

Ayer Board of Selectmen
Tuesday, March 28, 2000
Ayer Town Hall, 2nd Floor Meeting Hall, Main St., Ayer, MA

7:00p.m. Open Session

The Board opened with Chairman Bresnahan and Selectman Pena, Selectman Sullivan running a few minutes late.

The Minutes of March 14, 2000 were read and accepted.

Chairman Bresnahan requested if there was anyone present wishing to meet with the Board under Public Input. No one requested to speak.

Chairman Bresnahan called for a motion to accept the Agenda of 3-28-00. Selectman Pena moved the Board approve the Agenda as presented, 2nd by Chairman Bresnahan, VOTE: unanimous, so moved.

Town Crier: Chairman Bresnahan read the announcements listed on the Agenda of 3-28-00.

Chairman Bresnahan announced Amy Dubovich, a teacher at the Ayer High School was present this evening on behalf of Jobs for Bay State Graduates a unique program that provides guidance in job preparation, placement and retention for high school seniors who have chosen to enter the work force immediately after graduation. Chairman Bresnahan read into the record a Proclamation proclaiming the month of April 2000 as Bay State Career Association Month and urged all residents in the Town of Ayer to be cognizant of the important work being done by this organization. Ms. Dubovich thanked the Board for their support.

Selectman Sullivan entered the meeting.

AGENDA ITEMS:

1. Jeremy Januskiewicz-Fireman-Town of Ayer, re: Devens Gym Membership. The Board reviewed the documentation presented by Fireman Januskiewicz re: Town of Ayer employees wishing to participate at Riggs Gym on Devens-- (97 employees requesting membership) Town of Ayer employees having expressed interest from the School, Police, Fire, DPW and Town Hall. The Board requested Nautilus of Central Ave. (Dan Loring) be contacted in writing re: offering Town employees a similar offer. (approximately \$89.00/year). The Board endorsed the Devens Sport & Fitness Center Corporate Membership Agreement presented by Mr. Januskiewicz. Motion made by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
2. John Horgan, Treasurer, re: Tax Lien discussion. The Board met with John Horgan. Mr. Horgan opened the discussion by addressing disparaging remarks which were run in local papers which he took exception to-- regarding his non-aggressive action re: tax liens. The Board stated remarks read by Mr. Horgan were taken out of context and never part of their discussions regarding pursuing/recapturing tax title monies estimated at over \$375,000. Mr. Horgan advised the Board to his performance over the past twenty-three months liquidating over \$147,000 in tax liens and of his first priority finding a replacement for his assistant when she goes out on maternity leave in May. The Board offered their assistance requesting how they could help him. Mr. Horgan stated during his budget negotiations he had requested to increase his part-time assistant's position from ten (10) hours/per week to twenty (20) hours/per week in order to help during the absence of his full-time assistant's maternity leave and also to free up some of his time so that he could dedicate more time to be more aggressive towards tax titles. Mr. Horgan advised the Board to being in contact with neighboring communities who have been very aggressive going after tax titles advising that the process takes at least a year, Mr. Horgan advised the Board to \$5,000.00 being budgeted every year, under state law for this process. Chairman Bresnahan requested prior to taking legal action the Treasurer send out a letter to each of the individuals/companies on the list advising them to the Town taking action on the tax lien plus 16% per annum. The Board reviewed the list of the largest tax title properties

**Ayer Board of Selectmen
Tuesday, March 28, 2000
Ayer Town Hall, 2nd Floor Meeting Hall, Main St., Ayer, MA**

7:00p.m. Open Session

The Board opened with Chairman Bresnahan and Selectman Pena, Selectman Sullivan running a few minutes late.

The Minutes of March 14, 2000 were read and accepted.

Chairman Bresnahan requested if there was anyone present wishing to meet with the Board under Public Input. No one requested to speak.

Chairman Bresnahan called for a motion to accept the Agenda of 3-28-00. Selectman Pena moved the Board approve the Agenda as presented, 2nd by Chairman Bresnahan, VOTE: unanimous, so moved.

Town Crier: Chairman Bresnahan read the announcements listed on the Agenda of 3-28-00.

