

FINAL
Selectmen's Meeting
Tuesday, February 27, 2001
Ayer Public Library-lower level conference room-East Main St., Ayer, MA

7:00p.m. Open Session

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

The Board set back the minutes of 2-13-01 for review.

Public Input: Chairman Sullivan requested if there was anyone present wishing to meet with the Selectmen:

1. Lori Nehring & Richard Doherty re: environmental issues at Devens: removal action contaminated soil at area of contamination AOC-57 close to Zone 11 Ayer Municipal Wells, Cold Spring Brook, & Grove Pond. The Board scheduled this discussion later in the evening after the Town Administrator's Report.
2. Selectman Pena requested two consecutive executive sessions to be scheduled after PACE pursuant to MGL Chapter 39 Section 23b, under Exemptions #3, 2nd by Selectman Bresnahan, VOTE Selectman Pena aye, Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Witherow aye, and Selectman Fay aye-unanimous, so moved.

Chairman Sullivan called for a moment of silence in memory of Ella Pare who passed away on February 9, 2001. Ms. Pare worked as the Town's Census Taker for many years, worked as an Election worker and helped out with the 4th of July Celebrations.

Chairman Sullivan took this opportunity to welcome to the table Peter Johnston, past Deputy Chief of the Ayer Fire Dept. who retired recently from the Department. Present for the presentation were many of Mr. Johnston's family members, friends and Scout Troop. Mr. Johnston noted his surprise under the impression his troop was present this evening to earn their citizenship badge and pondered why friends & family were here. Chairman Sullivan presented Mr. Johnston with a plaque honoring his 39+ years of devoted service to the Fire Department beginning in 1963 as a volunteer and climbing through the ranks from Lieutenant, Captain to Deputy Chief. Mr. Johnston expressed his appreciation to the Board for this honor.

Selectman Fay expressed his sincere thanks to everyone for their thoughtfulness regarding his wife's surgery.

Chairman Sullivan updated the viewing public to the Treasurer's position still being open urging interested citizens to contact the Clerk's office prior to Thursday, March 1, 2001 at 5pm. to take out papers.

Chairman Sullivan also announced to the viewing public that Rep. Hargraves was in the Library this evening conducting Office Hours urging Town of Ayer residents to come this evening to meet with the representative if they have questions or concerns he could help them out with.

AGENDA ITEMS:

1. Police Chief, re: dispatcher appointment requests

The Board met with Chief Richard Rizzo of the Ayer Police Dept. regarding the recommendation of two (2) dispatchers to the Ayer Police Dept.

Ann Farrell of Shirley, MA for the full-time dispatcher position replacing David Blake who resigned in Dec. of 2000-Ms. Farrell has nineteen (19) years of experience dispatching Fire, Police & EMS. The second recommendation for a on call dispatcher Pattie Pultorak of Clinton, MA who is a full-time Fire, Police & EMS dispatcher with Lancaster. Selectman Pena moved the Board approve the Chief's recommendation as so stated and effective immediately, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda item #2. Richard Leffert- Hybricon UDAG Subordination Agreement

The Board met with Richard Leffert of Commonweal Collaborative re: Hybricon's letter of 2-1-01 requesting the Town approve of Hybricon's refinancing of their facility at 12 Willow Rd., Ayer, MA to take advantage of low interest rates and purchase property across the street for purposes of expansion and bringing on a new line. Mr. Leffert presented the Board with Hybricon's status re: value of real estate, lenders, UDAG loan to date-- total debt and equity value. Lisa Gabree, Town Accountant submitted a Loan Amortization Schedule and advised to loan being secured by Real Estate requesting amount of new loan & balance of all other loans to date. The Board requested number of new hires expected. Mr. Lefferts replied between 20-30. Selectman Bresnahan feeling request was reasonable risk. Chairman Sullivan expressed his pleasure with expansion and requested a formal appraisal be submitted to the Board and placed this matter on the Board's March 13, 2001 Agenda contingent upon proof of documentation to be supplied by Hybricon along with new interest rate. Motion to continue this matter to the next Board's meeting made by Selectman Pena, 2nd by Selectman Bresnahan VOTE: unanimous, so moved.

