

**Selectmen's Meeting
Monday, December 13, 1999
Ayer Town Hall, 2nd Floor Meeting Room, Main St., Ayer, MA**

7:00pm Open Session

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

Town Crier: Chairman Bresnahan called the meeting to order.

Chairman Bresnahan opened the meeting by requesting a moment of silence be conducted for the loss of the six- (6) firemen in Worcester. The Board expressed their heartfelt remorse and regret to the families of the brave firemen.

Chairman Bresnahan announced Representative Robert Hargraves is in the Building this evening for his Office Hours and welcomed Ayer residents to stop in to meet with the Representative re: questions or concerns they may have.

Chairman Bresnahan read the Winter Parking Ban in the Town of Ayer from 11-15-99 to 3-31-00 into the record.

Public Input: Chairman Bresnahan requested if there was anyone present wishing to meet with the Selectmen, no one stepped forward, with that the Chairman called for a motion to accept the Agenda. Selectman Pena moved the Board approve the Agenda of 12-13-99, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Agenda Items

#1. Park Dept.-Concession Stand discussion- Chairman Bresnahan reviewed with the Board their last meeting discussion with the Park Dept. Commissioners re: past funding approvals: 1. UDAG Funds approved \$30,000 and \$25,000 approved at the 1999 Town Meeting. The Park Dept came in again at the last meeting looking for an additional \$55,000.00 for a total of \$110,000.00. At that meeting the Board had asked the Park Dept. to meet with and work with the Capital Planning Com. Chairman Bresnahan stated this matter was before the Board this evening to address whether the Selectmen would agree to commit/support the Town's UDAG Funds request by the Park Dept. for the concession stand at the next Town Meeting. Selectman Pena stated his concerns being: 1. Would prefer this issue go to a Town Meeting vote and 2. The cost being excessive/to high priced for a concession stand. Selectman Pena reviewed with the Board the Town -wide survey mailed to residents 10-15-98 and of response from the citizens supporting bathrooms/handicapped & concession stand. Chairman Bresnahan read into the record his letter sent to the Park Dept. dated 12-10-99 re: a local contractor offering his suggestions re: upgrading the current park bathroom facilities into a modular building at a much lower cost to house a building/garage. Chairman Bresnahan stated he is not thoroughly convinced another \$55,000 dollars of UDAG funds/Town money is warranted. Selectman Sullivan reviewed with the Board the cost of construction projects escalating greatly stating we are in a building boom with a shortage of labor and labor materials. The Town does not have a functioning water fountain -potable water, at the Park and the concession stand fills the void. Selectman Sullivan stated try bringing 3 or 4 children to the Park and one of them has to go to the bathroom and you have to walk to the other side of the park or they get thirsty and the only place you can find hydration is on Main St., Ayer, several blocks away. We are talking about a concession stand with bathroom facilities here-- we are talking young children with essential services needed, for that reason he would be inclined to support the Park Dept in their efforts, they have gone through a very difficult process using public funds and having been through a similar process with the Town Hall, would support allocating additional UDAG funds for this project contingent the Park Dept take a harder look at the cost associated with this project perhaps even looking at a outreach/volunteer effort as well. Selectman Pena stated he spoke with a local business who could supply portable toilets to the Park for \$100.00/per month which included cleaning. Chairman Bresnahan stated the Board is not criticizing the Park Dept. but that he is not convinced the current building could not be enhanced at a dramatic decrease in cost. Chairman Bresnahan stated the purpose of this discussion was to alert the Town residents to where the Board is re: this matter. Selectman Pena moved the Board hear from the Capital Planning Com. before the Selectman make any decision on the concession stand. Chairman Bresnahan stepped down to 2nd this motion, VOTE: Chairman Bresnahan aye, Selectman Pena aye, Selectman Sullivan no, motion passes 2-1.

