

Selectmen's Meeting edited
Tuesday, December 7, 2004
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

The Board met with Chairman Bresnahan, Selectman Morrison, Selectman Sullivan, Selectman Maxant and Selectman Fay.

Agenda Item #1. Public Input- Chairman Bresnahan requested if there was anyone present wishing to meet with the Board under Public Input.

1. David Burdertha-Conservation Commission Office-problems assessing office. Ms Scheipers advised Board to a joint meeting being held to address problem with Chairs, and guidelines developed and to be shared with three Boards.
2. Chairman Bresnahan advised to Representative Hargraves Aid-Ron Englade present this evening for Rep. Hargrave's Office Hours encouraging residents to stop in from 7-8p.m. to meet with Mr. Englade.
3. Chairman Bresnahan also took this opportunity to publicly thank the Downtown Business Association for the donation of the Christmas Trees in front of Town Hall, red-white & blue in support of our troops in Iraq.
4. Selectman Maxant reflecting on the date-December 7th-Pearl Harbor Day and December 7th also the date of the Super Town Meeting re Devens.
5. Selectman Morrison taking this opportunity to publicly thank the Ayer Fire Dept. for their invaluable assistance **on October 5, 2004**, reflecting upon Selectman Maxant's collapse and life saving response by the Ayer Fire Dept.

Agenda Item #2. Minutes

Selectman Sullivan moved the Board approve the Minutes of 11-9-04, 11-16-04 & 11-17-04, 2nd by Selectman Fay VOTE: unanimous, so moved.

Agenda Item #3. Fire Dept. Proposed Fee and Inspection Increase

Chief Fillebrown updated the Board to new legislation signed into law now allows the Fire Chiefs to charge \$25.00 for permits issued under provisions of CMR 527-the municipality may otherwise set the fee, but cannot be greater than \$50.00. The old fees ranged from \$5.00-\$10.00. The Chief presented the following proposed \$25.00 proposed fee increases: general permits-(Section 10A), Commercial fire alarm system, dumpster permit, LPG storage-above ground, LPG storage-below ground, smoke detector, tar kettle, welding/cutting, blasting permits, fire alarm alter/install, power storage, sprinkler, underground storage, fireworks display, oil burning equipment, tank trucks. Selectman Fay moved to approve the Chief's fees and inspections increases as stated above, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #4. Office of Community & Economic Development-The Board met with Shaun Suhoski

1. Volunteers of America (VOA) UDAG Loan. Present for the discussion, Thomas Bierbaum and Alan Zimlicki Executive Officers of Volunteers of America. Mr. Suhoski updated the Board to the Ayer Industrial Financing Authority (IDFA) committing a \$200K business loan to VOA as part of the financing for the planned \$13 million assisted living facility on Winthrop Avenue. Mr. Suhoski advised the Board to the IDFA meeting on November 30, 2004 and voted to approve modifying the terms of its loan to VOA subject to an affirmative vote by the Board of Selectmen authorizing the forty (40) year plus terms (to meet HUD requirements). Mr. Suhoski recommended the Board's vote and support to allow the project to move forward. Selectman Sullivan moved the Board authorize modification of the standard terms for purposed of this loan clarified in written documentation dated 12-7-04 presented by Mr. Suhoski to the Town of Ayer's IDFA (see attached) 2nd by Selectman Maxant VOTE: unanimous, so moved.
2. The Board approved a program extension for the Town's FY-03 CDF Grant #5544 to June 30, 2005. Chairman Bresnahan **recused** himself from this discussion **and vote due to his wife's family being involved in the Sign & Façade Program** requesting Vice-Chair Faye Morrison executes the document on behalf of the Town. Motion to approve made by Selectman Morrison, 2nd by Selectman Sullivan, VOTE: Selectman Morrison aye, Selectman Sullivan aye, Selectman Fay aye, Selectman Maxant aye, VOTE: 4-0, so moved.

3. Mr. Suhoski reviewed with the Board the Aerial Pictometry licensing agreement completed in conjunction with MA Highways and the regional planning commissions. Mr. Suhoski stated once MA Hgwy. Agreement is endorsed the Town will be able to access (free of charge) the aerial database created for Ayer. Mr. Suhoski stating the photos will be extremely useful for planning purposes. Mr. Suhoski advised to his office obtaining the software and will coordinate distribution to Town Departments interest in utilizing the data. MRPC will conduct a training session for all interested parties. The documents requires the Town not utilize the software for private gain or disseminate images to unauthorized parties. Each participating department must sign to acknowledge the terms of the agreement before receiving the software. Selectman Morrison moved the Board approve the Pictometry International Corporation/Masshighway authorized subdivision and end-user Aerial Agreement, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Agenda Item #5 Supt. Madigan's Report-The Board met with Supt. Madigan