Chairman Bresnahan announced Amy Dubovich, a teacher at the Ayer High School was present this evening on behalf of Jobs for Bay State Graduates a unique program that provides guidance in job preparation, placement and retention for high school seniors who have chosen to enter the work force immediately after graduation. Chairman Bresnahan read into the record a Proclamation proclaiming the month of April 2000 as Bay State Career Association Month and urged all residents in the Town of Ayer to be cognizant of the important work being done by this organization. Ms. Dubovich thanked the Board for their support.

Selectman Sullivan entered the meeting.

AGENDA ITEMS:

- 1.** Jeremy Januskiewicz-Fireman-Town of Ayer, re: Devens Gym Membership. The Board reviewed the documentation presented by Fireman Januskiewicz re: Town of Ayer employees wishing to participate at Riggs Gym on Devens-- (97 employees requesting membership) Town of Ayer employees having expressed interest from the School, Police, Fire, DPW and Town Hall. The Board requested Nautilus of Central Ave. (Dan Loring) be contacted in writing re: offering Town employees a similar offer. (approximately \$89.00/year). The Board endorsed the Devens Sport & Fitness Center Corporate Membership Agreement presented by Mr. Januskiewicz. Motion made by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
- 2.** John Horgan, Treasurer, re: Tax Lien discussion. The Board met with John Horgan. Mr. Horgan opened the discussion by addressing disparaging remarks which were run in local papers which he took exception to-- regarding his non-aggressive action re: tax liens. The Board stated remarks read by Mr. Horgan were taken out of context and never part of their discussions regarding pursuing/recapturing tax title monies estimated at over \$375,000. Mr. Horgan advised the Board to his performance over the past twenty-three months liquidating over \$147,000 in tax liens and of his first priority finding a replacement for his assistant when she goes out on maternity leave in May. The Board offered their assistance requesting how they could help him. Mr. Horgan stated during his budget negotiations he had requested to increase his part-time assistant's position from ten (10) hours/per week to twenty (20) hours/per week in order to help during the absence of his full-time assistant's maternity leave and also to free up some of his time so that he could dedicate more time to be more aggressive towards tax titles. Mr. Horgan advised the Board to being in contact with neighboring communities who have been very aggressive going after tax titles advising that the process takes at least a year, Mr. Horgan advised the Board to \$5,000.00 being budgeted every year, under state law for this process. Chairman Bresnahan requested prior to taking legal action the Treasurer send out a letter to each of the individuals/companies on the list advising them to the Town taking action on the tax lien plus 16% per annum. The Board reviewed the list of the largest tax title properties

as well as new software to administer the tax liens-VADAR at a cost of \$2,500.00. Current total of outstanding taxes to date is \$372,000.00 in principal only, for 42 properties in Town. Mr. Horgan stated the 1st thing he plans to pursue would be engaging a law firm. Mr. Horgan to meet with the Town Accountant to discuss encumbering this year's \$5,000.00 tax title budget to help defray costs to pursue the ten largest tax liens.

The Board went off the posted Agenda due to lateness of meeting and took up the advertised Public Hearings.