The Board went off the posted Agenda at this time due to being ahead of schedule

Agenda Item #4. Selectman Pena -Devens Local Initiative Program (LIP) application

Selectman Pena advised the Board to all changes being made except for one, which was explained, and requested the Board vote to approve the Devens Lip Agreement Application as presented. Motion to approve made by Selectman Pena, 2nd by Selectman Bresnahan VOTE: unanimous, so moved. The Board requested a letter be submitted to the Office of Communities & Development advising them of Board's endorsement, 2nd by Selectmen Bresnahan, VOTE: unanimous, so moved.

Agenda Item #5. Town Administrator's Report

The Board met with Edward McCann the interim Town Administrator

Etargo Mammoet-Mr. McCann advised the Board to reports being submitted by Town DPW, Fire and Police re: the turbine shipment. Mr. McCann advised the Board to a regional meeting being hosted by Westford re: valid concerns expressed by effected communities for this Thursday at the Westford Police Dept. @2pm. The Board requested Mr. McCann check to see if turbines could be shipped further north by rail and report back at the next Selectmen's Meeting scheduled for 3-27-01. Mr. McCann advised Board to DPW, Fire & Police Depts. being notified of Westford Meeting.

Council on Aging Director's Update: Mr. McCann advised the Board to the Council screening down to four (4) candidates with two (2) backing out due to salary level. Mr. McCann stated one candidate has been interviewed but expressed problem with salary, one other interview scheduled for next week. Mr. McCann advised the Board to implementing a Salary Survey with neighboring communities and with just over half in- Ayer is on the low end. Mr. McCann to keep the Board apprised.

Dillingham & Murphy legal bills

The Board reviewed the legal bills submitted by Mr. McCann. Selectman Bresnahan questioning why the bills went over the \$34K approved by the Board on 12-28-00? The Board requested Mr. McCann research for most appropriate source of funding to pay bills and report back to the Board. Motion made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

IBPO Grievance- Mr. McCann advised the Board to being at Step 4 with this grievance which calls for the Board to meet to hear the grievance with IBPO representatives and make a decision. The Board scheduled a meeting date of March 13, 2001 at 7pm at the Ayer Library lower level meeting room to meet with the IBPO representatives in Executive Session. Motion made by Selectman Fay, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. Chairman Sullivan advising this meeting will be the 1st agenda item with the Open Session beginning at 8pm.

NEW BUSINESS

1. Mr. McCann advised the Board to Ayer's Five Year Review Committee (DEVENS) meeting this Thursday, March 1, 2001 at 7pm at the Ayer Police Station-Community Room, Park St., Ayer, MA
2. The Board reviewed Ayer Moving & Storage's bill re: the move from Town Hall to Devens and moved to pay Ayer Moving & Storage the amount of \$356.25 which represents ½ of the bill splitting the difference as recommended by Shaun Suhoski. Motion to direct the Town Accountant to pay Ayer Moving & Storage \$356.25 made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous.
3. AFSCME Local 93 wishing to open negotiations-the Board requested Mr. McCann to open preliminary contract negotiations with AFSCME and research contract issues with Supt. Madigan. Motion made by Selectman Fay, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
4. The Board moved to execute the Janitorial Contract with SJ Services for Option #2 -\$643.00/per month for daily cleaning services as outlined in the contract agreement. Motion to approve execution made by Selectman Pena, 2nd by Selectman Selectman Fay, VOTE: unanimous, so moved.
5. The Board approved the Addendum to Ayer Town Hall Interior Renovation Project appointing the architect the Clerk of the Works or 36 inspections to be provided by Philip O'Brien for the contract fee not to exceed \$13,500.00. Motion to approve the addendum made by Selectman Pena, 2nd by Selectman Fay, VOTE: unanimous, so moved.

SELECTMEN'S QUESTIONS:

1. Chairman Sullivan requested the Board open the 2001 Annual Town Meeting Warrant on March 1, 2001 and close the Warrant on March 30, 2001. Motion to approve made by Selectmen Pena, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. The Board requested Mr. McCann advertise to alert citizens to deadline for submission of articles and to alert Departments as well.

