

Selectmen's Meeting  
Monday, October 4, 1999  
2<sup>nd</sup> Floor Town Hall Meeting Room, Main Street, Ayer, MA

7:00P.M. Open Session

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

**Public Input:** Chairman Bresnahan requested if there was anyone present wishing to be heard, no one stepped forward. Chairman Bresnahan called for a motion to accept the Agenda. Selectman Sullivan moved the Board accept the Agenda of 10-4-99 as presented, 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.

**Town Crier:** Chairman Bresnahan made the following announcements.

1. Rep. Hargraves Office Hours being conducted this evening at the Ayer Town Hall from 7-8pm.
2. Hydrant flushing program to begin this evening Oct. 4, 1999 through the end of the month from 3-11pm stopping from 5-7pm each day and resuming to 11pm
3. Monday, Oct. 11, 1999 the Town Hall will be closed in observance of Columbus Day.
4. Fire Station Open House Saturday, Oct. 9, 1999 from 10-2pm
5. Nashua River Clean-up Saturday, Oct. 16, 1999 from 1-5 kicking off at Still River/Harvard
6. Planning Board Public Hearing Tuesday, Oct. 19, 1999 @7pm re: Zoning amendments also Thursday October 21, 1999, re: Wireless Communications & Cluster Zoning
7. Board of Health Public Hearing continuation re: Guilford Wednesday, Oct. 20<sup>th</sup> @7pm -ATH
8. Chamber of Commerce Halloween Party at the Ayer Town Hall Saturday, Oct. 30<sup>th</sup> from 9-1pm
9. Halloween Trick or Treating observed in Ayer on Sunday, Oct. 31, 1999 from 5-8pm

**AGENDA ITEMS:**

1. **Selectman Sullivan, re: Sandy Pond Sidewalk-** the Board met with Kevin Hardin and his son Dana, who reside at 82 Sandy Pond Rd. Ayer, MA. Mr. Hardin expressed his concern re: his son Dana, who has multiple handicaps mental/physical and impact of proposed new sidewalk on Sandy Pond Rd. in front of his house endangering his son's safety. The Board after a lengthy discussion regarding the need for such a sidewalk in that area, voted to delay the construction of a sidewalk on Sandy Pond Rd. from the School House Condominiums to the Town Beach until such time the DPW Solicits the residents along that proposed route to determine whether in fact they desire to have such a sidewalk constructed. The DPW Supt. to report back to the Selectmen regarding his findings within sixty (60) days 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.
2. **Economic Development Director's Report:** The Board met with Shawn Suhoski
  1. The Board moved to approve 1.1. & 1.2 of the Lead Paint Policy with education and architectural details added for the Town of Ayer's Housing Rehabilitation Program. Motion made by Selectman Pena, 2<sup>nd</sup> by Selectman Sullivan. VOTE: unanimous, so moved. The Board requested Mr. Suhoski to schedule a Public Hearing for the Selectmen's Meeting on the first of November at 6:30p.m. to address and receive comment on the thresholds of funding regarding the Town's Rehabilitation Program and lead paint abatement.
  2. The Board approved the revised Lien Subordination request for Housing Rehabilitation Case #93-130 and moved to rescind the prior Lien Subordination request made on 9-20-99. Motion made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.
  3. The Board approved a waiver of the Housing Rehabilitation Programs limit of assistance for Case #98-96 to implement the scope of work proposed in the base bid up to a maximum of \$24,250.00 or the lowest responsible bid received for such scope of work with the stipulation further information will be provided to the Selectmen both by the home owner as well as the Housing Rehabilitation Specialist concerning the basis for their respective opinions as to why/why not the heating system/boiler/water tank in that home should or should not be replaced and the Selectmen entertain at a future meeting whether or not to approve additional funds for that system. Motion made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.