3. *Camper's Inn continuation of the Public Hearing of 3-14-00*

The Board met with Building Inspector Gabe Vellante, Fire Chief Paul Fillebrown and owner of Camper's Inn David Hirsch. The Board reviewed with Building Inspector his recommendations after meeting with Mr. Hirsch and the Fire Chief at the site. Mr. Vellante advised to 10 spaces in front of the store being striped off and designated for retail traffic, behind that parallel to the main road will be an area for the RV's which will be numbered, designating area to be parked. The biggest issue in that section, the diagonal area, where cars come off road to store is the area the Fire Chief expressed concern with-- parking vehicles in that area. Another issue addressed was dropping off of vehicles needing repairs and of two spaces being designated at the far end of the property for this purpose. The last area by the service yard will be the location for the larger, bus type vehicles he has now. The last issue addressed was the right side yard, that area to be cleared out so that the Fire Chief could have access. The Fire Chief reported on that area advising to need of clean-up-being very crowded having quite a few discarded trailers, parts & junk. The Chief advised to working with Mr. Hirsch to have it cleaned up. The Chief advised to a lot of time spent walking the property and development of a solution. Selectman Sullivan requested time frame re: striping and clean up. The Fire Chief stated he wanted to see movement beginning within a month to gage it. Mr. Hirsch advised of two storage bins being moved to another area on site and projected completion of all work by the end of September. Chairman Bresnahan requested of Mr. Vellante how the Board could ensure from discussion of prior meetings, of to many vehicles being parked in the front lot and how this could be solved and the need to document solution. The Board requested a drawing be submitted by Mr. Hirsch depicting the area to be striped off, physical dimensions and recommending that prior to area being stripped off a meeting with the Fire Chief be scheduled to approve the location of the cut-backs. Mr. Vellante stated having designated areas will make it easier to enforce for the Town and for Camper's Inn to know when and if they are in compliance as well as ensuring safety concerns being met for fire protection. Mr. Vellante requested Mr. Hirsch submit a Engineers plan depicting the proposed layout of the entire area where he is designating parking area and a not to exceed limit of vehicles be placed on the license. Selectman Sullivan moved the Board continue the Public Hearing to April 25, 2000, and also continue Mr. Hirsch's Class I License to that date in its current terms along with Mr. Hirsch to submit a pre-approved plan by the Building Inspector & Fire Chief at that meeting, 2nd by Selectman Pena, VOTE: unanimous, so moved.

4. *PUBLIC HEARING-EARTH REMOVAL PERMIT-Consigli Construction for Agility Inc, Copeland Drive, Ayer, MA.*

Chairman Bresnahan opened the Public Hearing by requesting the legal notice be read into the record. Selectman Sullivan read the notice into the record. Chairman Bresnahan requested if there were abutters present. Mr. & Mrs. Russell Colburn of 17 Sandy Pond Rd., Ayer, MA stepped forward. The Board met with Steve Mullaney of David Ross & Assoc. Representing Consigli-Sean Gaffney and representing Agility Mark Hashem. Mr. Mullaney advised the Board to the request for the permit is essential to the substantial expansion of Agility's building. Three times the size of the current facility or 15,000 sq. ft. In order to make the building the same floor level as the existing building it requires taking out earth material in rear portion of lot. The Planning Board, Conservation, Board of Health and Zoning Board all approving the Site Plan. The material is being removed to a property on Russell St. in Littleton owned by Richard Silveria. Mr. Mullaney submitted

certified mail receipts sent to abutters re: the Earth Removal Hearing this evening. Consigli requesting to remove +/-7000 cu. yd. of silty/sand gravel. Abutters Mr. & Mrs. Colburn stated since they started they have cleared every tree on that whole property which opened his property up to an industrial zone. Mr. Mullaney advised to plan calling for a dense screening of evergreen trees to be planted along the whole property. Abutters questioning whether or not trees were to be full grown, Mr. Mullany stated the plans do not specify size. Chairman Bresnahan questioning whether the Selectman have any authorization requiring the size of trees to be planted. Mr. Kreidler commented Chairman Bresnahan being correct but if the proponent offered it you have the ability to accept it. Chairman Bresnahan requested what they could offer to resolve situation Mr. Mullaney suggested a six foot (6') lamping height (beginning height) along with a berm on which the trees will be planted. Selectman Sullivan suggested this Hearing be rescheduled next Tuesday, April 4, 2000 at 7:00pm to work out problems/good will with abutters and at that time if all the problems have been worked out the Earth Removal Permit be issued, Chairman Bresnahan stepped down to 2nd the motion. VOTE: Selectman Sullivan aye, Chairman Bresnahan aye, Selectman Pena no. Motion passes 2-1.

Chairman Bresnahan requested the Board go back on schedule and take up Agenda Item #3: Lisa Gabree- Town Accountant.

