

Draft Selectmen's Meeting-edited by Paul
Tuesday, November 16, 2004
Ayer Town Hall, 1 Main Street-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 speak under Public Interest.

1. Phil Berry/Ed Kelley re: Downtown Business Alliance-Christmas Tree donation to front of Town Hall. Mr. Berry stated the Business Alliance wishes to place three (3) Christmas Trees, one red, white and blue light in front of Town Hall near the cannon. Mr. Berry advised the Board to trees being planted in individual pots so as to not disturb the lawn, no digging up area involved. Ms. Scheipers updated Mr. Berry to no electrical hook up available in front of Town Hall. Mr. Berry stated the Business Alliance would pay for electrician to power trees. Chairman Fay moved the Board accept the Business Alliance's donation to place three trees in front of Town Hall, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Mr. Berry to check with Wellman Parker re: reestablishing power under eaves of Town Hall roof entry on Main Street.

2. Chairman Bresnahan announced Representative Hargraves's Office Hours this evening advising the viewing public to Rep. Hargraves's Assistant Ron Englade being at the Town Hall to meet with residents from 7-8pm.

Chairman Bresnahan called for a motion to accept the Agenda as amended. Selectmen Fay moved the Board approve the Agenda of 11-16-04 as amended, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #2. Minutes

Selectman Sullivan moved the Board approve the Minutes of 9-27-04 Executive Session, 2nd by Selectman Morrison, VOTE: unanimous, so moved. Selectman Sullivan moved the Board approve the Minutes of 10-19-04, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

Agenda Item #3. 211 West Main Street, Ayer, MA-Video Star-The Board met with Joel Loitherstein and Wendy Shaughnessy of Loitherstein Environmental Engineering Inc. and Nicholas Child-MA DEP Emergency Response, North Central MA re status report of 211 West Main Street toxic vapors and ground contamination beneath building (cleaning solvent-tetrachloroethylene). Mr. Loitherstein updated the Board to placement of testing capsules (soil gas indicators) identified the highest concentration of solvent is under the boiler room in basement of 211 West Main St. Plans to add two (2) more deep wells, to wells already in place, in the rear of the building to determine level of groundwater contamination. Mr. Loitherstein advising to the wells being drilled within next two weeks and data from lab to be available within a couple of months. Mr. Child advised the Board to DEP working with MADEV to have monitoring wells established between the building and McPherson Well located west of the building. Once Lab results have been received excavation beneath the building will occur to remove the contaminated soil, advising they have no additional information beyond soil gas data. Sampling soils and groundwater in a wider area beyond the building will determine the movement of groundwater beneath the immediate area. Mr. Child reiterated DEP's concern that the assessment be done as quickly and comprehensively as possible adding this matter will be kept for now within the agency's emergency response program. Mr. Loitherstein updated the Board to permission being granted re soil sampling from wells drilled for the former gas station during a contamination cleanup there and is in process of securing an easement from the restaurant/lounge to take soil samples on the other side of 211 West Main St. Mr. Loitherstein updated the Board to his earlier assessment of contamination cleanup projected for two months now projected at several months. Mr. Child agreeing two months is optimistic predicting a much longer project which could run into 2009. Mr. Loitherstein agreeing solvent clean up does take considerable time but was encouraged that in some of the deep wells presently in place and not too far from the building, there are not high levels of contamination, hoping to catch the solvent before it reaches the McPherson Well. Chairman Bresnahan stated the good news is that the contamination has not moved very far. Selectman Sullivan questioning if soil has already been removed men in white suits/masks seen at sight. Mr. Loitherstein advising to furnishing in building being removed for current owner only. The Board thanked all for coming in to meet with the Board to update them on the cleanup process