4. Mr. Suhoski advised the Board to the quarterly report due into Boston by October 15, 1999, for the 3<sup>rd</sup> quarter of the Grant period. Mr. Suhoski presented the Board a narrative to where the program stands. Mr. Sushoski requested the Board allow the Chairman's execution on the document –standard administrative items, once it is generated to allow the grant to be submitted in a timely fashion with full reports to be provided to the Board at later date. Selectman Pena moved the Board allow the Chairman to endorse the quarterly report before the Selectmen's next meeting, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
  5. Mr. Suhoski announced the vacancy on the Industrial Development Finance Authority (IDFA) to review requests for business loan assistance and other programs requesting to advertise this vacancy and for interested applicants to contact him or the Board of Selectmen's Office if they are willing on serving on this Board. Currently serving are 4 members: Edward Kelley, Francis Callahan, James Bridges and Kevin Horgan. Chairman Bresnahan also requested this vacancy be run on Cable.
  6. Mr. Suhoski advised the Board to the Grant contracts having arrived from the Mass. Historical Commission requesting the Chairman's signature on three contracts for the exterior restoration of the Town Hall up to \$100,000.00 on a match basis to include the masonry, including the re-pointing, painting of the exterior of the building. Mr. Suhoski announced the next meeting of the Town Hall Restoration Committee on Wednesday, October 13, 1999 at 6:30pm at the Ayer Town Hall public invited, as well as the Selectmen. The architect will be present to discuss revisions to the scope of work for bidding practice to get the project in within our budget. Mr. Sushoski announced that \$100,000.00 over budget bids was received. Mr. Sushoski stated this discussion of the Committee will be presented at the Selectmen's meeting on October 18, 1999 for authorization to re-bid and discussion on those recommendations. Chairman Bresnahan requested why the monuments relocation and landscaping exclusion. Selectman Sullivan requested status of landscaping grant and advised to Ayer not receiving funding in this round.
  7. Mr. Suhoski advised the Board to the Notice to Proceed to Tata & Howard re: the West Main St. Project re: cost estimates. Mr. Suhoski stated they have digitized our base information from the Assessors Maps, conducted pavement & sidewalk measurements at the site, along with photos, obtained information from Mass. Highways and is in process of adding this information to the base map to be able to present something concrete at the next Selectmen's meeting.
  8. Mr. Suhoski advised the Board to two local businesses expressing interest to participate in the State's Economic Development Incentive Program. The businesses one an expansion of existing manufacturing business- Agility Inc. on Copeland Drive, which would provide for 30,000 additional sq. ft. and 30 new jobs looking for Tax Increment Financing (TIF) as well as Ice House property-environmental issues. Mr. Suhoski advising this would be coming before the Board in the near future. Chairman Bresnahan requested more information re: strategy and promoting this program/tax subsidy.
3. **Public Hearing: Ayer Gun & Sportsmen's Club re: Change of Manager Beer & Wine License**  
The Board met with President of the Ayer Gun & sportsmen's Club Donald Anderson, and Ronald Mullen, proposed new manager of the Ayer Gun & Sportsmen's Club, Snakehill Rd., Ayer, MA . Chairman Bresnahan opened the Hearing by requesting the Legal Notice be read into the record. Selectman Sullivan read the legal notice into the record. Chairman Bresnahan requested if there was anyone present wishing to speak for or against the application. No one stepped forward. Chairman Bresnahan and Selectman Sullivan both stated they are members of the Gun & Sportsmen's Club and felt there would be no conflict of interest re: this request. Chairman Bresnahan called for a motion. Selectman Sullivan moved the Board approve the Change of Manager for the Ayer Gun & Sportsmen's Club from Charles Horton (who passed away earlier this year) to Ronald Mullen of Forest St., Ayer, MA, 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.
4. **Supt. Girouard's Report: see report dated: 10-1-99**  
**Action Items:**