1. **Transfer Station Attendant Appointment**-Supt. Madigan introduced Leslie Tyler to the Board. Supt. Madigan stated Ms Tyler is an Ayer resident residing on Williams St. in Ayer. Ms. Tyler has displayed a strong desire to work for the Town of Ayer and has satisfactorily taken physical and is ready to begin employment at the Transfer Station immediately. Ms. Tyler stated her pleasure to work for the Town and looked forward to starting. Selectman Fay moved the Board appoint Ms. Tyler to the Transfer Station position, 2nd by Selectman Sullivan, **VOTE-unanimous, so moved.** The Board welcomed Ms. Tyler to the position and thanked her for coming in to meet with the Board.
2. **Water/Sewer Permits**-The Board approved sewer permits for 10 Oakgrove St and 6 Groveland St. Motion to approve made by Selectman Sullivan 2nd by Selectman Fay, VOTE: unanimous, so moved. Selectman Sullivan requested the Board defer the water permits for Ridgeview Heights pending updated draft report to be submitted from Tata & Howard re future supply of water for the Board's 12-21-04 meeting and invite Tata & Howard to meet with the Board early January 2005 re this draft report. Selectman Sullivan made this request into the form of a motion. Selectman Sullivan moved the Board defer the Ridgeview Water Permits until draft report is received for the next Selectmen's Meeting and Board to invite Tata & Howard early January re status update of future water supply, 2nd by Selectman Morrison, VOTE: unanimous, so moved.
3. **IPP Administration Contract**-Supt. Madigan updated the Board to RFP for Industrial Pretreatment Program going out for three year program starting 2005 and three (3) engineering firms contacted re interest and submitted copy of RFP. Only one (1) proposal was received at closing (12-1-04) that being Hoyle & Tanner & Assoc.(HTA). HTA's proposal for the three year contract: 2005-\$38,500.00, 2006-\$39,500, 2007-\$40,000 for a total of \$118,000.00 representing a 1% yearly increase. Supt. Madigan stated HTA has been providing services to the Town for the past eleven (11) years. Supt. Madigan recommended the contract proving professional engineering and related services for the Town's Pretreatment Program is awarded to HTA for Fy-05 to Fy07 for the total cost not to exceed \$118,000.00. Selectman Fay moved Supt. Madigan's recommendation to award the Town's Pretreatment Program to HTA for three years for the bid award not to exceed \$118,000.00, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #6. Train Whistle Ban Application-Snake Hill Road -The Board met with Robert Donato, Keith Saxon and Chief Rizzo. Ms. Scheipers updated the Board to her meeting with this group over the past month to determine safety needs re train whistles at Town crossings. Ms. Scheipers stated several safety devices are required at crossings for them to be considered safe enough not to require the added precaution of the train whistles at night. The Snake Hill Crossing has enough safety devices in place to qualify while the Town's four other crossings do not. The application for the Snake Hill crossing must be filed with the State by December 18, 2004 to be considered for lifting the train whistles at this crossing. Chief Rizzo stated he also has been working with the committee as a staff representative stating he feels the whistles is a good safety precaution "the safer the better". Mr. Saxon advised to himself and Mr. Donato doing all the research re the crossings and prepared the application to the State. The four other crossings include two at Willow Rd., Groton Harvard Rd & Sandy Pond Rds. Ms. Scheipers advised to bringing them up to qualify

for having additional safety features would have to be borne by the Town. Mr. Saxon estimated costs running from \$26K to \$120K for each crossing. Selectman Maxant feeling no sympathy with anyone purchasing a home near train tracks knowing they create noise i.e. whistles, adding many residents are happy to hear the whistles blow. Selectman Sullivan stating train whistles have been a controversial issue as late as five years ago which lead to discussion at Town Meeting, adding it is incumbent to the Board to find out what needs to be done and let the voters decide, this is a quality of life issue. Selectman Morrison agreeing with Selectman Sullivan but questions more important capital expense items and whether the Town can afford to pursue this ban. Chairman Bresnahan called for a motion feeling the majority of the Board is in agreement with pursuing the Snake Hill crossing whistle ban. Selectman Sullivan moved the Board approve the application to the State for a train whistle ban at the Snake Hill Crossing, 2nd by Selectman Fay, VOTE: unanimous, so moved. The Board approved the Committee going forward with their research re the cost of additional safety features to allow the ban at the other four sites.

Agenda item #7. Devens Disposition Executive Board (DDEB)Update Chairman Bresnahan reviewed with the Board the DDEB issues presently before them.

