

Final
Selectmen's Meeting
Tuesday, October 17, 2000
2nd Floor Meeting Room, Town Hall, Main St., Ayer, MA

7:00p.m. Open Session

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

Public Input:

Zelda Moore: re: new organization -Ayer Museum and Historic Center. Ms. Moore requested the Board approve of a new Committee to be formed for the preservation of the Town of Ayer's history and artifacts. Ms. Mary Spinner spoke to the availability/accessibility of the Fire Station to house such a museum when the new station is built and Ms. Janet Lewis spoke to desire to assist Committee wherever possible regarding fundraising events/activities.

Chairman Sullivan called for a vote to accept the Agenda of 10-17-00. Selectman Pena moved the Board approve the agenda of 10-17-00 as presented, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Minutes: The Board approved the minutes of 8-8-00 & 9-5-00 and set back the minutes of 8-22-00 and 10-3-00 for amendments. Selectman Pena moved the Board approve the minutes of August 8th and September 5th, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

AGENDA ITEMS:

- 1. State Election Warrant:** Chairman Sullivan requested the Clerk-Selectman Pena read the State Election Warrant on November 7, 2000, into the record. Selectman Bresnahan moved the Board approve the Selectmen's endorsement of the Nov. 7th Warrant, 2nd by Selectman Pena, VOTE: unanimous.
Chairman Sullivan requested a Moment of Silence- be conducted in remembrance of Peter Ellis firefighter who passed away on October 3, 2000.
- 2. James Lucchesi-Planning Board-Stratton Hill Place Sub-Division-** The Board was requested to enact the Consultant By-law for Tata & Howard to provide engineering services and technical review for the proposed Stratton Hill Sub-division off Wright Rd. for the amount not to exceed \$4,000.00. Selectman Fay requested to be recused according to Chapter 268A and removed himself from the table. Motion to approve made by Selectmen Pena 2nd by Selectman Bresnahan VOTE: unanimous, so moved.
- 3. James Lucchesi, Commander and Douglas Locke-American Legion Post #139, re: Veterans Bldg. On Devens.** Mr. Lucchesi advised Board to letter submitted by him on behalf of the American Legion officially requesting a building on Devens for Post 139-Ayer, MA. Mr. Lucchesi stated the Legion was present this evening to affirm the Legions request/support for a building on Devens. Mr. Lucchesi stated the Legion would like consideration for the former old NCO building next to Robins Pond. Mr. Kreidler updated the Board to his conversation with Bill Burke at Devens who advised to opportunities for buildings being shared with Legion other than the one before the Board this evening. Building 227 located at Bates & Almond was offered to the Legion. Mr. Lucchesi stated but rejected due to building being too big of a facility and not meeting the needs of the Legion. Another which would meet the needs of the Legion was the old Class VI facility, but listed as a temporary building which is to be torn down. Mr. Lucchesi stated the Legion is here this evening to request the support and assistance of the Board of Selectmen to help them get a building on Devens. A discussion followed re: needs of the legion, size of building, operating space-i.e kitchen, pouring license, etc. Chairman Sullivan suggested Mr. Kreidler schedule a meeting with Bill Burke, Mr. Lucchesi and himself to look at building 227 on Devens and conduct a walk through to verify if the building is a good fit/or not for the Legion as well as look at other buildings available. Selectman Bresnahan suggesting perimeters be set regarding the needs of the Legion. Chairman Sullivan called for a motion, Selectman Witherow moved Mr. Kreidler set up a meeting with John Regan and Mr. Lucchesi to discuss the Legions needs and see what may be available to Town, 2nd Selectman Bresnahan, VOTE: unanimous, so moved.