2. ***Camper's Inn –Class I license Violation*** The Board met with Gabe Vellante-Bldg. Commissioner/Zoning Officer re: violations of their Class I License, Mr. Vellante reviewed with the Board past violations of their twenty (20) vehicle restriction. Mr. Vellante elaborated on past performance re: violations/problems dating back to 94/95 at which time they were in the process of relocating to the Town of Shirley. Mr. Vellante stated his frustration referring to the enforcement to be a cat and mouse game with the owner. Mr. Vellante stated a Class I License is a privilege granted to a business and not a right and the businessman has an obligation to comply to any restriction or conditions attached to their license. Camper's Inn has repetitively failed to do this and perhaps the Board needs to consider revoking their license or issuing a license on a month to month or quarterly basis. Mr. Kreidler advised the Board to the Selectmen at their last meeting voting to approve the license under the yearly blanket renewals and advising the Board of the need to conduct a Public Hearing to rescind this vote. Chairman Bresnahan read into the record Mr. Vellante's letter dated 12-10-99. Chairman Bresnahan requested Mr. Vellante research a request by Mr. Richard Rakip owner of the adjacent business stating his recollection being when the license was issued the 20-vehicle restriction was for the entire lot not just the front area. Selectman Pena suggested attaching a violation fine daily per vehicle over the limit. Selectman Sullivan requested if they have ever been fined for violating their license. Mr. Vellante stated no, to which he agreed of the need for a Hearing to be conducted as well as attaching a fine per vehicle over the authorized 20 vehicle limit. Chairman Bresnahan agreed and requested Mr. Vellante have a meeting with the owner and advise him if he doesn't comply the Board is considering the revocation of his Class I License. Selectman Sullivan moved to authorize the Building Commissioner to start implementing the fines to the maximum extent legally possible on a daily basis, 2nd by Selectman Pena, VOTE: unanimous, so moved. Selectman Pena moved the Board start the process with Mr. Hirsch owner of Camper's Inn, regarding the Public Hearing to consider possible revocation of his Class I License to be scheduled late January/2000, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

3. ***The Board went off the posted Agenda to meet with Economic Dev. Director-Shaun Suhoski***
Due to the Meeting running early.

Informational Items:

1. Ice House Partners/Grady Research, Inc. –Proposed TIF Agreement. Mr. Suhoski gave the Board a brief background of the proposal. Presently a abandoned Unique site which ideally fits in with the program. Ice House Partners has requested a ten (10) year partnership with the Town & the State for the existing taxes on the value of the property which is around \$200,000.00 for 14 years/\$4,400.00per year. The estimated construction cost is \$2 million dollars (see summary) & \$500,000.00 for machinery & equipment for a 15,600 sq. ft. light mfg. Facility for Research & Development. A brief historical background dating back to the 1700's was given by the proponent stating through this proposal Ayer's history is being preserved as well as the creation of 15 new jobs over the next three years with an estimated 20 additional jobs within seven years. Selectman Sullivan stated in his opinion they are more than deserving of a ten year TIF for devoting the amount of financial resources to a site which would have remained abandoned. Selectman Sullivan moved the Board support a Ten Year Tax Increment Financing Agreement for Ice House Partners/Grady Research, Inc. at 323 West Main St., Ayer, MA and to support a Article at the next Town of Ayer Annual Town Meeting for this TIF Agreement 2nd by Selectman Pena, VOTE: unanimous, so moved.
2. **Owners Match Waiver Request-Duplex Property/Devenscrest-Case #98-187** emergency case-bathroom/foundation issues. Moderate Income Applicant 75% eligible. Owner/Occupied. \$13,000.00 project requiring a \$3,750.00 match by the owner. The owner stated he did not have money-request is to waive owner's match. Chairman Bresnahan suggested the Board meet owner half way and extend an additional amount of time for the owner to come up with the funds stating if the person owns the house it is incumbent upon him to come up with the funding. Selectman Pena requested if there was equity in the property. Selectman Sullivan requested to review the denial from the financial institution.

Selectman Sullivan moved the Board approve the Owners Match Waiver Request for Case # 98-187 as submitted by Mr. Sushoski demonstrating financial hardship, 2nd by Selectman Pena, VOTE: unanimous so moved. Chairman Bresnahan suggested the Board re-look at having the process modified to be able to recapture some of this money. The Board instructed Mr. Suhoski submit this information at the next Selectmen's Meeting.

3. **Nashua River Rail Trail Update**-The Board was advised to the Groton Board of Selectmen conducting a regional forum on this project to generate interest- to get the project moving at the State level. Selectman Sullivan moved the Board send letters to our State Reps/Senators requesting their support of this project coming to fruition and to encourage them to attend the forum sponsored by Groton 2nd by Selectman Pena, VOTE: unanimous, so moved.

4. **Public Hearing: NET & MA ELEC. Pole Petition-Norwood Ave., off Highland Ave., Ayer, MA**
The Board met with Town Administrator James Kreidler who addressed with the Board a question which had come up earlier-- if the Town could authorize poles be put up on a Public Way and there are some questions if Norwood Ave. is a Public Way or Private Way. Mr. Kreidler stated the petitioner is responsible for determining if the location is a public or private way. Mr. Kreidler advised to this area being before the Planning Board and determined to be a public way for frontage requirements. Selectman Pena moved the Board suspend the Hearing until a determination is made whether Norwood Avenue is a public or private way, 2nd by Selectman Sullivan. Selectman Sullivan moved the Board continue the Hearing until Jan. 3, 2000, 2nd by Selectman Pena, VOTE: unanimous, so moved. The Board requested since N.E. Tel. submitted the petition with error and did not research whether Norwood Ave. was a public or Private Way they should assume the responsibility for payment of the legal notices.

