, 2020 (with rain date of possibly Saturday, October 3rd, 2020) from 9 am to 1 pm with all collected funds donated to Massachusetts Lions Eye Research Foundation, who grant monies to Mass. Eye Research, Schepens Eye Research Institute, Children’s Hospital, Boston University and Harvard Medical School for their continued research to improve vision.

The Greater Ashland Lions will notify the Police Department and the Fire Department of our request upon your approval. As in the past we have all necessary equipment for a SAFE day in the road.

Thank you.

Lion Eleanor Torelli, President  
508 875 4513  elliet43@aol.com
Select Board Members:

The Economic Development Advisory Group met on Wednesday, February 12th 2020 to review business incentive applications submitted for review. The Economic Development Incentive Program was created pursuant to Chapter 240 of the Acts of 2018 (the “Act”) to provide assistance to private business and individuals in order to encourage and facilitate economic growth and development, including creation of jobs, improvement and enhancement of buildings and infrastructure and increase the value of the real estate tax and general tax base.

The advisory group voted unanimously to recommend the following businesses for the incentive program.

1.) Zack Siarkos, co-owner of Mazi Kitchen and Bar, has applied for the sign and façade improvement incentive to paint the exterior of the building located at 320 Pond Street. The project will include fill, seal and paint. The applicant met all requirements listed in the rules and regulations set forth by the Select Board. The advisory group recommends that the applicant receives reimbursement in the amount of $5,000.

2.) Zack Siarkos, co-owner of Mazi Kitchen and Bar, located at 320 Pond Street applied for amenities financing through the Economic Development Incentive Program for equipment. This business has invested over $1,000,000 of their personal funds to purchase and build a new restaurant in the commercial corridor of Route 126. Mazi Kitchen and Bar meets all rules and regulations in their application to be recommended and the advisory group voted unanimously to recommend the applicant receive reimbursement in the amount of $30,000. ($20,000 in equipment reimbursement and an additional $10,000 for equipment per requirements stated in the application.)

3.) Jennifer Allerheiligen, owner of Diversity Early Learning Center, located at 118 Main Street applied for rental reimbursement financing through the Economic Development Incentive Program. This business has invested over $20,000 of their personal funds to build a new child care facility in Downtown Ashland in the Federated Church. Diversity Early Learning center meets all rules and regulations in their application to be recommended and the advisory group voted unanimously to recommend the applicant receive reimbursement in the amount of $10,000 for rental reimbursement over the course of the next year.

4.) Jennifer Allerheiligen, owner of Diversity Early Learning Center, located at 118 Main Street has applied for the sign and façade improvement incentive to help cover the cost of a new fence in the front of the Federated Church for the children to stay safe. The Town of Ashland, Massachusetts

101 Main Street
Ashland, MA 01721
applicant met all requirements listed in the rules and regulations set forth by the Select Board. The advisory group recommends that the applicant receives reimbursement in the amount of $3,435.

Best regards,

Economic Development Advisory Group
Members: Julia Chase, Dennis Ahern, Alan Macintosh, Pam Bathen, Garrett Quinn

Town of Ashland, Massachusetts
101 Main Street
Ashland, MA 01721
Date: February 26, 2020

To Whom It May Concern:

This letter is to inform you that the Ashland Town Clerk has received written notice of the resignation of the following person:

Name: Albert J. Dempsey

a member of Historical Commission

Board, Commission or Committee Name: Historical Commission

Effective Date of Resignation: February 26, 2020

As per the Town Code Section 8-36, Notification of Appointed Vacancy to Appointing Authority, (Added 10-18-00 ATM, Art. 27, approved Acts of 2002, Ch. 53 and Annual Town Election 5 7-02):

"In the event of a vacancy on a board, commission or committee, the Town Clerk, upon notification of such vacancy, shall, within ten (10) days of notification of such vacancy, notify in writing the designated appointing authority of the vacancy."

As per the Town Code Section 8-4a, "Should the appointing authority fail to fill a vacancy on a board, commission or committee within forty-five days of having been notified in writing by the Town Clerk of said vacancy, the Board of Selectmen shall then become the appointing authority and shall make such appointment(s) within forty-five (45) days thereafter."

