

FINAL Selectmen's Meeting Minutes  
Tuesday, December 4, 2001  
Ayer Public Library-lower level meeting room-E.Main St., Ayer, MA 01432

7:00p.m. Open Session

The Board met with Chairman Pena, Selectman Witherow, Selectman Fay, Selectman Bresnahan & Selectman Sullivan.

The Minutes of 11-6-01 were read and accepted. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Public Input:**

Chairman Pena requested if there was anyone present wishing to speak under Public Input-no one stepped forward. Chairman Pena called for a motion to approve the Agenda as presented. Motion to accept the Agenda of 12-4-01 as presented made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved.

**Agenda Item #1. 2002 License Renewals:**

Common Victuallers, Amusement, Sunday Entertainment, Class I, Class II & Class III. The Board postponed taking action on the Licenses pending clarification from the Town Clerk, Treasurer & DPW re: outstanding taxes, water & sewer bills due the Town of Ayer by the licensees.

**Agenda Item #2. Supt. Madigan's Report**

1. **Nashua River Rail Trail-** The Board reviewed with Supt. Madigan the Town's Memorandum of Understanding with DEM executed in 1998 with a prior Board of Selectmen re: maintenance of the clivus composting toilets and parking lot. Supt. Madigan ran through cost analysis to maintain the toilets, trash pick-up, maintenance of grounds, mowing, snow removal, contractual service, supplies replacement-control (keys). Supt. Madigan advised the board to the operation and maintenance of the rail trail parking lot will require costs (material & labor) which have not been budgeted for. Selectman Bresnahan & Selectman Witherow requesting Supt. Madigan "sharpen his pencil" in projecting cost estimates for rail trail maintenance. Selectman Sullivan suggested the Board discontinue the lease for the Municipal Parking lot on Park Street now that the rail trail lot is established and providing 60+ parking spaces for commuters as a possible funding source. Selectman Sullivan moved the Board not renew the lease for the west side of Park St. when the current lease expires contingent upon approval from DEM that rail trail parking lot can be used for commuter parking, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved. The Board requested the Town Administrator write a letter to the owners of the parking lot (Frank Finney & Paul Routhier) advising them to Town not renewing lease.
2. **Sewer Permit-Michael Alifieri-4 Bligh St., Ayer, MA**  
The Board set this permit back pending further clarification from DEP whether sewer permit/gallonge can be transferred/credited from one property to another by same owner of property- 25 Grove St, Ayer, MA to Lot 4A Bligh St. Supt. Madigan to contact DEP and get response in writing. The Board not wishing to run risk of violating DEP requirements. Building Inspector to monitor buildings involved, re: number of bedrooms at each dwelling. Selectman Bresnahan moved the Board approve the sewer permit credit transfer request contingent upon Supt. Madigan receiving in writing from DEP approval re: transfer of sewer permit/gallonge credits from one property to another by same owner of property, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved.
3. **Sewer abatement-74 Willard St., Ayer, MA**  
The Board approved a sewer abatement for 74 Willard St., Ayer, MA in the amount of \$84.96 motion to approve made by Selectman Sullivan , 2<sup>nd</sup> by Selectman Bresnahan, VOTE: Selectman Sullivan aye, Selectman Bresnahan aye, Selectman Fay aye, Chairman Pena aye, Selectman Witherow no-4-1 motion carries.
4. **Devens/Water request-**The Board entered into a lengthy discussion re: alternate water connection sites in the Town which could be of assistance to Nashoba Publications water pressure problem i.e. Rt.2A (airport/Victory areas) and Barnum Rd. Selectman Sullivan wishing to investigate-possible

Spur line as well as pursuing other alternate connections, and vote to approve Mass Developments request to make an emergency connection between Devens and the Town of Ayer systems at Rt.2A, at Mass Developments expense, to assist either party in the event of an emergency contingent upon Supt. Madigan's investigation that this not be a detriment to the Town of Ayer, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Bresnahan aye, Selectman Fay aye, Selectman Sullivan aye, Chairman Pena aye, Selectman Witherow abstaining 4-1 motion carries.

**Agenda Item #3. Fire Station Building Committee, re: Project Manager Award**

Present for the discussion Fire Chief Paul Fillebrown, committee members: Wellman Parker, Arthur Boisseau, Arthur Pedrazzi, William Adamson, Donald Wallace and James Pinard. Ms Hegarty opened the discussion advising the Board to fifteen bids being received and committee narrowing the field down to 5 being interviewed which comprised of 3 firms and 2 individuals. Ms. Hegarty advised the Board to the unanimous decision of the Committee to award the Project Manager's Contract to KV Associates the 1<sup>st</sup> choice of the committee and 2<sup>nd</sup> choice of the Committee being Coast and Harbor Assoc., Inc. The Board stated their concerns with 1<sup>st</sup> choice KV Associates prior experience with the Town's Police Station. Ms. Hegarty advised the Board to KV Associates team consisting of Lee Keller who would be primary contact/clerk of the works for Town directly under owner Frank Vanzler and the Town being able to specify team members if they wished. Ms. Hegarty updated the Board to the presentation given by KV Associates during the interviews being in the best interest of the Town. Selectman Sullivan stated his displeasure with a representative of KV Associates re: Police Station change orders and other problems associated with him. Selectman Sullivan stated for those reasons he moved the Board award the Project Manager's contract to Coast and Harbor, 2<sup>nd</sup> by Selectman Pena, motion lost 3-2. Selectman Bresnahan stated his recollection with Mr. DiLuzio was on a couple of specific events re change orders, but overall he stated KVA did a good job. Selectman Sullivan withdrew his motion. Selectman Witherow moved the Board award the Project Manager's Contract to KV Associates and direct the Town Administrator to clearly define the role of KV Associates representative Mr. DiLuzio. Selectman Witherow's motion 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**Agenda item #4. Public Hearing Above Ground Tanks-99 Fitchburg Rd., Ayer, MA-KTR Assoc.**