Agenda Item #4. Snake Hill Road-Steve Mullaney

The Board met with Steve Mullaney re the Board's concerns prompted by Selectman Sullivan re approving the roadway acceptance connecting Snake Hill Rd. to State Highway Rte. 2A Littleton Road until water capacity is known before allowing a 140-home (Crabtree Dev. Corp.) subdivision to be built in Town. Mr. Mullaney updated the Board to the Court-Ordered Agreement included the developers redirect Snake Hill Rd. and that this application to MA Highway had to include infrastructure to be placed along the roadway. Mr. Mullaney stated the new water main is intended to form a loop with existing mains to increase water pressure and fire flows to this area. Mr. Mullaney stated the Board's concerns re new water connections would come at another stage when applications were made for water and sewer for each individual house lot. Selectman Sullivan questioned if the Town's consultants Tata & Howard when they made their assessment of the Town's water capacity had included the new volume of homes now before the Town. Selectman Sullivan stated his further concern if this water main was allowed could the Town legally prevent a future developer (Hicks Project-Ridge View Heights) from building despite drain on water supply adding the Selectmen were not part of the court order/agreement. Supt. Madigan stated Ridge View was included in Tata & Howard's Assessment. Supt. Madigan stated the Town is not in need of expanding its water capacity at this time advising of greater need is updating and replacing the Town's four wells which he has begun. Selectman Sullivan requested the Board have the Planning Board come back to the Selectmen with the finalized Agreement Chairman Bresnahan advised to the Board giving the Planning Board the go ahead to enter the Agreement and supported the Planning Board's Agreement. Selectman Fay moved the Board approve the application for connecting the redirecting of Snake Hill Rd. to State Highway Route 2A-Littleton Rd., 2nd by Selectman Maxant VOTE: Selectman Maxant yes, Selectman Fay yes, Selectman Morrison yes, Chairman Bresnahan yes, Selectman Sullivan no, 4-1 motion passes.

Agenda Item #5. Supt. Madigan's Report

The Board met with Supt. Madigan re Vitasoy Administrative Consent Order and Autumn Ridge Sub-Division.

1. Vitasoy Administrative Consent Order-Supt. Madigan updated the Board to Vitasoy (NASOYA) violating their industrial discharge permit several time in July 2004. Violations included: Total Suspended Solids (TSS) 7-12-04 & 7-21-04 and Biological Oxygen Demand (BODS) 7-22-04. Supt. Madigan advised the Board to his calling a meeting at the DPW with Paula Boyle-HTA-IPP Co-Ord., John Loomer-Foreman Sewer Dept., several employees of Vitasoy- Dan McPhail and Peter Cahill. Vitasoy admitted to violations due to their wastewater treatment plant operator being on vacation and temporary staff unable to control their treatment process. An agreement of a \$10K IPP penalty was deemed appropriate with the penalty being reduced to \$7,500.00 if Vitasoy prepared/produced and submitted to Supt. Madigan a Wastewater Treatment Manual. The manual was received on October 12, 2004 by Supt. Madigan and found acceptable and consent was prepared by Paula Boyle in the amount of \$7,500.00. Supt. Madigan recommended the Board approve the submitted Administrative Consent Order #AO-04-016-02 in the amount of \$7,500.00. Selectman Fay moved the Board approve Supt. Madigan recommendation to approve Vitasoy's Administrative Consent Order as stated above by supt. Madigan, 2nd Selectman Maxant, VOTE: unanimous, so moved.
2. Autumn Ridge Sub-Division- Supt. Madigan updated the Board to a meeting being held on 10-7-04 at MADEP Regional Office in Worcester with the developers of Autumn Ridge re sewer system improvement permit application. At this meeting ownership of the sewer pump station and force main is to be owned by the Town and not the developer or DEP would not approve. Supt. Madigan reminded the Board to the Selectmen reviewing this application in September 2004. The developers engineers Goldsmith, Prest and Ringwall prepared a proposal for the Board's review and approval to include the following:
 1. Gravity sewer line extension in Groton Rd. and on the Nashoba Hospital property is owned by the Town of Ayer.
 2. Pump Station and force main on the Autumn Ridge property be owned by the Town as part of sewer system.