Please note that a copy of the letter from Albert J. Dempsey has been included for your records.

Name: Albert J. Dempsey

CC: Town Manager/Board of Selectmen
Chairperson of the Board, Committee or Commission
Feb. 26, 2020

Town of Ashland,
Board Of Selectmen
Town Clerk

Effective this date, I hereby resign from the Ashland Historical Commission. I am in the process of purchasing a house and moving to another town and would no longer be able to hold up my responsibilities.

Respectfully,

[Signature]

A.J. Gemperline
January 17, 2020

Chief Keith Robie
Ashland Fire Department
70 Cedar Street
Ashland, MA 01721

Dear Chief Robie:

I am pleased to inform you that your FY 2020 Student Awareness of Fire Education (S.A.F.E.) and Senior SAFE grant applications have been approved for funding. The Ashland Fire Department has been awarded $4,565.00 for your S.A.F.E. grant and $2,552.00 for Senior SAFE.

Be sure to alert your treasurer and to check with them to ensure receipt of the funds. We expect the funds to be electronically distributed within the next few weeks.

All grantees are required to submit the FY 2019 year-end report to DFS by January 31, 2020. If there are any unexpended funds, the grantee may apply for a one-time 6-month extension, which will be part of the year-end report form. At the close of the single 6-month extension, all unexpended funds must be returned to the Commonwealth. At this time, any prior year remaining funds must be returned to the Commonwealth.

Twenty-five years ago, the Administration advocated for the creation of the S.A.F.E. Program. Since that time average annual child fire deaths have been reduced by 76%. Six years ago, the S.A.F.E. program was expanded to offer funds to local communities in support of senior fire prevention training. Seniors are the most vulnerable of populations at risk of fire related deaths. Senior SAFE is aimed at educating seniors on fire prevention, general home safety and how to be better prepared in the event of a fire. It is our hope that with this opportunity we can recreate the success with our older population that we have had with children.

I thank you for your commitment to the S.A.F.E. program and for your continuing efforts to promote fire prevention for all citizens. If you have any questions, please feel free to contact Cynthia Ouellette at (978) 567-3381 or the S.A.F.E. staff at (978) 567-3388.

Sincerely,

[Signature]

Peter J. Ostroskey
State Fire Marshal
January 17, 2020

Chief Keith Robie
Ashland Fire Department
70 Cedar Street
Ashland, MA 01721

Dear Chief Robie:

Congratulations! We are pleased to inform you that the Ashland Fire Department has been awarded $4,565.00 for Student Awareness of Fire Education (S.A.F.E.) and $2,552.00 for Senior SAFE grants. We look forward to working with you and your community on this public fire and life safety initiative.

Additional correspondence, including all the necessary documents needed to execute this award will be provided by the Executive Office of Public Safety and Security, Department of Fire Services within the next two weeks.

Feel free to contact Cynthia Ouellette at cynthia.ouellette@mass.gov if you have any questions.

Sincerely,

[Signature]
Governor Charles D. Baker

[Signature]
Lt. Governor Karyn E. Polito
TOWN OF ASHLAND, MASSACHUSETTS
CONTINUING DISCLOSURE PROCEDURES

Federal securities laws prohibit making any untrue statement of a material fact or omitting any material fact necessary in order to make disclosure statements, in the light of the circumstances under which they were made, not misleading. Town of Ashland, Massachusetts (the “Issuer”) has executed continuing and/or significant events disclosure certificates (generally referred to herein as “disclosure agreements”) in connection with the Issuer’s bond and note issues (generally referred to herein as “bonds”). The Issuer’s preliminary official statements and final official statements (generally referred to herein as “official statements”) describe compliance with the Issuer’s disclosure agreements. The Issuer has adopted these procedures to ensure compliance with the Issuer’s disclosure agreements in a manner that is consistent with federal securities laws. These procedures will be reviewed and will be updated as necessary to accurately reflect the responsibilities of the Issuer’s finance team.