1. The Board approved the Sewer Rate Relief Award for Fy-2000 in the amount of \$34,173.00. Selectman Sullivan moved the Board approve the award as read by the Chairman certifying that the above sum will be reflected as rate relief in the next fiscal year-the sewer user rate will be \$2.25/per 100 cubic feet and anticipated without the relief funds would have been \$2.34 per 100 cubic yards, 2nd by Selectman Pena, VOTE: unanimous, so moved. Mr. Kreidler updated the Board to work done by the Town Accountant re: this sewer relief represents over life of program about \$200,000.00, the Board congratulated Ms. Gabree on her work obtaining these funds.
2. The Board approved a Reserve Fund Transfer in the amount of \$37,100.00 for Building & Liability Insurance to pay the deductibles on three (3) liability suits (Police related). The Advisory Board having approved the transfer. Selectman Sullivan moved the Board approve the Reserve Transfer Request as presented by Ms. Gabree, 2nd by Selectman Pena, VOTE: unanimous, so moved.
3. The Board approved of supporting the Housing Supply Incentive Program by sending letters & fax to Rep. Hargraves and Gov. Cellucci. Ms Gabree stated under this program Ayer would receive additional \$67,443.00 money has no strings attached and can be used on any municipal service. Motion made by Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous, so moved.
4. Ms. Gabree updated the Board to the pro-rated billing re: water/sewer. Ms. Gabree stated a mid May 2000 deadline has been established with Roger Trombly of Trombly Assoc. the software company for the water/sewer billings to assure changes have been made and of bills going out in June reflecting old rate and July starting new rate. Software re: interest on water & sewer bills Mr. Trombly is scheduled to be in Ayer on March 31, 2000 to upgrade the software. Selectman Sullivan stated the Board also talked on a policy working on a proposal for water/sewer liens and collecting on outstanding water & sewer bills.

Mr. Kreidler updated the Board to just being advised that the parties which met earlier this evening re: the Earth Removal Permit have come to an amicable resolution and have requested the Board reconsider their earlier motion. Selectman Sullivan moved the Board vote to reconsider their earlier vote, 2nd by Selectman Pena, Vote: unanimous, so moved. The Board met with Steve Mullany, Mr & Mrs. Colburn and representative of Agility and Consigli. Mr. Mullany advised the Board that following a short meeting in the hall a combination of a fence and plantings is preferred over a berm and plantings. A stockade fence eight feet (8') in height with Consigli presenting a cut sheet of the fence to the abutters so that they will be in agreement with what type of fence it will be with six foot evergreen trees, trees to be planted on Colburn side of property. Chairman Bresnahan called for a motion to re-open the Hearing. Selectman Sullivan moved the Board re-open the Hearing and approve the Earth Removal Permit for Consigli Construction for no more than 7,000 cubic yards of silty sand from 4 Copeland Dr.

Ayer. Material to be removed to a location out of town on the condition that the agreement that has been reached by the applicant and abutter re: fencing and plantings be complied with, 2nd by Selectman Pena, VOTE: Unanimous. Chairman Bresnahan closed the Public Hearing.

FIRE CHIEF, RE: Needs Assessment Site Selection.

The Board met with Chief Paul Fillebrown and Tony Diluzio, of KVAssociates the Project Manager. Mr. Diluzio updated the Board to their last meeting and request to do two (2) things.

1. A little more evaluation on the Park & Main Streets site and 2. Evaluate the required acreage on the Washington St. site based on utilizing the current offsite parking lot as some of the site parking required in the needs study. Washington St. site the parking lot would take away from the required two-acre site by +/- one acre. Building footprint 13,000-15,000 sq. ft. the building would take the adjacent parking lot recently constructed and two of the properties behind the existing fire station, that would give the footprint and area needed to meet needs assessment. Selectman Sullivan questioned if that meant the entire parking lot? Mr. DiLuzio responded pretty much front to back with 15 foot buffer off the building, for parking, all the way back to Pleasant St. and the upper hillside property line of the existing station back to Pleasant St.,— taking a square out of the middle of that block to develop the Fire Station, while still utilizing the parking lot across the street. Mr. DiLuzio stated the biggest bays, 4 bay station, would be built in the Page/Moore parking lot. Selectman Pena suggested the existing bays be used for the smaller vehicles, instead of doing them back to back. It was not the recommendation of the architect or building committee. Mr. DiLuzio stated if you renovate the building you will loose 20% of building.
2. Park & Main St. Site: walked site with Carell Group and David Ross- reviewed documents and existing maps. The site poses elevation changes and challenges that are unique to any site. We have not found anything there that could not be overcome through good engineering practices and working with the Conservation Commission-there are wetland delineated out there and the abutting property owner McNiff would be willing to talk about selling that property if we needed additional space. This site seems to have risen to the top of the sites looked at and had proved out so in the next round of studies. We can make a building work there as well as cleaning up a blighted area in the downtown area, as well as leaving the current station's operation in tact as we build a new one. Mr. DiLuzio stated this meeting will serve to get the Board's direction in preparing what documentation is required to further evaluate the Park & Main St. site to validate the funds required for approval at Town Meeting to get property acquisition underway, meet with legal counsel to see how we go about that and site development and schematic design drawings for perhaps a fall/spring meeting to know the dollar amount of the entire project. Select man Sullivan stated 21E issues is the one potential obstacle with that site. Would not want to buy unknown risk.

