

Selectmen's Meeting FINAL
Tuesday, October 3, 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 Fay. Selectman Witherow absent.

Chairman Sullivan announced State Representative Robert Hargraves being in the audience advising to the Representative conducting office hours from 7-8pm this evening at the Town Hall.

Public Input: Chairman Sullivan requested if there was anyone present wishing to meet with the Selectmen. William Oelfke-Town Hall Renovation project requesting to meet with Selectmen re: Planning Board's/Zoning Board's and Conservation Commission storage achieves being taken away and made into Veterans Office. Selectman Pena stated decision was based on need to have people in spaces with windows and that the archives spaces is on 3rd floor. Mr. Oelfke explained the need for the space necessary for the storage of plan files, which are considerable in size. Two additional files have been ordered and archive space being in critical demand. Mr. Kreidler advising the Board to RFP on street & plans ordered. Selectman Bresnahan moved the board meet this week with the Restoration Com to allow them to review the final plans, 2nd by Selectman Fay. Mr. Oelfke requested the date for the move from the Town Hall to Devens, Mr. Kreidler suggested he week of 11-20-00, Thanksgiving weekend being a long weekend for the move.

Ernest Nelson requested to meet with the Board re: stunt planes flying dangerously low over homes in Town. Present for the discussion: Mrs. Nelson and Beverly Smith. Ms. Smith also stated her concern with the planes being a public nuisance and endangering neighborhoods. Mr. Nelson stated he has been trying to get assistance with the FAA and local police departments. Mr. Nelson stated Ayer has been targeted by pilots flying out of Bedford, flying souped up planes with loud annoying noise levels. It is so bad he has placed his home up for sale-quality of life issue. Mr. Nelson & Ms Smith requested assistance from the Town for a reasonable solution. Mr. Nelson took this opportunity to request residents who are also annoyed by these stunt planes to write him at Stop the Noise, P.O. Box 861, Ayer, MA 01432. Chairman Sullivan invited Rep. Hargraves into the discussion. Rep. Hargraves spoke to the need to identify the pilots & where they are flying out of, he suggested scheduling an open meeting and inviting representatives from the FAA and local airports. Rep. Hargraves also requesting residents to contact him in Boston at (617)722-2070 also at bhargraves@bicnet.net Mr. Nelson & party left the table to continue their discussion with Representative Hargraves.

Agenda items

1. Michael T. Wells-Eagle Scout Project, Troop 3, Ayer, MA Present for the discussion Peter Johnston, Scout Master and Conservation Commission member Robert Eldredge. Michael presented to the Board his Eagle Project Workbook describing the project-building a wooden bridge over a small stream that cuts across a trail on Ayer conservation land-(Groton Harvard Rd.) Conservation Commission has approved the project. The Board thanked Michael for coming in to meet with the Board and congratulated Michael on his project. Motion to approve the project made by Selectman Pena, 2nd by Selectman Fay, VOTE: unanimous, so moved.

2. Camper's Inn, re: Class I License. The Board met with David Hirsch and his Atty. Roy Pastor. Atty. Pastor advised the Board to all the requirements addressed in the Selectmen's letter of 9-15-00 have been met/completed by Mr. Hirsch at the 2 Littleton Rd., Ayer, MA site. Mr. Kreidler read letter from Fire Chief & Building Inspector confirming this. Selectman Pena moved the Board vacate the suspension of Camper's Inn Class I License at 2 Littleton Rd., Ayer, MA and incorporate the plan (entitled sketch plan of land prepared for Camper's Inn of Ayer, Inc. dated April 2000, by David E. Ross Assoc. Job #14164 Sheet 1 of 1 Plan #S-6620, submitted by Mr. Hirsch depicting the conditions of Camper's Inn Class I License, 2nd by Selectman Fay, VOTE: unanimous, so moved. Atty. Pastor advised the Board that he will file dismissal of summary judgement, under Rule 41 and advise Superior Court that the parties reached a full and complete settlement.