The Treasurer of the Issuer (or such other officer as may from time to time be designated by the Issuer’s Chief Executive Officer, as defined in M.G.L. c.4, §7) (the “Compliance Officer”) will take primary responsibility for (A) ensuring the timeliness and sufficiency of the Issuer’s disclosure filings and (B) ensuring the accuracy of the Issuer’s official statements regarding compliance with the disclosure agreements, each as further described below. UniBank Fiscal Advisory Services, Inc., municipal advisor to the Town, has been retained by the Issuer (the “Dissemination Agent”) to assist the Issuer with the making of the various filings required by its disclosure agreements.

Disclosure Agreement Requirements

The Issuer has agreed to provide certain information for the benefit of the owners of the Issuer’s bonds, and to assist purchasers of the Issuer’s bonds in complying with Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (as amended, the “Rule”). The requirements of the Issuer’s disclosure agreements are generally described below. The respective disclosure agreements, which shall be maintained by the Compliance Officer, should be consulted for a full description of the Issuer’s obligations under such agreements.

I. Annual Reports

The Issuer has agreed to provide Annual Reports that contain:

1. Quantitative information for the preceding fiscal year of the type presented in the Issuer’s applicable Official Statement regarding (i) the revenues and expenditures of the Issuer relating to its operating budget, (ii) capital expenditures, (iii) fund balances, (iv) property tax information, (v) outstanding indebtedness and overlapping debt of the Issuer, (vi) pension obligations of the Issuer, and (vii) other post-employment benefits liability of the Issuer; and
2. The most recently available audited financial statements of the Issuer, prepared in accordance with generally accepted accounting principles, with certain exceptions permitted by the Massachusetts Uniform Municipal Accounting System promulgated by the Department of Revenue of the Commonwealth. If audited financial statements for the preceding fiscal year are not available when the Annual Report is submitted, the Annual Report will include unaudited financial statements for the preceding fiscal year and audited financial statements for such fiscal year shall be submitted when available.

The Annual Report is due not later than 270 days after the end of each fiscal year, or as otherwise specified in an applicable disclosure agreement. If the Issuer is unable to provide an Annual Report to the Municipal Securities Rulemaking Board (MSRB) via its Electronic Municipal Market Access (EMMA) website by the due date, the Issuer shall post notice on EMMA regarding its inability to make a timely filing of this information.

The Annual Report may be submitted as a single document or as separate documents comprising a package and may cross-reference other information from other documents, including official statements of debt issues of the Issuer or related public entities which are available to the public on EMMA, provided that the audited financial statements of the Issuer may be submitted when available separately from the balance of the Annual Report.

II. Reporting of Significant Events

The Issuer has agreed to file a notice with the MSRB of any of the events enumerated below with respect to the Issuer's bonds. Any such notice shall be filed in a timely manner not in excess of ten business days after the occurrence of the event.

1. Principal and interest payment delinquencies.
2. Non-payment related defaults, if material.
3. Unscheduled draws on debt service reserves reflecting financial difficulties.
4. Unscheduled draws on credit enhancements reflecting financial difficulties.
5. Substitution of credit or liquidity providers, or their failure to perform.
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the bonds, or other material events affecting the tax status of any of the bonds.
7. Modifications to rights of the registered owners, including beneficial owners, of the bonds, if material.
8. Bond calls, if material, and tender offers.
10. Release, substitution or sale of property securing repayment of any of the bonds, if material.

11. Rating changes.

12. Bankruptcy, insolvency, receivership or similar event of an obligated person (as such term is defined in the Rule).*

13. The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of an obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material.

14. Appointment of a successor or additional trustee or the change of name of a trustee, if material.

15. Incurrence of a financial obligation of an obligated person, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of an obligated person, any of which affect the registered owners, including beneficial owners, of the bonds, if material.†

16. Default, event of acceleration, termination event, modification of terms, or other similar events under the terms of a financial obligation of an obligated person, any of which reflect financial difficulties.‡

A. **Ensure Timeliness and Sufficiency of Disclosure Filings**

I. **Annual Reports**

* As noted in the Rule, this event is considered to occur when any of the following occur: (i) the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of an obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or (ii) the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of an obligated person.