1. The Board accepted Supt. Girouard's recommendation and appointed Richard Priest Jr. to full-time Water Meter Reader at the Department of Public Works Water Dept. contingent upon his successful completion of a physical examination, Motion made by Selectman Pena 2<sup>nd</sup> by Selectman Sullivan, Vote: unanimous, so moved.
  2. The Board awarded the contract for hydro seeding on Washington St. (sidewalk street area and Oakridge Dr.) for the bid award of \$3,475.68 (\$2,880.00 sidewalk area at high school and \$595.69 Oakridge Rd.area) to Prescott Landscaping of Shirley, MA. Motion made by Chairman Bresnahan who requested to go on record that he owns a house on Oakridge Dr and feels no conflict re: this matter. 2<sup>nd</sup> by Selectman Sullivan. Selectman Pena abstaining from discussion due to being a neighbor in area of concern. VOTE: Selectman Sullivan, aye, Chairman Bresnahan aye, 2-1 so moved. The Board requested Supt. Girouard speak with the resident re: watering this new seeding being that this is the 2<sup>nd</sup> time the Town has seeded this area and to monitor this watering by the residents.
  3. The Board approved of Sculley Road being re-paved/overlay due to new water main installation and now in need of substantial repair. The Board requested the Park Dept. request to have area in front of Town beach paved placed on hold. Selectman Sullivan moved the Board approve the paving of Sculley Rd. by P.J. Keating not to exceed \$20,000.00 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.
  4. The Board approved of Waste Stream Environmental Inc. as an alternate sludge disposal facility in the event the Town is unable to transport waste to Fitchburg.
  5. Supt. Girouard updated the Board to the Water Dept's SCADA system being re-established and awaiting completion of loading the system.
  6. Supt. Girouard announced that the Town of Ayer is 100% in compliance with all the requirements Set forth in Order NON ACOP-CE-98-5002.
  7. The Board was presented DEP Consumer Confidence Report for the Town of Ayer's Drinking Water and advised to report being published in a local paper.
  8. Supt. Girouard advised the Board to Mr. Kreidler and he will be meeting with Tata & Howard to Discuss the current D.O.B. contract between Devens & Earth Tech and will advise the Board to the outcome of this meeting on the 10-4-99 Selectmen's Meeting.
- 5. Town Administrator's Report:**
1. The Board reviewed with Mr. Kreidler his Goals & Objectives. Reviewed with the Board were:
  1. Employee Evaluation Procedure-to be evaluated annually 2. Employee pay for performance plan by establishing an incentive/reward system in place of longevity. 3. Employee of the month/year recognition award 4. Quarterly department head meetings, 5. Use of Town Counsel procedure 6. Review & revise all policies under the jurisdiction of the Board of Selectmen, 7. Codify the Town's General & Regulations By-laws into one (1) document. The Board congratulated Mr. Kreidler on his Goals & Objections.
  2. The Board set the part-time driver for the Council on Aging back pending further information.
  3. Mr. Kreidler updated the Board to his search and meetings with copier representatives.
  4. The Board was updated to October meeting dates. i.e. Jbos 10-6-99 @4:30pm, Jbos 10-13-99 @7pm, RAB-10-14-99 @7pm, Wastewater, 5 Year Review 10-6-99 @6:30pm, RWWT-10-7-99 @9:30am, 10-8-99 @10:00am, 10-14-99.
  5. Mr. Kreidler advised the Board to a copy of Guilford Ind. Appeal of the Planning Board's Site Plan Approval of Conditions advising the Board to their ability also of appealing this decision as Water Commissioners. Selectman Sullivan stated it was the Selectman's wish to work proactively with the Planning Board to reconsider the conditions -and with the Planning Board advising the Selectmen to their not want to reconsider, and now the Selectmen at the juncture to decide whether or not to let the Board of Health take the lead through Noisome Trades. Selectman Sullivan stating he as yet still does not have the drop dead date for the Selectmen to appeal. Selectman Sullivan stating his concern being that we don't put all our eggs in one basket. Selectman Sullivan stating this is a rather complex matter which would involve a couple of different strategies. One of which is the Town of Harvard appealing the Ayer Planning Board's decision advising that there should have been a Zoning Board of Appeals Special Permit issued for Guilford and thus remanding it back to the Planning Board. Mr. Kreidler