3. **68 East Main Street-Sewer Permit**-The Board met with George Carpenter-Seven C's Woodland Village Sub-division at 68 E.Main St. Mr. Kreidler revisited the letter submitted by Atty. Joseph Holmes on behalf of Seven C's Realty Trust dated 9-25-00 offering to make two (2) out of the eleven (11) units at 68 East Main St., (Woodland Village) as Local Initiative Program Affordable Units, waiving the maximum allowable sale price for a 2-bedroom condominium to \$88K an increase of \$10K, and waiving all water & sewer tie-ins (\$13K) for the development to mitigate the economic impact of creating the two (2) affordable units in the development. Selectman Pena said the Local Incentive Program (LIP) requires 25% of total units and Mr. Carpenter's 2 units being 18% of the total. Selectman Bresnahan requesting if Mr. Carpenter is willing to increase the (LIP Units) to 3-4 Mr. Carpenter stating he would like to think about it as he was not prepared this evening for such a decision. The Board was updated to current capacity being 12,725g of which 1,273 is reserved for the Grove Pond back-wash, 3,700gpd being reserve for the Moore Drive project with an additional 3,500 needed for this project due to incorrect assessment and three 330gpd being granted earlier to each (Collins, Canney & Rockwood) leaving a balance of 2,872 and if the Board grants Mr. Carpenter's development 2,420 the bank would be left at 780+/-gpd. Selectman Bresnahan moved the Board reserve until Nov. 14th 2,420 gpd for Seven C's Realty Trust for the 68 E. Main St. Development-Woodland Village in order for Mr. Carpenter to study increasing his LIP units from two to three/four to comply with the Local Initiative Program Guidelines, 2nd by Selectman Pena, VOTE: unanimous, so moved.
4. **Cable Commission, re: Cable License Transfer from Cablevision to AT&T.** The Board met with James Carrington Ayer Cable Commission requesting the Board approval the Change of Control from CSC Holdings, Inc. the parent company of Cablevision of Massachusetts Inc. being sold to AT&T Corp. and the need for the Board of Selectmen to submit back to the Massachusetts Cable Television Division that the issuing authority approves the Change of Control of the Cable License. Selectman Pena moved the Board issue a letter to the Massachusetts Cable Television Division advising on 10-3-00 the Ayer Board of Selectmen as issuing authority voted to approve the Change of Control of the Town's current cable television license from CSC Holdings, Inc parent of Cablevision of MA, Inc. to AT&T Corp. The current licensee, Cablevision of MA Inc. will continue to operate the system with AT&T Corp as its ultimate parent after the closing, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
5. **J.C.Madigan Public Hearing Continuation-Liquefied Petroleum Storage Tanks**-The Board met with Mr. Kreidler who advised them to the need to open and close the original hearing due to(abutter notices not going out because applicant is the owner of all abutting property but not holding title to all the property as shown on the Town's tax list. Selectman Bresnahan moved the Board close the Hearing only to re-open a new Hearing. Selectman Pena read the legal notice into the record, 2nd by Selectman Pena, VOTE: unanimous, so moved. Selectman Fay moved the Board the Board of Health submit in writing a description of the Madigan site depicting the Pepsi well & Zone II Aquifer Protection Zone will not be adversely effected by the Madigan liquefied storage tanks, 2nd by Selectman Pena, VOTE: unanimous, so moved.

The Board went off the posted agenda due to Supt. Madigan having earlier commitment.

6. Town Administrator's Report:

1. Minutes: The Board met with Selectmen's Secretary Janet Lewis re: the recording of the Selectmen's Minutes. The Board reviewed problems re: timeliness of submittal re: the minutes. Ms. Lewis advised the Board to past practice of her attending the meetings and using a tape recorder as a back-up and approximately 14 months ago she was removed from attending the meetings and relied upon Cablevision to furnish a oral recorded version of the meeting, which did not arrive in a timely fashion from Cablevision and the audio tape had a loud piercing sound making it impossible to hear. Mrs. Lewis stated she has been doing the audio tapes herself on her own time in her home for the last two years. Selectman Pena informed Ms. Lewis she could not do that. The Board reviewed other options available 1. new equipment/recorder be purchased-Mr. Kreidler to check out prices of recorder, 2. the Board record the motions. The Board requested Mr. Kreidler and Ms. Lewis meet and review options. Cable Consultant to be

2. included W/decision. The Board requested Ms. Lewis and Mr. Kreidler report back at the next Selectmen's Meeting.