† For purposes of event numbers 15 and 16, the term “financial obligation” means a (i) debt obligation; (ii) derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation; or (iii) guarantee of (i) or (ii). The term “financial obligation” excludes municipal securities for which a final official statement has been provided to the MSRB consistent with the Rule. In the case of a Massachusetts municipality, a “financial obligation” would include, among other things and if material, any bonds or notes for which a final official statement has not been filed with the MSRB, bonds and interim loan notes issued through the Massachusetts Clean Water Trust, so-called “state house” notes, loans obtained through the Massachusetts Water Resources Authority, bonds issued through the United States Rural Development Administration, letters of credit, and lease purchase agreements.
The Compliance Officer will take primary responsibility for ensuring that the Issuer’s Annual Report is assembled to include the information required by the relevant disclosure agreement and is filed on EMMA within 270 days after the end of the Issuer’s fiscal year, or as otherwise specified in an applicable disclosure agreement. The Issuer’s Annual Report will be posted on EMMA by the Dissemination Agent. To ensure the Issuer’s Annual Reports are complete, accurate and not misleading, the Issuer agrees to take the following steps, adjusted as appropriate to coordinate with the Issuer’s disclosure agreements and internal procedures:

1. The Compliance Officer and the Town Finance Director and Town Accountant shall constitute the finance team of relevant officials of the Issuer;

2. The Compliance Officer will submit a draft of the Annual Report to the finance team for review on or before March 1 of each calendar year;

3. The finance team will review the Annual Report and consult with relevant officials of the Issuer, the Issuer’s municipal advisor, bond counsel, disclosure counsel and general counsel, as appropriate, regarding any questions that arise with respect to the accuracy or completeness of the Annual Report to ensure that it is accurate, complete and not misleading;

4. The finance team will make such changes as are necessary to ensure that the Annual Report is accurate, complete and not misleading;

5. When the finance team is satisfied that the Annual Report is final and all questions regarding its accuracy and completeness and any potentially misleading statements have been resolved, the Compliance Officer will provide the Annual Report to the Dissemination Agent and arrange for the filing of the Annual Report on EMMA on or before the date that is 270 days after the end of the Issuer’s fiscal year, or as otherwise specified in an applicable disclosure agreement.

II. Reporting of Significant Events

The Compliance Officer will review and monitor the events specified in the Issuer’s disclosure agreements to ensure that notice is posted in a timely manner, not in excess of ten business days after the occurrence of an event. Any event notices will be posted on EMMA by the Dissemination Agent. Among other procedures as may coordinate with the Issuer’s internal procedures, the Compliance Officer will:

1. Establish an internal process by which the Issuer’s official with primary responsibility for finance, the business manager, any similar official of the school and electric departments, if any, and the head of any other department of the Issuer with authority to enter into a financial obligation or agreement of the kind described in event number 15 of the Rule, shall provide to the finance team with all relevant documentation relating to any proposed financial obligation or agreement described in event number 15 of the Rule immediately upon the execution thereof. Such financial obligations and agreements include, but are not limited to, bonds and notes for which a final official statement has not been filed with the MSRB, bonds and interim loan notes issued through the Massachusetts Clean Water Trust, State House Loan Notes, loans obtained through the Massachusetts Water Resources Authority, bonds issued through the
United States Rural Development Administration, letters of credit, and lease purchase agreements;

2. Provide to the member or members of the Issuer’s finance team for review and approval the financial obligations and agreements described in event number 15 of the Rule; and

3. Upon review of the financial obligations and agreements described in event number 15 of the Rule, the relevant finance team member will determine in consultation with other relevant officials of the Issuer, including the Issuer’s municipal advisor, bond counsel, disclosure counsel and general counsel, as appropriate, whether such obligations or agreements are material. If any such financial obligations or agreements are determined to be material, the Compliance Officer will arrange for a timely filing of notice on EMMA regarding the incurrence of such financial obligations or agreements.