5. **Supt. Girouard's Report- see report dated 12-10-99**

1. **Sewer Abatement Requests-**

Manny Velez-31 Williams St., Ayer, MA-Approved to abate \$293.46 off sewer bill new balance \$61.76 due to outside water hose left unattended by hired help while he was on vacation. Motion to abate made by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

Scott Simmons-21 High Street, Ayer, MA-voted not to abate the sewer portion of the bill due to his vigorous watering of his lawn-should have had an additional water meter installed for outdoor watering. Mr. Simmons knowingly watered his lawn & should have inquired re: options available. Motion made to not abate made by Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous.

2. **Wastewater Utility Man-** The Board approved to hire an individual on a temporary basis to assume the responsibilities of the wastewater utility person. This position to be offered to Mike Maura of the Ayer Highway department from 1-1-00 to 5-1-00.
3. **Laurie Milano**-transfer station attendant increase of hours-Selectman Pena moved the Board increase Laurie Milano's hours to twenty (20) hours per week, to be included as a union employee and to be eligible to all associated union benefits, Chairman Bresnahan stepped down to 2nd this motion VOTE: Selectman Pena aye, Chairman Bresnahan aye, Selectman Sullivan no 2-1 Motion carries.
4. **Street Light Request:**
68 Westford Rd., Ayer, MA The Board requested Supt. Girouard obtain the cost for installation of the Street Light.
5. **Town Engineer's Position**-The Board reviewed the job description presented by Supt. Girouard to define the duties & responsibilities. Selectman Pena moved the Board approve the Job Description as presented 2nd by Selectman Sullivan. VOTE: unanimous, so moved. The Board requested the job description be moved along to the Personnel Board.
6. **Fuel Oil Bid**-The Board awarded the #2 Fuel Oil Bid to Ayer Oil Co. The only bid submitted with a price of \$0.19/per gallon over the Boston Tank Car Price. Selectman Sullivan moved the motion to award, 2nd by Selectman Pena, VOTE: unanimous, so moved.

Informational Items:

1. The Board requested Supt. Girouard research with the Planning Board the possibility of accepting the street: Madigan Lane, but not the sewer due to issues with the hospital's sewer rights. Chairman Bresnahan requesting if this is legal/allowable?

2. The Board requested Supt. Girouard do a cost breakout of Tata & Howard's Engineering Services billings as opposed to having a full time Engineer budgeted.
3. Selectman Sullivan requested if Tata & Howard had acquired the ground water modeling information from Devens which could be worth thousands of dollars.
4. Chairman Bresnahan requested Supt. Girouard prepare a schedule for the Board on the four (4) alternates for the Wastewater project: Ayer Stand Alone, Ayer with Groundwater Permits added, Devens Hybrid, & Devens Regionalization project schedule/April is our target, stating there are critical path items needed before we get to Town Meeting.
5. The Board approved a Sewer permit amendment for Lot 33 Bennetts Brook-44 Pingry Way. The Board approved at their last meeting a 3 Bedroom home which was sold as a four-bedroom home. Mr. Kreidler presented the Supt. A check for \$210.00 (\$100.00 for the permit and \$110.00 for the additional bedroom) which approved them for 440/gal per day as verses to 330/gal per day for the additional bedroom. Selectman Sullivan moved to approved the additional 110/gal per day for lot 33 Bennetts Brook 2nd by Selectman Pena, VOTE: unanimous, so moved.
6. The Board requested an analyses of the Town's dams per a report received from DEP. Tata & Howard suggested the Town put out a RFP.
7. Selectman Sullivan requested status of Grant application for SRA funding for the sewer treatment upgrade or if we had applied. Supt. Girouard to check to see if we missed the deadline. Selectman Sullivan moved the Board apply for SRA Funds for the Town of Ayer's Sewer Plant Treatment upgrade, and if we haven't missed the deadline that we apply immediately 2nd by Selectman Pena, VOTE: unanimous.

6. Chief Rizzo, re: Dog Officer Appointment

The Board met with Lt. Edward Denmark standing in for Chief Rizzo who is attending a class this evening in Cambridge. Lt. Denmark gave the Board a brief background on the status of the Dog Officer since Ted Januskiewicz resigned last year. The Board was advised to the Town of Shirley Dog Officer Arlene Trollope filing in for Ayer having resigned, her last day of work being November 30, 1999. The Chief conducted interviews for this position interviewing three candidates. Two of the candidates had no animal control experience. The third candidate Donald May is a fill in animal control officer in Groton/Littleton. Lt. Denmark stated it was the Chief's recommendation the Board appoint Donald May as Animal Control Officer. Selectman Pena Moved the appointment of Donald May as Animal Control Officer, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

The Board endorsed the Grant Application Agreement from the U.S. Dept. of Justice and U.S. Treasury Dept. the Agreement required a share of APD money received from drug forfeiture/assets purposes be used for law enforcement purposes. Selectman Pena moved the Board's approval for the Chairman's endorsement on the Agreement, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Lt. Denmark advised the Board to Sgt. William Murray's successful application -- submitting the Town's Community Policing Grant to the Dept. of Public Safety in the amount of \$60,000.00 for the upcoming fiscal year. Money is used for the motorcycle program, citizen police academy, Special events, i.e 4th of July, etc.