3. The owners of development grant an easement for the sewer pump station and force main to the Town to allow Town to maintain system (if need should arise).
4. Pump Station and Force Main be constructed to Town standards as determined by the Supt. of DPW and Board of Selectmen.
5. Autumn Ridge Homeowner Assoc. will contract with Com. of Ma Licensed Operator to operate and maintain pump station & force main-DPW Supt. to approve operator.
6. Autumn Ridge Homeowners Assoc. Articles of Incorporation to include a provision for a capital replacement fund to be established prior to any sale of the units that will collect \$ from monthly homeowner fees to adequately fund replacement of pumps or other sewer appurtenances on private property by the time they are expected to expire at the end of their useful life.
7. The Town of Ayer will have the right to collect from Autumn Ridge Homeowners Fund whatever expenses it incurs in the operation or maintenance of the sewer pump station and force main in the event the homeowners association does not manage or fund the facilities.
8. An Agreement between the Autumn Ridge Homeowners Assoc. and the Town of Ayer will be drafted by the DPW Supt. and approved by DEP and Autumn Ridge Homeowners Assoc. which will detail the terms and conditions of the operation and maintenance of the sewer pump station and force main as described above, and the adequate funding of same by homeowners assoc. Requirements for maintenance will include 24-hour-on-call service, and on-site spare parts inventory and a 2-year renewal period for the contract and other provisions yet to be specified. Selectmen Sullivan offered the Town press the developer in exchange for acceptance of this agreement allow Townspeople access to a larger portion of the open space associated with the sub-division that had been agreed to. Chairman Bresnahan offered the opportunity to negotiate this was when they were before the Board two months ago. Selectman Sullivan suggested the Board re-open negotiations, Chairman Bresnahan stated the owners acted in good faith and Board should not re-open, majority of Board concurred. Selectman Maxant moved the Board approve the proposed Agreement as presented and recommended by Supt. Madigan for Autumn Ridge Sub-division prepared by owners engineers Goldsmith, Prest and Ringwall, this agreement to be resubmitted to the Board of Selectmen for final approval and endorsement, 2nd by Selectman Fay, VOTE: Selectman Fay aye, Selectman Maxant aye, Selectman Morrison aye, Chairman Bresnahan aye, Selectman Sullivan no, 4-1 motion passes.

Agenda Item #6. Fire Chief re Retaining 2nd Ambulance

The Board met with Fire Chief Paul Fillebrown Sr. and Captain Timothy Johnston. The Chief recommended and stated his reasoning the Board keep the present ambulance as a back up to the Station. Chief Fillebrown cited 26 times this year that a second medical call came into the station while our ambulance was on a call and had to call for a mutual aid ambulance to transport. The 2nd ambulance will save valuable life saving response time, mutual aid averages 10/15min delay. The Town's ambulance was called out of Town for basic life support 61 times, advanced life support 31 times. Mutual aid also lost valuable revenue to the Town when we don't transport-citing 121 instances, and also when the Town's ambulance is out for service/maintenance mutual aid is needed, lastly the trade in is low \$6K it is worth more to the Town as a back-up than trade-in. Selectman Fay moved the Board approve the Chief's recommendation and vote to retain the 2nd ambulance, 2nd Selectmen Maxant, VOTE: unanimous, so moved.

Agenda Item #7. Office of Community and Economic Development-

Community Development Block Grant (CDBG) Application-The Board met with Timothy Hansen, Program Manager. Mr. Hansen updated the Board to the Request for Proposals for the Fy-05 Community Block Grant Program Applications round due into State 1-27-05. Mr. Hansen advised to Town project requests being distributed to Town Department Heads, and ran through the national objectives set by Congress: 1. Benefit predominately low-moderate income residents 2. Prevention of slum/blighted conditions 3. extreme/critical community need. Projects must meet smart growth criteria established by MA Office of Commonwealth Development. Mr. Hansen advised to deadline for receipt of proposals being 12-10-04 at 4:00p.m. Public Hearing being scheduled for 11-22-

04 at 6:30p.m. at the Town Hall to receive comment. Mr. Hansen ran through the calendar for the CDBG Fy-05 Application. The Board thanked Mr. Hansen for coming in and requested to be kept up to date on progress.