3. Devens Discussion- Mr. Kreidler updated the Board to the following Devens issues:
Housing: Primary issue LIP (Local Initiative Program)-Aspen Square –Devens Housing developer has filed with Dept. of Hous. & Com. Dev. Problems with the application re: waivers- 30 day window for bank commitment, lottery & non-refundable deposit.
Education: School Com. voted to stop negotiations with MDFA for the education of students living on Devens except for those children in the Ayer portion of Devens.
Veterans Housing: Waiting on guarantee the Vets Program will be moved out in 18 months and Ayer gets back their units for market. Units to be renovated to standard & sold for the lesser current price or prices at time of sale.
Municipal Services: Need to determine who provides what services for residents living on Devens i.e trash, police, DPW, etc..
Wastewater: Meetings ongoing awaiting data from Devens/should be available on 10-10-00 Meeting being held with Bill Burke from Devens.
4. The Board appointed Lisa White part-time Fire Dept. Assistant per the recommendation of Chief Fillebrown, motion made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

The Board appointed Susan Provencher, Part-Time Department Assistant to the Economic Development Director's office, motion to appoint made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

5. The Board was updated to Grant Round opportunity for the removal of the underground tanks at the Ayer Town Hall to help supplement budget. Selectman Pena moved this information be submitted to Shaun Suhoski to pursue grant, 2nd by Selectman Fay, VOTE: unanimous, so moved.
6. NEW BUSINESS:
 1. The Board moved to request the Fire Chief submit a Reserve Fund Transfer to the Advisory Board for the boiler repair/replacement rather than spending from funds for the repair from the May 2000 ATM Article-approved to maintain the Fire Station. Motion made by Selectman Pena, 2nd by Selectman Fay, VOTE: Selectman Pena aye, Selectman Fay aye, Chairman Sullivan aye, Selectman Bresnahan no, 3-1 motion carries. Selectman Bresnahan asked it be stated on the record his nay vote is due to his view that Town Meeting approved funds already-funds already exists for this repair work. Selectman Pena moved to inquire from the Fire Chief if anything has been done with the \$150K to preserve & maintain the Fire Station/ exterior 2nd by Selectman Fay, VOTE: unanimous, so moved.
 2. The Board approved the Sophomore Class Home Coming Parade Request for Thursday, October 19, 2000 starting at 4pm contingent upon the approval of the Fire & Police Chiefs Motion made by Selectman Fay, 2nd by Selectman Pena, VOTE: unanimous, so moved.
 3. The Board approved the Fire Department's request to hang the banner in observance of Fire Safety week-October 8, 2000 to October 15, 2000. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: unanimous, so moved.

7. **SUPT. MADIGAN'S REPORT: See report dated 9-28-00**

Action Items:

1. The Board endorsed the Fy-00 Chapter 90 roadway, re-surfacing allocation in the amount of \$122,264.26. Motion to approve made by Selectman Bresnahan 2nd by Selectman Pena VOTE: unanimous, so moved. Projects approved for this fiscal year: crack filling of roads-\$10K, installation of guard rail at the Snake Hill Road near the bridge and Sculley Road areas.

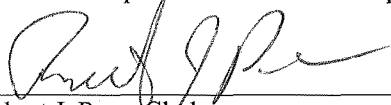
2. Supt. Madigan reviewed with the Board the Moore Drive/Washington St. sewer extension advising to five (5) houses not included/connected to municipal sewer requiring an additional pump station (RP) 2,550 feet of gravity sewer-1,400 force main at a cost of an additional \$35K for a total \$400,000 for 21 houses/66 bedrooms x 110/gpd=7,260gpd estimated sewer flow. The Board directed Supt. Madigan to research number of homes that would fail a Title 5 exam and to report back.

39 Myrick St.-Edward LeBlanc The Board authorized the payment not to exceed \$1,500.00 towards his plumbers bill for the repair of the lateral sewer to be connected to the Town's sewer system and the sum of \$238.82 reimbursement of his sewer bill for a total of \$1,738.82. Motion made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

3. Infiltration and Inflow Draft Report-Supt. Madigan updated the Board to the receipt of the Phase II Interim Infiltration & Inflow Report prepared for the Dept. of Public Works by Hoyle Tanner & Assoc. Inc. Supt. Madigan is reviewing this report presently and will need additional time for review.

PERMITS: Sewer The Board approved a sewer permit for David Rockwood-3 Sedgeway, Ayer, MA 330/gpd. Motion to approve made by Selectman Pena, 2nd by Selectman Fay, VOTE: unanimous, so moved. Selectman Bresnahan asked that permit form be amended to advise people that permits would not be issued if they have overdue payments due to the Town.

10:35P.M. Selectman Pena moved the Board adjourn from Open Session and enter into Executive Session pursuant to MGL Chapter 39 Section 23b Exemption #3 to adjourn from Executive Session to reenter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Bresnahan.


Robert J. Pena, Clerk

Date:

Mar. 20, 2000

AYER BOARD OF SELECTMEN

approved Mar. 14, 2000