Agenda Item #4-Supt. Madigan's Report

Earth Tect Engineering Service Agreement-WWTP. The Board moved to approve the contract with Earth Tect not to exceed the amount of \$7,500.00, motion to approve made by Selectman Pena, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Moore Drive Update- Supt. Madigan advised the Board to timing estimate for the Moore Drive Sewer Extension. Design work is presently in progress and scheduled for completion by mid April. The Sewer extension permit and National Grid Easement in place with approval anticipated by the end of May. The project will go out for bid in June and start of construction early July and completed by the end of the year.

Capping of Solid Waste Landfill Project-Supt. Madigan updated the Board to design of landfill capping being complete except for 1. Recycling area, re-direction of storm water from school complex.

Supt. Madigan advised to Recycling Com. needing to meet and review proposed recycling area and approval by School Com. to construct a stormwater retention pond on school property, easement needed from Nation Grid. Supt Madigan proposed design to be completed by end of March with bids out for landfill closure in March and High School drainage area early May with proposed construction from May to October. The Board expressed their concern needing to know in advance of the Annual Town Meeting whether additional funding would be required for the landfill closure. The Board requested Tata & Howard to estimate costs for both the closure & drainage re-direction.

Permits- The Board approved the eleven (11)- (Eight units plus 3 LIP units) duplicate water & sewer permits re-signing for 68 East Main St. for George Carpenter. Release of permits contingent upon payment by developer of \$220.00 per unit for eight (8) units. Motion to approve made by Selectman Pena, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

PACE: The Board met with Lauri Nehring & Richard Doherty: Ms. Nehring submitted comments to the Board re: removal action -contaminated soil removal at area (AOC57_prepared by William Eckle of Disposal Safety Inc. advising to PACE fully supporting these comments. The report concluded that Area 3 does not lie within a delineated Zone II, however it appears to come very close to Zone II for Ayer municipal wells. In addition Cold Spring Brook feeds directly into Grove Pond. Ms. Nehring also pointed out her concern re: offsite contamination of groundwater to the south in the direction of Cold Spring Brook namely arsenic, @170ppb, & lower concentrations of chlorinated solvents, toluene, xylenes, & ethylbenzene were also identified at this site. Mr. Doherty added area 3 being targeted for redevelopment

by MADev. Ie. North American Van Lines and most recently the Parker School expressing concern re: potential developers being kept well informed or a deed restriction for industrial use be included as a means of institutional control. Mr. Doherty ran through specific comments outlines in the February 1999 Report. The Board requested PACE submit a letter for the next Selectmen's Meeting 3-13-01 outlining all their comments for the Board to submit to the Army & DEP. Present for the discussion Henry Woodle-Merrimack Warehouse who expressed his concern to the Board about his property being contaminated.

SELECTMEN'S QUESTIONS (CONT.)

1. Shaun to check for grants available through DEP/EPA & deadline date re: SRF funds. Motion made by Selectman Witherow, 2nd by Selectman Fay, VOTE: unanimous, so moved.
2. Put SHAVE Program Article on Fy-01 ATM Warrant FY-02 Budget. Motion made by Selectman Witherow, 2nd by Selectman Fay VOTE: unanimous, so moved.
3. Research by-law change-Change date of Town Meeting to occur prior to the Town Election check on Public hearing required.
4. Changes have been made to Personnel Policy and the Board suggested setting up meeting with the Personnel Board to meet with the Selectmen.
5. Historical Commission sent MEMO out last week to Town Departments seeking space at the Pleasant St. School, send out memo to see if any Town Depts. would be interested in space at the PSS.
6. Status of MMA Compensation study.
7. Contact Kopelman & Paige re: contamination Moore Air Field & Shepley Hill Landfill.
8. Check with Cable Company/Commission re: poor audio quality at Town meetings/Selectmen's Meetings.
9. PACE to submit letter to BOS for next Selectmen's Meeting for Selectmen to forward on to Army & DEP.

Selectman Pena moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39, Section 23B, Exemption #3 to adjourn to re-enter into another Executive Session pursuant to MGL Chapter 39, Section 23B, Exemption #3 to adjourn to re-enter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Bresnahan, VOTE: Chairman Sullivan aye, Selectman Bresnahan aye, Selectman Pena aye, Selectman Witherow aye, Selectman Fay aye. VOTE: unanimous, so moved.

Robert Pena, Clerk

DATE: 3/21/01

APPROVED 3/13/01