

Selectmen's Meeting Minutes
Tuesday, November 12, 2002
Ayer Town Hall, 1st Floor Meeting Room, 1 Main Street, Ayer, MA

7:00p.m. Open Session

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

Public Input: Chairman Witherow requested if there was anyone present wishing to speak under Public Input:

1. Philip Berry-Downtown Devens, requesting the Selectmen not support any retail development at Devens reading from written statement and submitting it to the Board.
2. James Williams-Devens Legislation, which he helped develop written documentation while serving on the Ayer Planning Board-stating Devens were given two (2) Liquor Licenses 1. Golf Course 2. Officer's Club. Urging the Selectmen to consider Devens request be limited to population not businesses, urging the Selectmen not to support additional licenses stating downtown Devens was a compromise which would support businesses located on Devens i.e. Staples etc. not compete and destroy local family owned and run businesses in Ayer.
Handicap Parking Tickets-Chairman Witherow requested Mr. Williams take this matter up later in the evening when the Board takes up Parking Ticket under Agenda Item 2.
3. William Mauro-local businessman urging the Board not support downtown Devens as proposed by MADEV.
4. Robert Rakip Jr.-Mr. Rakip also urging the Board not support additional liquor licenses and retail development on Devens.

Selectman Maxant moved the Board write a letter to the Joint Boards urging them to make a strong statement to MASDEV in opposition to Downtown Devens as being proposed so far, 2nd by Selectman Sullivan, VOTE: Selectman Fay aye, Selectman Maxant aye, Selectman Sullivan aye, Chairman Witherow abstained and Selectman Bresnahan recused himself 3-0 motion passes. Selectman Sullivan requested Senator Resor and State Representatives also is copied letter.

Agenda Item #1. Appointments

1. Devens Transportation Advisory Com. The Board met with John Canney. Ms. Hegarty advised the Board to Mr. Canney is a Five Year Review Com. member and well aware of the issues. Ms. Hegarty recommended appointment of Mr. Canney to this Committee. Selectman Bresnahan moved the Board appoint Mr. Canney to the Devens Transportation Advisory Com., 2nd by Selectman Sullivan VOTE: unanimous, so moved.
2. Devens Economic & Finance Committee: The Board met with Mark Fermanian. Ms. Hegarty stated Mr. Fermanian's business background and long term knowledge of Ayer and recommended his appointment to this Committee. Selectman Bresnahan moved the Board appoint Mr. Fermanian to the Devens Economic & Finance Committee, 2nd by Selectman Fay, VOTE: unanimous, so moved.
3. Fitchburg Rail Line Special Advisory Commission-Ms. Hegarty recommended the appointments of Edward Kelly and Patricia Walsh to serve on this Commission requesting Ms. Walsh be appointed to serve as Alternate. Selectman Fay moved the appointments of Mr. Kelley & Ms. Walsh as recommended by Ms. Hegarty, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Agenda Item #2. Public Hearing-Proposed Fee Increases

Chairman Witherow opened the Hearing by requesting the Legal Notice be read into the record. Selectman Maxant read the Legal Notice which ran in the Nashoba Publications Newspaper the weeks of October 30 & Nov. 6, 2002. Selectman Fay gave the Board a brief background re: the Fee Committee's review of Town Dept.'s current fees having met with Town Department Heads, licensees over the past few months. Fees that were requested to be reviewed are to be presented this evening. All other Town fees; charges seemed to be in line. Selectman Fay again thanked all the Town Departments for their cooperation and committee members as well.

Parking Tickets: The Selectmen reviewed Parking Ticket fees currently charged and information from other area Towns participating in the survey. The Board after reviewing the information agreed that parking ticket fines were in line with other area communities. The Board met with James Williams who

stated he was present this evening to urge the Selectmen encourage the Police Chief to ensure police officers are ticketing people who park in handicapped parking spaces including the stripped off areas next to them. Mr. Williams elaborated to numerous occasions re: violators and seriousness of potential injury to handicapped citizens. The Board thanked Mr. Williams for his message and took it under advisement.