Agenda Item #8. Town Administrator's Report

1. 2005 License Renewals: Ms. Scheipers recommended the Board approve the 2005 License Renewals as stated in a Memo from Janet Lewis dated 11-8-04-amended for Alcohol, Common Victueallers, Amusement, Sunday Entertainment, and Class I, II, III. (see attached). Selectman Maxant moved the Board approve all Fy-05 Licenses for All Alcohol, Beer & Wine, Club, Common Victualler, Amusement, Sunday entertainment, Class I, II, & III as described in a memo from Janet Lewis dated 11-9-04-amended, with issuance of said licenses conditional upon proof that all unpaid taxes & fees have been cleared prior to receipt by the owner, 2nd Selectman Fay, VOTE: unanimous, so moved.
2. Town Hall Roof Designer Services Contract- Ms. Scheipers recommended the Board approve the Town Hall Roof Designer Services Contract with McGinley, Kalsow and Associates for a basic services cost plus reimbursables at a maximum of \$5,610.00. Ms Scheipers advising to Town Counsel's review and approval as to form. Selectman Maxant moved the Board approve the Town Hall Roof Designer Services Contract as stated by the Town Administrator above, 2nd by Selectman Fay, VOTE: unanimous, so moved.
3. Capital Program Policy-Ms. Scheipers advised the Board to the Capital Planning Committee requesting to raise the limit re items that require Debt Exclusion borrowing to \$250K this increase will require the principal and interest for all but the biggest Capital purchases to be funded by the annual operating budget within the confines of debt exclusion borrowing. Ms. Scheipers recommended the Board increase the Debt Exclusion limits from \$200K to \$250K. Ms. Scheipers stating this will allow the change to be in place for the Fy-06 Operating Budget. Selectman Sullivan questioning if it was wise to remove capital expense items from the ballot and Town Meeting. Ms Spinner speaking for the Fin-Com advised this change gives more leeway not subject voters to added Debt Exclusions and that Town Accountant Lisa Gabree was comfortable with change. Selectman Fay moved the Board approve Ms. Scheipers recommendation to increase the Capital debt exclusion limits from \$200K to \$250K, 2nd by Selectmen Maxant, VOTE: unanimous, so moved.
4. Liberty Elm Plaque Donation - Ms. Scheipers updated the Board to the Rotary donating the promised plaque to the Town for the elm trees gifted by the Rotary to the Town. Ms Scheipers requested where the Board would like the plaque placed-near Rotary on E. Main Street on stone near tree or at Town Hall adjacent to the tree. Selectman Sullivan moved the Board vote to approve the plaque's placement near the rotary on stone near tree located on E. Main Street, 2nd by Selectman Fay, VOTE: unanimous, so moved.
5. CPR Training-Town Hall employees-Ms. Scheipers updated the Board to interest by Town Hall employees to receive CPR/Defibrillator Training. Ms. Scheipers advised to cost for defibrillator estimated at \$2K which could be budget in Fy-06. Ms. Scheipers to keep Board appraised to who will be trained and if grant funding is available for equipment.
6. Ms. Scheipers advised the Board to no items under Executive Session.


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

Selectman Maxant: Status update on Consultant re Parking Garage. No new information available.
Selectman Bresnahan updated the Board to Devens Disposition Executive Board considering changing Chapter 498 Mission Statement to include Devens Residents as 6th member.

Ms. Spinner requested if the Board has considered utilizing CPA funding to offset the cost of the Town Hall roof replacement estimated at a cost of \$450K by McGinley Kalsow & Assoc. the engineering firm analyzing the structural integrity and best choice for the roof replacement materials i.e. slate/other. Ms Spinner advising to the Committee meeting the 1st of December. The Board after a brief discussion moved to make a formal request to have the Town Hall Roof Replacement Project be considered for funding from any historic preservation funds through the CPA Program, with the knowledge that a dollar amount has not

been established that is currently available under the historic set-aside category, requesting to work with the Historical Commission to determine what a fair and reasonable amount of the CPA fund request should be. The Board to take this matter up at the next Selectmen's Meeting. Motion to approve made by Selectman Maxant 2nd by Selectman Fay, VOTE: unanimous, so moved.

9:00P.M. Selectman Sullivan moved the Board adjourn the meeting, 2nd by Selectman Fay, VOTE: unanimous, so moved.



DATE: 12-7-04

Cornelius F. Sullivan, Clerk

AYER BOARD OF SELECTMEN