4. Atty. Joseph Holmes, representing Seven C's Realty Trust/68 E. Main St.- Present for the discussion George Carpenter, Developer re: sewer permits. Atty. Holmes updated the Board to their last meeting creating affordable units under the Local Initiative Program (LIP) in the development at 68 E. Main St. Atty. Holmes presented the following proposal to the Board for their consideration: creating the three (3) affordable units, amending the fair housing price from \$78K to \$88K by writing a letter of support to MA Community Development on behalf of this waiver, and to waive the various permitting fees i.e water/sewer permits for 2420 gpd/building permits etc..this would allow the process to go forward. Also their investigation showed that an additional unit could be built into the development making a total of 12 units and 3 LIP units. The additional unit having to go before the ZBA & Board of Health seeking approval-timeliness of this may factor into whether or not this additional unit is feasible. Selectman Pena requesting if they had filed a LIP Application yet with DHCD? How can we give up gallonage, permits and you don't have a LIP? Atty Holmes stated it is highly unlikely they would deny the application, if this proposal was acceptable by the Town. Selectman Pena stated in any case the Board would have to have some kind of contingency which would give our gallons back if you don't go forward with a LIP. Selectman Pena stated the other issue is Moore Drive set aside, if we grant the 2420 gpd to you we will not have enough to do Moore Drive. Chairman Sullivan stated reading from the DPW Supt's Report submitted to DEP for the end of September/2000 there would be 7092 gallons remaining enough to do both projects and would still have balance left in the bank. Mr. Kreidler quickly did the math and stated it was not clear if the reserves have already been made for the Moore Dr. & Mr. Carpenter's projects. Selectman Pena looking for more clarification from Mr. Madigan regarding the report submitted in September to DEP. The Board continued this discussion until later in the evening when Supt. Madigan is present.

5. Chief Richard Rizzo: Radio Antennas/5 Min. parking zone Central Ave.

1. Radio Antennas- Chief Rizzo advised the Board to problems with radio communications at the Police Station and Fire Station. The Chief advised to a radio technician looking at this problem and stating it appears to be related to the location of the antennas at the Page/Hilltop Schools when built three years ago the problem is with the Water Tower directly southeast of the school blocking the radio waves heading in that direction. Officers have difficulty receiving/transmitting communications on their portables in various sections of Town. The Chief stated when the Cell RFP went out in the RFP was a stipulation to move the police antennas to the Water Tower. The Chief stated he is being pressured by the Union to have this matter acted on quickly re: safety of officers and firemen. The Chief stated he is requesting the antennas be moved to the Water Tower the cost for this approximately \$9,000.00 along with an additional \$2,000.00/\$3,000.00 to build a shed type structure with a cement slab to house the computer equipment. The Chief requested to expend these funds from the remainder in the Police Station building fund of about \$12,000.00 to cover this move. Selectman Pena requested if an additional antenna would help located in the steeple of Town Hall? Selectman Bresnahan feeling this may make for more problems and moved the Board approve Chief Rizzo's request to expend funds from the Police Building Account for a sum not to exceed \$12,000.00 to move the police antenna to the Water Tower and to take other appropriate action to support those antennas with the approval from the Water Dept., 2nd by Selectman Pena, VOTE: unanimous, so moved.
2. Parking Zone-Post Office- Chief Rizzo advised to number of telephone calls from the Post Office complaining about parkers on Central Ave. near the mail boxes. The Chief feeling it may be commuters parking there all day tying up 2-3 spaces making it impossible for people to park for a few minutes while they go into the Post Office or use the mail boxes. Chief Rizzo stated he suggested the Postmaster submit in writing a request for a parking zone and he would bring it to the Board's attention, requesting for a time zone there-perhaps a 5min zone would be appropriate. The chief also addressed the postmasters other request that being the handicapped parking space located on Columbia St. be properly marked in the road and with a sign to allow accessibility to handicap patrons to the post office. Selectmen Bresnahan & Witherow expressing their concern re: time limitation not sufficient more likely 15min. more reasonable request. The Chief agreed advising the shorter the time the more efficient. Selectman Witherow stating the normal downtown parking is two hours and moved to approve a two hour time zone. Chairman Sullivan feeling there is no need for a time zone there due to accessibility just around the corner to walk

from Main St. to the Post Office or behind Town Hall and if there is a restriction it should only be from Mondays to Fridays. Chief Rizzo had suggested Monday-Saturdays from 7-5. Selectman Fay stated he was not in favor of restricting parking. The Board after two unsuccessful motions tabled the time zone parking request and requested Mr. Kreidler to direct the DPW to clearly mark out the handicap parking space being that the space had already been approved.