Lt. Denmark advised the Board to confirmation coming in re: the Ayer Police Dept. getting another \$27,000.00 from the Local Law Enforcement Block Grant Program from the Federal Government.

Selectman Sullivan took this opportunity to address continuing complaints re: fumes from the emergency generator at the Police Station which goes off once a week. These fumes pose a health threat to the residences. Lt. Denmark stated the Engineer investigating this problem stated the emissions fall far below any dangerous levels to operate machinery. A piping/venting system was requested by Selectman Sullivan be explored. Motion to explore the cost estimates for alternate remedies i.e. piping/venting system to eliminate this problem, 2nd by Selectman Pena. VOTE: unanimous, so moved.

Town Administrator's Report:

1. **Fy2001 Budget Process**-Mr. Kreidler reviewed with the Board the Budget Message which was distributed to all Town Departments, Boards, Committees & Commissions. This years message was revised to pay more particular/articulate attention to Capital Planning being this is the 1st year the Town will have the Capital Planning Com. on board. Mr. Kreidler updated the Board to this being another difficult year re: revenue projections and budgeting –free cash certification being estimated at \$250,000.00 as opposed to last years \$600,000.00. The Board reviewed operating budgets and formats for submission. The newly established Capital Planning requires all departments to submit a 5-year Capital Plan and back up documentation/cost justification stating this will be on a learning curve for all Town Departments as this is the 1st year of implementation. Mr. Kreidler drew the Boards attention to end of message advising Departments to be aware of deadline for submission of Capital items being jeopardized if not submitted on time. Budgets not in by the 14th risk not having the committee consider their requests.
2. **Telecommunication RFP Bid Opening**-Mr. Kreidler updated the Board to four (4) companies submitting RFP: Cellular One, NEXTEL, Omni Point and Bell Atlantic. The Committee made up of Gary Girouard, Shaun Suhoski and Mr. Kreidler who ranked the proposals by the criteria and came up with a average score for applicants and ranked them based upon the price/offer over a five year period. Results were Cellular One, Bell Atlantic, NEXTEL, and Omni Point. The Board acting as Water Commissioners have fourteen days to close final terms & conditions re: location on water tank as well as co-hosting others if interested in leasing space in pecking order. Selectman Sullivan stated he would be in favor of conducting a Public Hearing due to proponents speaking laud & clear about locating a cell tower so close to school complex. Mr. Kreidler advised the Board to environmental/health impacts being very helpful to the Board in your deliberations. Mr. Kreidler to research the impacts and present the Board information for the Selectmen's Meeting Packet of 12-29-99 for Selectmen's Meeting of 1-3-00.
3. **Internet Service Bids**: Mr. Kreidler updated the Board to BICNET being the lowest sponsored bid At \$2,200/year which included access accounts-unlimited interactive hours monthly, twenty E-mail accounts, two FPT accounts, two web postings, domain registration of our domain name, and configurations of twenty PC's with all appropriate passwords. The Board awarded the bid to BICNET As the Town of Ayer's internet provider for the bid award of \$2,200.00/year. Motion to award made by Selectman Pena 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
4. **Downtown Devens**-The Board reviewed MassDev products and services to be offered in the business services zone-preliminary and desired uses.
5. **Pleasant Street School Legal Opinion**-Mr. Kreidler updated the Board to Town Cousnel's opinion re: authority of the Historical Commission to lease Town owned property i.e Pleasant St. School requiring Town Meeting approval. Town Counsel advised the Board to no board or other body of officer of the Town has the authority to lease Town owned property unless authorized to do so by statute, or by vote of the Ayer Town Meeting. Town Counsel advised the Board in their opinion the Town may assert the unlawfulness of the lease.
6. **Old Police Station Space Review**
The Board reviewed with Mr. Kreidler the proposed use of the formed Police Dept. area in the Town Hall, cost associated to rehabilitate, offices requesting space and funding options.

9:20p.m. Selectman Sullivan moved the Board adjourn the meeting 2nd by Selectman Pena VOTE: unanimous, so moved. Meeting adjourned.

9:20p.m

DATE: _____

Cornelius F. Sullivan, Clerk
AYER BOARD OF SELECTMEN