

MAR 26 2013
2:50 PM

Call to order 5:35 p.m.

Members present: Mary Spinner, Chair; Heather Hasz, Member; Pamela Papineau, Member
Also present: Ruth Terry, Administrative Assistant
Documents: Agenda, Mail Update, Shepley's Hill Summary memo

- Shepley's Hill Public Hearing (PH) – Town Administrator Robert Pontbriand distributed a summary memo with attached documents and updated the Board on last week's conference call with Skeo Consultants re the Public Hearing.
 - The Public Hearing is scheduled for Wednesday, March 20, at 7 p.m. in the Great Hall.
 - The Town of Ayer is working with EPA, DEP, PACE, and BOH and received a TASC grant from EPA to provide technical assistance with the PH and institutional controls.
 - Documents include institutional controls adopted by Mashpee and North Smithfield, RI, which EPA and DEP consider good models. A hybrid of these is recommended for Ayer.
 - Hardcopy of documents is available from BOS, BOH, Town Clerk, Library, COA. Also on the Town website and social media. R. Pontbriand will check if we can get a traffic signboard.
 - PH invitations go out tomorrow. Volunteers will go door-to-door this weekend. We want to reach both property owners and residents. Many buildings are apartments with tenants.
 - The plan for the PH is:
 - Shepley's Hill Landfill has been on Devens for 94 years. When the landfill was constructed, no liner was installed, and the cap is not constructed to today's standards.
 - Arsenic has leached out of the landfill and is moving in a northwesterly direction. The plume is 30-60 feet below the surface under the western portion of Ayer (W. Main Street).
 - There are monitoring wells. The Army built an arsenic processing plant on top of the landfill, which removes 2-3,000 lb. of arsenic per year. This has slowed plume progression.
 - Ayer has requested more testing to determine the full extent of the plume and to have the arsenic processing plant remain in operation (it will). Also to have a PH in Ayer.
 - At the PH, Skeo will give a presentation, with an overview of the issue and arsenic and details of the ESD and the April 5 comment deadline. Following will be a period for questions, then BOH will discuss institutional controls (e.g., well regulations, public water supply requirements, moratorium in affected area). BOH will not vote on controls that night.
 - Congresswoman Tsongas is sending a representative. Rep. Eldridge is coming. Senators Harrington and Benson will either come or send a rep. APAC will tape the PH.
 - After the PH:
 - BOH will draft/amend its well regulations. Town Counsel will provide legal review, EPA and DEP will give substantive review, and then BOH will vote to enact. The consultant will then work with Ayer on further outreach and education and also annual review and monitoring.
 - The BOH should also send official comments re the Draft ESD. BOS will also comment.
 - Institutional controls are not optional. They are mandated by EPA and DEP and will involve a moratorium on wells, with BOH as the regulatory authority on the local level re issues of groundwater wells and annual monitoring.
 - This does not pose an immediate threat per se, but groundwater in that area is contaminated. There will be future discussion re the impact on property value. To the best of our knowledge, all properties in the affected area are on Town water and Town sewer. The concern is for any historic wells or irrigation wells that may exist.
 - There are approx. 115 parcels in the affected area, 80 with businesses or homes. There are also vacant lots and abandoned building/future development areas.
 - DPW Superintendent Mark Wetzel is also a resource, being an expert on waterworks. He will be coming to the BOH shortly re the Army's proposal to draw down Plow Shop Pond this

summer in the Red Cove area to dredge for arsenic. There is no fishing in Plow Shop Pond, just catch-and-release. There are also health concerns re dust and odor control.

- **Pamela Papineau motioned to approve the minutes of February 25, 2013, H. Hasz 2nd, A 3/0.**
- Municipal Barn Inspector – Current Inspector Carlene Purdy could not come tonight. MDAR nomination papers have been received, the job description is posted, and one application has been received. Ayer currently has 3 barns, 9 chicken coops, and 5 applications in process.
- No material was received this week from Bridgette Braley, Health Agent, NABH.
 - B. Braley is currently following up on housing code violations.
 - 64 Westford Road / 14 Williams Street – The BOS meeting with Town Counsel, Building Inspector, BOH, and Zoning Board has not yet occurred. This situation involves both the Town Nuisance Bylaw and the state Housing Code.
- The Board signed the Transfer Station Policy and Procedure for FY14.
- Bills –
 - All approved and signed bill from NABH for \$5,901.63.
 - All approved and signed bill from Staples for \$167.39.
- Mail –
 - Open Meeting Law training for Town employees will take place March 28. M. Spinner and H. Hasz will attend. P. Papineau and R. Terry will review the tape when it is available.
- P. Papineau reported on the recent RAB meeting. A question had been raised whether the current information re Ayer wells has been disseminated to well drillers, who are regulated. Also noted at the meeting was the number of homes affected in Ayer: in November, it was 40 properties and now it is as high as 80. The ESD also states that "most" people have been notified, but this was actually only 40 percent.
- Ken Gikas from Region 2 Emergency Preparedness will be conducting 24/7 calls this month. He will attend a BOH meeting soon to provide an update.
- Meeting attendee Ruth Maxant inquired why the Barn Inspector position is posted. MDAR requires that the appointment be posted annually. R. Maxant noted that the current Barn Inspector did an excellent job this year and was very considerate and knowledgeable about animals.
- **H. Hasz motioned to adjourn, P. Papineau 2nd, A 3/0.**

Meeting adjourned at 6:20 p.m.

H. Hasz 3/25/13
May Spinner - 3/25/13
P. Papineau 3/25/13