6. **Selectman Sullivan-EPA/Draft Shepley's Hill Landfill**

Selectman Sullivan stated he requested this item on the Agenda due to two recurring problems

1. Pollution seeping from the Devens into the Town of Ayer-a Chemical leeching from the Airport into the boundaries of Ayer under the Nashua River, a chemical used to clean parachutes

2nd source of pollution arsenic leaching from the Shepley Hill Landfill into Plow Shop Pond under Molumco Ind. Park, under Main St. and heading further north into the wetlands on the north side of West Main St. Selectman Witherow stated she had a call today from Carol Keating from the EPA who advised to Jim Murphy-EPA, John Regan-DEP & herself conducting a survey- door to door to homes which may have had their well water effected, this being done on a Saturday feeling more residents are home on Saturdays. Chairman Sullivan stating the Army is only obliged to take corrective measures steps for the pollution if they find it poses a public health threat and that is why they are conducting a door to door survey to see if any wells are effected. Chairman Sullivan stating if a resident wanted to put in a private well in the above areas they would be prevented from doing so. Selectman Pena moved the Town Administrator pursue with Town Counsel any alternatives against the Army for the pollutants coming from the Shepley landfill, & plume of TCE's from the former Moore Airfield- what legal action if any the Town of Ayer could take, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. The Board placed this item on the next Selectmen's Meeting.

6. **Public Hearing-Underground/Aboveground Storage Tanks-J.C. Madigan-Shaker Rd.**

The Board met with Mr. Madigan and the Fire Chief. Chairman Sullivan requested the Clerk Selectman Pena read the Legal Notice into the record. Chairman Sullivan requested if there were any abutters present, no one stepped forward. Mr. Madigan advised the Board to notification by the Board of Health that his tanks would have no effect on the Town's Zone II Aquifer Protection District or Pepsi/CPF well. Selectman Pena Moved the Board approve Mr. Madigan's Permit for a total of 4000 gallons liquefied petroleum gas storage for 8 Shaker Rd., Ayer, MA, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

9. **The Board went off the posted agenda to take up the Town Administrator's Report due to Supt. Madigan not present at this time.**

TOWN ADMINISTRATOR'S REPORT

Mr. Kreidler advised the Board on behalf of Supt. Madigan that he is taking some courses at the High School and would be coming in directly after the class.

1. Minutes- Continued from 10-3-00 Selectmen's Meeting. Mr. Kreidler advised the Board to the purchase of new recording equipment and cables to assist with the audio tapes for the minutes recording through the cooperative effects of Cablevision..
2. Resignation- Bonnie Poirier from the Personnel Board. Selectman Fay moved the Board accept the resignation of Bonnie Poirier with regrets, 2nd by Selectman Bresnahan, VOTE: Unanimous, so moved.
3. Appointment- Recommendation of the Council on Aging for the appointment of Edwin Bloom to the Council. Selectman Bresnahan moved the Board appoint Edwin Bloom per the request of the Council on Aging, 2nd by Selectman Pena, VOTE: unanimous, so moved.
4. Sign Request-Mr. Kreidler stated this is the traditional request from Norma Gardner, Vice-President of the Deaconess/Nashoba Hospital Auxillary to place a sign announcing their annual "Green Sale" in front of Town Hall. This Request for Nov. 20, 2000 to Dec. 4, 2000. Selectman Bresnahan moved to approve the Request, 2nd by Selectman Witherow, VOTE: unanimous, so moved.

BOSMIN10-17-00/PG.4

5. Pleasant Street School Update- Mr. Kreidler advised the Board to the Historical Commission holding discussions with the Hands on Museum currently located in Littleton for use of space at the Pleasant Street School. Mr. Kreidler updated the Board to a meeting this Friday, October 20, 2000 by the Historical Commission at the Ayer Police Dept.-Community Room with the Museum representatives and the Historical Commission who have invited the Selectmen to this meeting. Mr. Kreidler advised the Board to their discussions regarding a lease agreement for part of the Pleasant St. School.
6. Telecommunications Update-Mr. Kreidler updated the Board to a site walk scheduled for October 31, 2000, at 10:00a.m. of town owned properties, invitations have been sent out to telecommunication carriers & to companies/builders of cell towers. Tour will include Brook St. & Solid Waste Landfill, Grove Pond, Spectacle Pond, and any other parcels of Interest. We will be looking for information from these companies for optimum locations to site cell tower/s.
7. NEW BUSINESS: Mr. Kreidler advised the Board to having no new business this evening.
8. SELECTMEN'S QUESTIONS

Selectman Fay, re: volunteers-town-wide & signs/posters on telephone poles being Illegal.