Building Permits- The Board met with Gabriel Vellante, Building Commissioner. Mr. Vellante met with the Board to request a three- percent (3%) increases across the board for the Building Department. The Board reviewed building permits, inspector's fees, violators penalty fees, impact fees, enterprise fund possibility, separating the Building Inspector from Zoning enforcement issues by creating a separate position re enforcement of zoning violations. Selectman Bresnahan requested a spreadsheet be prepared depicting current fees and proposed 3% impact to building department fees/permits. Mr. Vellante stated his inspectors do not get annual COLA allowance like employees and by implementing a three percent (3%) annual assessment/increment would allow his inspectors to receive an automatic increase each year. The Board took the Building Departments recommendations under advisement to the next Selectmen's Meeting.

DPW-Proposed Rate Increase- The Board met with Supt. Madigan re: his recommendation for the following Department of Public Works fee increases:

Sewer Permit: A proposed \$0.73 cent increase from \$2.50 to \$3.23. This recommendation made to offset shortfall expected for FY-03. The Board reviewed the proposed 33% increase with the Town Accountant. Ms. Gabree updated the Board to this proposal being appropriate due to General Fund subsidizing more debt (free cash) due to annual capital cost and debt service on upgrades. The Board also reviewed with Supt. Madigan his recommendation to increase sewer connection. The Board continued this matter to the next Selectmen's Meeting on 11-26-02.

Selectman Fay reiterated the need to move on these increase to have them into effect by the first of the year. Selectman Fay moved the Board continue the Public hearing re the proposed fee increases to 11-26-02, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #3. Public Hearing Cantania Spagna-Aboveground Tanks-NEMCO Way, Ayer, MA

Chairman Witherow opened the Hearing by requesting the Legal Notice be read into the record. Selectman Maxant read the Legal Notice published in the Nashoba Publications the weeks of Oct. 30 & Nov. 7, 2002.

The Board met with Stephen Sampson and Louis Basile of Cantania Spagna. Present for the discussion was Fire Chief Paul Fillebrown. Chairman Witherow requested if there were abutters present wishing to speak for or against the permit. No one stepped forward. Chairman Witherow requested if the tanks were in the Zone II Aquifer Protection Site. Mr. Basile stated Cantania Spagna had met with the Board of Health and the determination was made that they were not in the Zone II. Fire Chief stated the Fire Dept. has had very few calls, no leaks-checked and walked rail line, all tanks are housed in cement buildings. Selectman Bresnahan moved the Board approve Cantania Spagna's request for aboveground tanks (13) as presented, and authorize the Chairman's endorsement 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #4. Personnel Board.

The Board met with Chairman Ted Harding, members Pauline Conley and Chief Richard Rizzo. The Board discussed the FY-04 COLA (Cost of Living Allowance) Survey and CPI (Consumer Price Index) recommendations and possible changes to the Personnel Policy with the Personnel Board. Ms. Conley urged the selectmen to be careful how they designate changes to the Policy -By-law was adopted by the Town. All agreed that changes to the budget should be delegated to Selectmen, changes to the policy requires Town Meeting vote. Policy administration delegated to Selectmen, changes to By-law delegated to Personnel Board and changes to by-law delegated with Town Meeting. Changes to the rating system and compensation system were conflicting in By-law specifically Sections 4&5. Selectman Sullivan stated Town Counsel Mark Reich was reviewing the By-law and was to contact attorney who reviewed for background. Selectman Bresnahan stated the Selectmen have not reviewed the COLA as a Board and Chairman Witherow stated changes approved by previous Sub-Committee, Personnel Board and Selectmen also need to be put into Policy. Ms. Gabree-Town Accountant urged the Board to set dead line due to FY-04 Budget preparation. Ms. Hegarty informed the Board to deadline re submission of FY-04 Budgets by Departments being 12-20-02. The Personnel Board to submit their recommendations for the Selectmen's 12-10-02 meeting.