Selectman Sullivan stated his objection to the taking of land on Washington not going well with him and the 21E issues on Park & Main St. have to be resolved. Chairman Bresnahan suggested the Board meet at the Fire Station next Tuesday, April 4, 2000 at 6:30 to 7:30p.m. with the Building Committee and Fire Chief to examine why the Washington St. site has been eliminated and be able to explain it. Mr. Kreidler advising to April 11th deadline of ATM warrant and mailings to residents and need to know exact dollar amount for debt exclusion question. Mr. DiLuzio requested as the consultant what does the board want from him re: back-up justification for the \$500,000.00. Mr. DiLuzio to submit what the non-specific activities which would not be site specific.

BOARD OF SELECTMEN, RE: BETTERMENTS. Selectman Pena presented a draft proposal Re: sewer Betterment's for the Board's review and comment. Selectman Sullivan stated he had anticipated perhaps including sidewalks, water etc. and upon reviewing draft he didn't think it would be legal to discriminate against residents who have lived in Town a long time opposed to new resident re: waiving fees. Selectman Sullivan moved the Board direct Mr. Kreidler research Betterment's constraints the Board would have to follow and agenda matter

for further discussion at their next meeting as well as contacting other neighboring Town's re: their Betterment Policies and get a copy of their Betterment Policies for the Board's review, 2nd by Selectman Pena, VOTE: unanimous, so moved.

SUPT. GIROUARD'S REPORT:

Action Items:

1. 39 East Main St., Ayer, MA sewer connection continuation. Selectman Sullivan moved the Board take no action re: request by owner of 39 East Main St. until such time that property owner has paid \$213.59 towards her delinquent water/sewer bill, once that is done the Board would waive the \$600.00 connection fee, 2nd by Selectman Pena, VOTE: unanimous, so moved.
2. Water & Sewer Abatement request for 27 Jackson Street- \$785.92.
Selectman Sullivan moved the Board deny the abatement requested for 27 Jackson St., 2nd by Selectman Pena, VOTE; unanimous, so moved.
3. Sandy Pond Road Sidewalk. Selectman Sullivan moved the Board takes no action on the proposed sidewalk from the Town Beach to the Town Line Apartments on Westford Rd. 2nd by Selectman Pena, Vote: Selectman Sullivan aye, Selectman Pena aye, Chairman Bresnahan nay. Motion passes 2-1.
4. Dam Remediation Long Pond & Balch Pond Dams- The Board took no action on this matter pending additional information re: funding source and balance of UDAG Interest to be submitted by the Town Accountant. This matter to be scheduled for the next Selectmen's Meeting.