Selectman Witherow-October 28, 2000 Ayer Business Alliance-Halloween Party at The Ayer Town Hall from 10:00am to 2:00pm. Selectman Witherow moved the Board approve the Business Alliances Halloween Party for the children of Ayer on Saturday, October 28, 2000 from 10-2 at the Ayer Town Hall, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Selectman Witherow also addressing correspondence received from a resident regarding X-rated videos at a local video store improperly displayed. Mr. Kreidler to look into if it is a Building Commissioner issue/or Adult Entertainment issue. Selectman Bresnahan moved the Town Administrator submit the letter from the resident to the Building Commissioner and take appropriate action if any, 2nd by Selectman Pena, VOTE: unanimous, so moved. Selectman Bresnahan updated the Board to the Advisory Board submitting a letter to the Selectmen stating their disagreement re: a Reserve Fund Transfer made at the Selectmen's meeting of 10-3-00, re: approval of a Reserve Fund Transfer for the Fire Dept. for the repair/replacement of the boiler. Selectman Bresnahan stating since the Advisory Board agreed with him to expend the funds from the ATM Article approved at Town Meeting why did they also approve the Reserve Fund Transfer? Ms. Spinner, Chairman of the Advisory Board commented that the Advisory Board approved it because they had no heat at the Station and needed to repair the boiler -the Board felt a paper transfer if necessary could be done if the Board felt the funds should be paid out of that article. Selectman Bresnahan requesting it be researched. Selectman Bresnahan moved to direct the Town Administrator to work with the Advisory Board to determine the appropriateness/or inappropriateness of the Reserve Fund Transfer for the repair of the boiler at the Fire Station, 2nd Selectman Pena VOTE: unanimous.

Selectman Pena-Signs & Banners Regulations-checking on progress/to be placed on the next Selectmen's meeting.

Selectman Pena requesting status of the ATM Article for Fire Station Repair/Maintenance.

Selectman Sullivan-thank you extended to DPW Highway works for the sidewalks on Groton Harvard Rd.

Selectman Sullivan-Historic Elm Tree in front of Town Hall-posters being nailed to tree requesting citizens not to hang anything from that tree, police to take notice.

Supt. Madigan's Report-Mr. Kreidler reported on Item #4

1. Low sulfur diesel fuel bid award- Bids opened and one bid recommended. Selectman Pena moved the Board award the bid for low sulfur fuel to C.W. Fuels Inc. for .0450 per gallon over Boston Tank Car Low, 2nd by Selectman Bresnahan, VOTE: unanimous,

so moved.

2. 68 East Main St.-Mr. Kreidler reviewed the math re: sewer bank balance with the Board. Selectman Pena in agreement with the numbers pending clarification of reserves by Supt. Madigan in his September Report to DEP

Supt. Madigan's Report (continued)

The Board met with Jack O'Connell of Tata & Howard, re: summary of sewer disposal for the Wastewater Treatment Plant, re: ground water at the existing Wastewater Treatment Plant located on Brook Street. Mr. O'Connell's recommendation to proceed with a groundwater discharge permit with the DEP. Permitting cost estimated at approximately \$40,000.00. Estimated discharge 700,000 into the ground/river, if the Town gets the permit improvements to the plant would be nitrogen & phosphorous limitations/discharge. Selectman Bresnahan reviewed with Mr. O'Connell the schedule leading up to Town Meeting ie. Ayer alone, Ayer-Devens Regionalization, Ayer Hybrid. Selectman Bresnahan suggesting the town line up their options prior to investing in the groundwater discharge option. Mr. O'Connell again restating the groundwater discharge looks feasible and the next step would be to apply for the permit but until the Board decides that this is economically favorable he would not recommend it at this time.