JBOS-Chairman Bresnahan advised to a request being made to the JBOS to allow the sub-committees work with the DDEB. Selectman Maxant stating he would approve of the JBOS allowing the sub-committees to work with the DDEB with provision that the JBOS is still involved. The Board agreed to the sharing of committees. **Motion to approve made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.**

Volunteers-Chairman Bresnahan urged Town residents get involved on these committees:

Finance/Development, transportation, Housing and Open Space. Volunteers are urgently needed and to contact Anita Scheipers at the Town Hall for more information re serving.

Changes to the Memorandum of Understanding-The Board voted at a previous meeting to support the towns vote on DDEB proposal both at ballot and Town Meeting, Allow Devens residents vote, and require that any disposition proposal be approved by five of the six entities eligible to vote: Ayer, Harvard, Shirley, Devens residents, MADEV, and DEC. to allow dissenting vote of one of the six entities included in the report and legislation to be placed before the General Court rather than having it sent separately. **Motion to approve made by Selectman Fay, 2nd by Selectman Morrison, VOTE: unanimous, so moved.** Ms Scheipers stating this would allow credence to the report and make dissent become legitimate known concern.

Three Town Meeting to take place simultaneously with subsequent ballot question in each of the Towns, Devens residents vote in caucus and then provided they are registered voters they vote in the Town which has jurisdiction over the land their home is located on Devens rather than a separate ballot of their own.

Motion to approve made by Selectman Fay, 2nd by Selectman Morrison, VOTE-unanimous, so moved.

Chapter 498 Mission Statement-To exclude mention of Chapter 498 and to include the Devens residents as one of six groups to vote on the Disposition recommendation. **Motion to approve made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.**

Letter to Senator Resor-to obtain funding for the Executive Board's work- the Town of Ayer's Community & Economic Development Office to be authority placed in charge for processing invoices and administrating the funding. **Motion to approve made by Selectman Sullivan, 2nd by Selectman Fay, VOTE: unanimous, so moved.**

Schedule- Tentative schedule for getting work done is set for November 2006 for the two disposition scenarios to be considered by the DDEB. Selectman Maxant urging the DDEB take its time to get things right not be forced to move to fast due to MADEV inclination to rush things along.

Agenda Item #8. Town Administrator's Report-

- 1. Long Pond Dam Agreement-Sandy Pond III** Ms. Scheipers presented to the Board the edited version of the Agreement. The Board approved the Agreement as submitted. Selectman Fay moved the Board approve the final Long Pond Dam Agreement as submitted by Ms. Scheipers and authorize the Chairman's endorsement, 2nd by Selectman Morrison, VOTE: unanimous, so moved

2. **Rounding Easement**-1 Pearl Street, Ayer, MA –The Board approved the easement for 1 Pearl Street and authorized the Chairman, Clerk, and Vice-Chairs endorsement. Motion to approve made by Selectman Fay, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
3. **Resignation**-The Board accepted the resignation of George Bacon from the JBOS Transportation Committee with regrets and appreciation to Mr. Bacon for his service. Motion to approve made by Selectman Sullivan, 2nd by Selectman Fay, VOTE: unanimous, so moved.

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4. **The Willows-40B Project**-Ms. Scheipers presented a draft letter for the Board's review to be submitted to the ZBA encouraging the ZBA have the developers assist with mitigating impacts to the intersection of Rt2A and Willow Rd and to provide financial assistance to town re the construction of the water tank being built in the Snake Hill Rd. development. The Board discussed the ZBA letter in depth re requiring the Comprehensive Permit requiring the developer's assistance with Town's infrastructure and future water capacity demands. Selectman Sullivan to draft letter to the ZBA for the Board's review at their 12-21-04 meeting.
5. **Recycling Committee**- Ms. Scheipers updated the Board to the Recycling Committee requesting to be placed on the Selectmen's 12-21-04 re direction of the Committee re goals, tasks. Projects of the Committee.
6. **MMA Annual Meeting**-Ms. Scheipers updated the Board to her attendance on Friday evening of the meeting but unavailability for Saturday's events. Selectman Morrison to attend the Saturday conference and MIA luncheon in Ms. Scheipers absence. Paper work to be submitted to MMA reflecting change.
7. Ms. Scheipers updated the Board to the Shepleys Hill Treatment flows being treated on Devens, Ayer's plant not necessary advising to EPA/DEP encouraging Devens connection.
8. **Water Main Borrowing Assessments Impact**-Ms. Scheipers reviewed with the Board the Town Accountant's memo re: water main borrowing cost re-allocation and effect on water rates. Selectman Sullivan recommended the Board conduct a Public Hearing due SIU's feeling greater impact. The Board after a short deliberation agreed to hold a Public Hearing after the holidays-late January 2005.

9:20p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 re: MBTA Parking Lot, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

9:20p.m. Open Session ended.

 DATE: 1-4-05

Cornelius F. Sullivan, Clerk
AYER BOARD OF SELECTMEN