Chairman Pena opened the Hearing by requesting the Legal Notice be read into the record. Selectman Fay read the Legal Notice into the record. The Board met with Chief Paul Fillebrown and Carl Angus of KTR Assoc. Chief Fillebrown reviewed with the Board the plans presented by Mr. Angus advising the Board to having no problem with plan for Mr. Angus's proposed capacity of 2,400 gallons of Propane to be stored in aboveground tanks. Chairman Pena called for a motion. Selectman Bresnahan moved the Board approve the aboveground tank permit for KTR as presented and recommended by the Fire Chief, 2<sup>nd</sup> Selectman Witherow, VOTE: unanimous, so moved.

**Agenda Item #5. Town Administrator's Report**

1. Ms. Hegarty opened her report by requesting the Board's permission to take up a few Economic Development Office items:
  1. Ms. Hegarty presented the 1<sup>st</sup> IDFA drawdown check for the Page Moore Building on behalf of Economic Development Director Shaun Suhoski stating the petitioner has requested the drawdown in the amount of \$93,627.99. Selectman Bresnahan moved the Board approve the 1<sup>st</sup> drawdown check for the Page Moore Building in the amount of \$93,627.99, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
  2. Ms. Hegarty presented a request from Economic Development Director Shaun Suhoski from Poly I who is seeking relocation request to Devens due to necessary site expansion 130,000 sq. ft. on Devens. Ms. Hegarty advised the Board to Town of Ayer not having suitable site for expansion and Mr. Suhoski seeking a letter from the Board advising MADev. to Town of Ayer having no objection to Poly I talking with Devens for possible expansion. Selectman Bresnahan moved the Board approve communicating with MADev that the Town has no problem with Poly I talking with Devens and requesting Town continue to work with Poly I to look at other sites in Town including West Main St. 2<sup>nd</sup> by Selectman Fay. VOTE: unanimous, so moved. Selectman Fay requesting Economic Developer correct last paragraph on his memo.
  3. Ms. Hegarty presented the new Telephone System Contract Business Communications Systems, Inc. of Worcester, MA to the Board for the bid award of \$12,552.00 plus additional \$46.00 for

each additional outlet. Selectman Sullivan moved the Board award the telephone system contract to Business Communication Systems Inc. of Worcester, MA not to exceed \$12,552.00 plus \$46.00 for each additional outlet, not to exceed ten, 2<sup>nd</sup> by Selectman Witherow, VOTE; unanimous, so moved.

4. The Board approved a residents request to have a plaque placed on a bench along Main St. In memory of Benny Fay. Motion to approve made by Selectman Witherow, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
5. The Board tabled the draft Cingular Lease pending final copy depicting all edits by Town Counsel.
6. The Board reviewed PACE's request to conduct a benefit concert at Town Hall late April early May 2002. Policy to be established re: use, fee, deposit for cleaning/damages. Selectman Sullivan moved the Board approve the request subject to rules & regulations to be established and after Grand Opening is held, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.
7. The Board voted to relocate the cannon to the existing asphalt pad at the rear of Town Hall lawn per the recommendation of the architect due to health problems re: elm tree and sprinkler heads in this area. Motion to approve relocation made by Chairman Pena, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: Selectman Bresnahan aye, Selectman Fay aye, Chairman Pena aye, Selectman Witherow no, Selectman Sullivan no, 3-2 motion passes.
8. Ms. Hegarty informed the Board to correspondence being received from FAA Regional Director Robert Bartanowicz advising the Board to FAA being very aware of the Town's issue re: low flying planes and communicating to pilots who have agreed to rotate areas of flying to avoid repeated flying over any one area, which should decrease number of incidents in our area.

**New Business:** The Board was updated to Ruth Perkins advising to CDM & DEM working with Conservation Commission re: weed control measures.

**Selectman's Questions:**

Selectman Sullivan:

1. Requested copy of Spill Report re: Guilford-Shirley St.
2. Congratulated Town upon receiving third place in MMA Contest congratulating all who worked on 2000 Annual Report.
3. Congratulated volunteers:  
Jesse Creamer upon his certification of Level I-Planning Course  
Phyllis Greeno receiving nomination from State Elder Affairs Office for DOVE Award  
Ann Callahan for re-certification - five years
4. Rail Trail-rental/ property owners be requested to clean up area along trail (Park St. area)- requested Town Administrator have Gabe Vellante write letter (non-threatening) advising property being very visible to people using trail.
5. Still waiting on Town Counsel response re: Shepley Hill Contamination-Rights & Remedy

Selectman Bresnahan:

1. FY-03 Budget Process gloomy State downsizing funding-reiterate to town Departments.
2. Selectmen's Goals & Objectives rescheduled for 12-18-01

9:15p.m. Selectman Fay moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b Exemption 6, 2<sup>nd</sup> by Selectman Witherow, VOTE unanimous, so moved. Executive Session-Exemption #3 cancelled.

Open Session adjourned:

  
James M. Fay, Clerk

-Date: 12/18/01