2. Coordination Meeting-recommendation from Supt. Madigan take all entities that have been a party to date- Tata & Howard, Mike Dominica, Bill Burke, Earth Tech, & Shirley & their consultants, to discuss the four (4) options- co-ordinate as a group, co-ordinate what the assumptions are and agree to them, and then scope out what it would cost to get all of this information/reports into something the Town can use to present to the public. Until this Coordination meeting takes place he cannot advise you as well as he could. Selectman Pena agreed the board coordinate a meeting with Supt. Madigan and get this going into an organized forum. Draft schedule was addressed. Selectman Bresnahan moved the Board direct Supt. Madigan refine the proposed schedule presented tonight and to work with appropriate parties to synchronize the alternatives for our wastewater proposal at Town Meeting next spring, 2nd by Selectman Pena, VOTE: unanimous, so moved.
3. 68 East Main St.-Atty. Holmes & George Carpenter. Supt. Madigan ran through his September 2000 DEP Sewer Bank Report, which was plus or minus by a few gallons in agreement with Mr. Kreidler's numbers. Supt. Madigan ran through Moore Drive & Washington St. sewer project with the Board. Mr. Madigan stated Moore Drive sewer bank has 3700 gpd set aside presently and 3500 based upon additional homes on Washington St. not being included in the final report, putting both amounts together you would still have sufficient capacity to do the 68 E. Main St. project leaving a balance of +/-610 gpd. Chairman Sullivan invited Atty. Holmes & George Carpenter to join the Board at the table to continue their earlier discussion. Mary Spinner advised the Board to their last meeting approving 7260 gallons for the Moore Drive project recommended by Supt. Madigan. The board reviewed 68 E. Main St.'s earlier proposal: 3 LIP units, increasing the market price of the LIP units by \$10K each, waive all permitting fees \$13K (water/sewer/building), and a sewer permit for 2420 gpd. Selectman Pena moved the Board request Town Counsel write the final motion. Selectman Pena suggested the jist of the motion be to approve/reserve 2,420 gpd, contingent upon Woodland Village's approval from DHCD of a LIP for 3 affordable units at 68 E Main as well as the approval of the Ayer Board of Selectmen. Chairman Sullivan called for a motion to take up each of the individual request seperately:
 1. Selectman Bresnahan moved the Board support the affordable housing pricing request to be at \$88K in the LIP application to DHCD, 2nd by Selectman Pena, VOTE 4-1, Selectman Bresnahan, aye, Selectman Pena aye, Selectman Witherow aye, Selectman Fay naye, Chairman Sullivan aye, motion passes.
 2. Selectman Pena , moved the Board approve in principal the request of 2,420 gpd contingent on Town Counsel being able to draft an agreement which guarantees the Town three (3) LIP Units, in exception to the Town's Sewer Bank Policy being that the request

provides an overriding benefit to the community as a whole 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

3. Town's Permitting fees: opposed to waiving fees Vote 3-5. Issuance of permits to be titled Woodland Village LLC VOTE: unanimous, so moved contingent upon Town Counsel's approval. Motion made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unan.

Chairman Sullivan moved the Board reserve 220/gpd for ninety (90) days for Mr. Carpenter to appeal to the Zoning Board of Appeals for an additional unit, pending Town Counsel's recommendation and direction, 2nd by Selectman Bresnahan VOTE: Selectman Sullivan aye, Selectman Bresnahan aye, Selectman Pena aye, Selectman Witherow naye, Selectman Fay naye., motion passes. The Board scheduled Woodland Village's LIP application review for the next Selectmen's Meeting on 10-31-00. As a final request Selectman Bresnahan directed Mr. Kreidler to work with the attorneys prior to the Selectmen's Meeting on 10-31-00 re: permits for 11 units, 6 now and 5 after the 15th. as well as the Draft LIP Application.

57 & 63 Groton School Rd.-Selectman Bresnahan moved the Board approve the applications for 57 & 63 Groton School Rd. for connection in to the Sewer System @ 220.gpd each for failed systems, 2nd Selectman Pena, VOTE: unanimous, so moved.

10:35p.m. Selectman Pena moved the Board adjourn the meeting, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.


Robert J. Pena, Clerk

AYER BOARD OF SELECTMEN

DATE: 


approved Nov 21, 2000