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Agenda Item #5. Supt. Madigan's Report: Water Supply

The Board met with Supt. Madigan who introduced Tata & Howard representatives Jack O'Connell and Susan Honeywell. Mr. O'Connell conducted a board presentation illustrating the town's water supply, capital plan-five year capital-planning budget for water supply presented through the various components of water use together with historical data. Mr. O'Connell opened the discussion with the Town's current average day water demands (ADD) the total of water pumped over a period of year divided by 365 days. ADD is comprised of water use by residential (35%), commercial (16%), industrial (26%), & municipal (1%) consumers as well as back wash (7%) used at the Town's WWTP and 15% unaccounted. Maximum day demand (MDD) for the Town over the last eleven years 1.74. Mr. O'Connell advised the Board to projections of ADD & MDD by Tata & Howard & DEP for the town by 2020 is 2.69mgd and 4.66mgd. Capacity of existing supplies Safe Yield Capacity & Operational Capacity were presented re the capacity of existing supplies along with a water supply evaluation, recommendations and cost estimates. Based upon the above Tata & Howard recommended the town commence with a three-part program re water supply development. 1. Develop a third well at the Grove Pond Well site, 2. Upgrading the Grove Pond Water Treatment Facility from 1.5mgd to 2.5mgd, 3. Construction of replacement wells at each of the Towns well sites. Mr. O'Connell recommended the replacing of the wells start with Spec. Pond Wells 1&2 depending upon report from DL Maher. Cost estimates for a new well (design & construction), pump station, piping connections is estimated at \$375,000.00 upgrades to the existing treatment facility is projected at \$1,500,000.00. The Board was presented a table summarizing their recommendations depicted as follows:

2004	Grove Pond Well #3	\$375,000.00
2005	Grove Pond Water Treatment Facility Upgrade	\$1,500,000.00
2008	Replace Spec. Pond Well #1	\$200,000.00
2010	Replace Grove Pond Well #1	\$200,000.00
2012	Replace Grove Pond Well #2	\$200,000.00
2014	Replace Spec. Pond Well #2	\$200,000.00

the Board continued this discussion to the 1st Selectmen's Meeting in December 12-10-02.

Agenda item #6. Town Administrator's Report

1. The Board approved a Water Permit for 5 Wachusett Ave. East. Motion to approve and authorize the Chairman's signature made by Selectman Bresnahan, 2nd by Selectman Maxant. VOTE: unanimous, so moved,
2. The Board sent back the Volunteers of American TIF Agreement to Shaun Suhoski for revisions due to changes that did not conform to Town Meeting vote.
3. The Board reviewed the 2003 All Alcohol Licenses and approved all with the exception of Page Moore Trust d/b/a -Billiard's Café and UMAG Corp. (former Fort Corp.) for unpaid water/sewer bills/liens. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: 4-0 Selectman Sullivan recused himself from discussion, motion passes. Approved for 2003: Nashoba Restaurant, Carlin's Restaurant, Tiny's Doughnut Treat, JP O'Hanlon's, LaSita Inc., Traffic Circle Liquors Inc., d/b/a Jack-O-Lantern, Ayer Package Store, BAP RAM d/b/a Roux's Liquors, C.R. Pierce, Inc., Ayer Sportsmen's Club, Shaker Hills Golf Club, Autumn Wood Restaurant Inc., Amy's Provisions.
4. The Board reviewed a Subordination Request for Case #99-193 for 11 Columbia St. based upon the recommendation of Timothy Hansen, Program Manager, to approve the subordination of the Certificate not to encumber to new first mortgage in the maximum amount of \$275,000.00, Motion to approve made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: Selectman Bresnahan aye, Selectman Sullivan Aye, Selectman Maxant aye, Selectman Fay aye, Chairman Witherow no 4-1 motion passes. The Board requested Mr. Hansen check math on accompanying documentation.

Agenda Item #7 New Business

Ms. Hagerty updated the Board to bid opening conducted earlier today for the Fire Station Demolition Project and bids coming in on target. Six Bids were opened & received. Low Bidder-Coastal Energy coming in at \$324,000.00. References being checked out will update the board later.

Agenda Item #8 Executive Session

Chairman Witherow requested if Board wishes to continue past 10:00p.m. Selectman Sullivan stated no, meeting adjourned must be unanimous to continue.

10:00p.m. Open Session ended

DATE: 12/14/2002