advised the Board to the drop dead date being sixty (60) days after filed with Town Clerk (8-26-99), advising the Selectmen to now being thirty (30) days into the sixty-(60) days. Selectman Sullivan requested if two (2) weeks is enough time for Town Counsel-Mr. Kreidler stated yes they felt they were up to speed to draft the appeal. Selectman Pena requested opinion of Town Counsel what the effects of an appeal would be. The board requested the following questions be posed to Town counsel: Why is it in the interest of the Town of Ayer for the Board of Selectmen as Water Commissioners to appeal the Guilford Decision rather than letting the Town of Harvard or Guilford carry the appeal? And what can be accomplished/lost by appealing the Planning Board's decision?

6. The Board requested the following amendments be made to the Telecommunications RFP: Change word to require in first line, strike the last sentence add the sentence we will expect you to give us incremental pricing on if and when this requirement comes into play. Selectman Sullivan stated this clause is for a limited term five (5) years, deals with a water town yet to be build, hasn't even been discussed in the planning stages this clause gives them some understanding on the odds if this clause will have an impact on them. Selectman Pena stated there really is no way to say this other than that there may be some time in the future the Town may have another location for the antennas. Selectman Sullivan moved to delete this clause and open this proposal to a public hearing to see what kind of comment we get from the people, 2<sup>nd</sup> by Selectman Pena. VOTE: unanimous, so moved.
7. The Board approved the request by Deaconess/Nashoba Hospital to place a free standing sign on the corner of Main & Columbia Sts.- corner of Town Hall, not to be mailed to a tree, sign to go up around November 22, 1999 and come down approximately around 12/6/99 after the sale, motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.
8. Chairman Bresnahan stated the Board has requests from a resident on Westford Rd. and Dick Rakip for Madigan Lane re: street lights. The Board requested the Police Chief, Supt. of Public Works & himself visit the areas prior to the next Selectmen's meeting and make a report re: on both of these issues. The Board requested Supt. Girouard advise the Board if Madigan Lane is a private or public road.
9. Mr. Kreidler advised the Board as a point of interest the Devens Fitness Center has offered a corporate membership to Town employees re: their gym. The Board requested Mr. Kreidler review this proposal as a benefit for Town of Ayer employees.
10. The Board requested the Town Clerk begin the application for a Non-Profit bulk mailing permit per the voter's listing to the U.S. Post Office. Selectman Pena moved the Board approve the Town Clerk pursuing the Non-Profit mail permit through the US Post Office for the Town of Ayer, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**NEW BUSINESS:**

Chairman Bresnahan requested Mr. Kreidler check with the Police Chief & Fire Chief re: the 1<sup>st</sup> Night's request for use of the Town Hall for New Year's Eve and submit back to the board their recommendations. Chairman Bresnahan requesting this issue be scheduled for the next Selectmen's Meeting.

Selectman Sullivan requested a proposed policy be developed by the Town Accountant and Supt. of DPW re: water bills remaining unpaid for a year before action is taken for the next Selectmen's Meeting.

Selectman Sullivan also requested the Board request Shawn Suhoski assist the Housing Authority seek grant funding for elevators for the 53 senior housing living apartments at the Pond St. site. Selectman Sullivan stated a lot of seniors cannot access these units because they do not have elevators.

10:25p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b Exemption #3 to adjourn from this Executive Session to enter into another Executive Session to adjourn from this Executive Session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.

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DATE: \_\_\_\_\_  
Cornelius F. Sullivan, Clerk  
AYER BOARD OF SELECTMEN