B. Ensure Accuracy of Official Statements regarding Compliance

The Compliance Officer will be responsible for ensuring the accuracy of the Issuer’s official statements regarding the Issuer’s compliance with its disclosure agreements. In furtherance of this responsibility, the Compliance Officer will take the following steps before approving any official statement:

1. Review both (i) the timeliness and (ii) the sufficiency of the Issuer’s Annual Report filings for the five-year period preceding the official statement, noting any instances of late or incomplete filings;

2. Review the list of events specified in the Issuer’s disclosure agreements to determine, in consultation with relevant officials of the Issuer, whether any event has occurred during the five-year period preceding the official statement and, if any such event has occurred, confirm that notices of such event or events have been timely filed on EMMA;

3. Consult with the Issuer’s finance team, filing agent, municipal advisor, bond counsel, disclosure counsel and general counsel, as appropriate, with respect to any question regarding the Issuer’s disclosure compliance;

4. If needed, file corrective or missing disclosure and/or notices on EMMA; and

5. Collaborate with the Issuer’s bond counsel or disclosure counsel, as appropriate, to draft a statement regarding the Issuer’s disclosure compliance in the five-year period preceding the official statement that reflects any instances of material noncompliance by the Issuer during such period.

Conclusion

The Issuer and the Compliance Officer understand and acknowledge that these procedures create ongoing responsibilities related to (A) ensuring the timeliness and sufficiency of the Issuer’s disclosure filings and (B) ensuring the accuracy of the Issuer’s official statements regarding compliance with the disclosure agreements. The Issuer will periodically consult with bond
counsel or disclosure counsel, as appropriate, to ensure these procedures are effective in producing disclosure that is timely, complete and not misleading.
The Environmental Protection Agency has presented a new plan for the cleanup of Operational Unit 2 at the Nyanza Superfund Site. OU2 consists of the area where the Nyanza Chemical Factory and its associated lagoons were located. Chemicals were dumped into the immediate area, which then created a plume of groundwater that flowed east into the downtown area.

The original remedy that is currently in place consists of two extraction wells located at the source of the chemicals. Recently those two extraction wells are not producing as much as they used to, but the downgradient plume has not attenuated either. The logical conclusion is that there are other sources of DNAPL that could benefit from treatment or extraction on site.

The EPA has looked at a number of different alternatives to enhance treatment. The one that they are proposing, GW4, has a cost of $20 million, and includes a combination of reconnaissance to find these additional sources of DNAPL as well as on site treatment through oxidization chemicals. It expects that contamination in the Nyacol area will reach safe levels in 275 years, and the downgradient plume will have dissipated to safe levels in 114 years.

Another option is GW5, which includes the treatment options detailed in GW4, but also includes more extraction wells. This proposal has a cost of $35 million. It is expected to result in safe levels in the Nyacol area in 140 years and the downgradient plume will have dissipated to safe levels in 44 years.

Based on my reading and conversations, I would like to propose that we advocate for GW5. The EPA brings up good points as to why they are recommending GW4, but I don’t think GW5 is out of reach. It is more expensive, and in this environment a more expensive option has less chance of getting funded. It will also be harder to implement. Although not an expert, I do think these are manageable options and would encourage the Board to also support GW5.
TO: Ashland Select Board  
FROM: Michael Herbert, Town Manager  
DATE: March 3, 2020  
RE: EPA’s Proposed Remedy for Operational Unit 2

The Environmental Protection Agency has presented a new plan for the cleanup of Operational Unit 2 at the Nynaza Superfund Site. OU2 consists of the area where the Nynaza Chemical Factory and its associated lagoons were located. Chemicals were dumped into the immediate area, which then created a plume of groundwater that flowed east into the downtown area.

The original remedy that is currently in place consists of two extraction wells located at the source of the chemicals. Recently those two extraction wells are not producing as much as they used to, but the downgradient plume has not attenuated either. The logical conclusion is that there are other sources of DNAPL that could benefit from treatment or extraction on site.

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