INFORMATIONAL ITEMS:

1. Crabtree: Selectman Sullivan moved the consultant for the Crabtree Booster Station speak with the Fire Chief regarding the proposed design of the Crabtree Height s Booster Station, prior to installation, 2nd by Selectman Pena, VOTE: unanimous, so moved. Supt. Girouard stated the Fire Chief has never brought this to his attention and it was voted almost a year ago. Supt. Girouard stated he would be more than happy to have Tata & Howard bring him up to speed.
2. Supt. Girouard updated the Board to the Brush Dump being opened up annually in spring for spring clean-up. The board approved of the brush dump being opened on Saturday & Sunday and staffed on both days to accommodate residents. The brush dump to be open on the following days: 4-8, 4-9, 4-15, 4-16, 4-22, 4-29 and 4-30-00 from 8-4pm.
3. Critical Path Issues: Wastewater. Supt. Girouard advised to one of the more important issues which needs to be completed in the next couple of weeks being the ENF Form. Supt. Girouard advised of not being prudent to do this at this time due to the ENF typically being submitted with the design and to not expend funds on this item until the Board has identified which option they are going to support. Tata & Howard supports this recommendation.
4. Selectman Sullivan requested what plans were in place to replace windows in tractor which pulls trailers in and out of building at the Transfer Station. Supt. Girouard advised to clutch needing to be replaced and of mechanic being out sick. Supt. Girouard requested meeting with Capital Planning Committee re: replacing tractor with smaller yard tractor.
5. Chairman Bresnahan advised Supt. Girouard to John Sullivan, Recycling supervisor having trouble getting information re: how process works to be more accountable.
6. Snow fence at new bridge at Flanigan/Sandy Pond being an embarrassment. Chairman Bresnahan recalled prior meeting with Planning Board Chairman Bill Oelfke who was going to take the lead re: this matter and has done nothing to date. Mr. Kreidler advised to speaking to Bill Oelfke re: this and acknowledged it was his task and he would be checking into it immediately and report back.
7. Supt. Girouard to check into status of acquiring prisoners for roadside clean-up and report back.

TOWN ADMINISTRATOR'S REPORT:

1. **Fy-01 Budget Update:** Mr. Kreidler stated the most important thing is that the Fy-01 Budget schedule be understood. Mr. Kreidler advised the Board to meeting next Tuesday night 4-4-00 on the Budget Public Hearing and a Selectmen's Meeting on 4-11-00 to set the warrant. This date being critical to get the warrants printed and mailed into the hands of Town residents. High notes on Budget Process being the Board of Selectmen and the School Committee took leadership role in what they will be presenting at the ATM. The override funds approved in 1998 are distributed to best balance the Fiscal picture for the Town at large. Mr. Kreidler announced a approved policy signed by both Boards which calls for a distribution of those funds signed by both boards and made available in the Selectmen's Office commending both Boards for their efforts. Chairman Bresnahan commending the School Committee for their co-operative efforts. Meetings with Departments & staff ongoing-proceeding on schedule. The Capital Planning Com. recommending the water projects contemplated for Fy- 01 is paid for from UDAG interest funds. Mr. Kreidler presented a DRAFT Policy 00-01 re: such a proposal. Mr. Kreidler requested the Board mark up and get back to him. Chairman Bresnahan requested this matter be placed on the next Selectmen's Meeting for further discussion. Selectman Sullivan requesting to see UDAG requirements prior to taking this up.
2. The Board was updated to the Sec. Of Environmental Affairs-Robert Durand conducting a State of the Environment on 4-5-00 at the Children's Museum in Boston
2. The Board reviewed a Disability Retirement Benefit under MGL Chapter 41 S100b. Submitted by the Police Chief re: a potential police officer. The Board to research if this statute was adopted and if not, of possibility including this local option on the ATM Warrant.
3. Selectman Sullivan requested existing document prepared by Diane Sullivan be brought forward for the next Selectmen's Meeting- The document outlined what could be utilized under UDAG but not parameters for expenditures.
4. Selectman Sullivan reviewed with the Board the Police Chief's prior meeting recommendation to hire a 2nd police officer not academy trained and to pay him while he is going to the academy. Selectman Sullivan suggested the Selectmen establish a policy to consider whether we want to be paying an officer while attending Police Academy whose tuition bill we are also paying. The Police Dept. has budgeted for this person in Fy01 Mr. Kreidler advised. If this budget passes Town Meeting the Chief would have to appear before the Board again with his recommendation for the Board's approval.

10:45p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b, Exemption #6 to adjourn from this Executive Session to re-enter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Pena, VOTE: unanimous, so moved.

10:45p.m. Open Session closed.

DATE: _____
Cornelius F. Sullivan, Clerk