

Selectmen's Meeting
August 23, 1999
2nd floor Town Hall, Main Street, Ayer, MA

7:00p.m. The Board met with Chairman Bresnahan, Selectman Sullivan and Selectmen Pena.

Public Input: Chairman Bresnahan requested if there was anyone present wishing to be heard. No one requested to speak.

Chairman Bresnahan called for a motion to accept the Agenda as presented. Selectman Sullivan moved to approve the Agenda of 8-23-99, 2nd by Selectman Pena, VOTE: unanimous, so moved.

Town Crier announcements

Chairman Bresnahan made the following announcements:

1. Ayer Public Schools- 1st day of School is August 31, 1999.
2. Board of Health conducting a Public Hearing on 9-8-99 @ 7:30pm re: Noisome Trades at the Ayer Town Hall-2nd Floor Meeting Room
3. Town Counsel will be conducting a Procurement Workshop on 9-13-99 @7pm at the Ayer Town Hall for all Town Dept. Heads & employees.
4. Senator Pam Resor will be meeting with the Devens 5 Year Review Com at the Devens Com. Ctr. On 9-15 @7:30pm inviting all interested residents to attend re: Devens with questions/concerns
5. St. Mary's Lawn Party September 10th & 11th.
6. The Planning Board will be conducting a Cluster & Wireless Communications Workshop 9-23 @7pm

The Board approved a 1-Day Beer & Wine License for St. Mary's Church for the Annual Lawn Party September 10th & 11th, 1999. Motion to approve made by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous, so moved. Selectmen Sullivan & Bresnahan stated they are both members of St. Mary's Church and felt this was not a Conflict of Interest.

The Minutes of August 9, 1999 were amended as follows:

Page 2 -Item #4 Lead Paint Policy-insert discussed strike approved and add requested Mr. Suhoski to check into what the requirements were re: lead paint testing. Page 4- #5 correct spelling of name Toro to Turro. Page 5. #7 Add to also address the condition of right-of-ways & clean up of debris at the crossings through out Town. Page 6-#9 correct part-time position to full-time seasonal employee and strike set back - add were informed re: the full-time seasonal employees position. Selectman Sullivan moved to approve the minutes as amended, 2nd by Selectman Pena, VOTE: unanimous, so moved.

Agenda Items:

1. Water Dept. commendations.

Chairman Bresnahan announced the cancellation of this item from the Agenda due to a water break in Town and the Water Dept. personnel out repairing this break this evening and being unavailable to come in. The Board requested this item be rescheduled for the next Selectmen's Meeting.

2. Communications Committee-E-Mail Policy

The Board met with Kimberly Becker of the Communications Committee. Mr. Kreidler updated the Board to the E-Mail Policy being sent out to all Town Departments for their comments. Comments received by the 8-20-99 deadline came in from: Shaun Suhoski-Economic Dev. Dir., Thomas Hogan-Asst. Assessor, William Oelfke-Planning Board and from him. Ms. Becker stated upon reading the comments coming back all addressed four (4) points. The Board addressed the four points problematic to Department Heads with the following amendments:

1. Copyrighted material on net-common place to download from the net, but illegal. A cautionary statement to be incorporated regarding following the law.
2. Returning E-Mail: use 3 day response as a guideline, add subject to available staff
3. Privacy of E-Mail re: messages: Departments should avoid E-mail entirely re: confidential material. Town of Ayer/ E-Mail addresses to be made public. Personal use of E-Mail by employees- the Committee to research and develop verbiage.(look at other Towns)
4. Monitoring: If reasonable cause to expect abuse. Supervisors discretion.

3. **Economic Development Director's Report:**

The Board met with Shaun Suhoski re: follow up of the Lead Paint testing Policy requirements. Mr. Suhoski ran through the Federal & State guidelines and the Town's Community Development Block Grant Funding Agreement re: Lead Paint Testing Abatement Requirement when there is a child under the age of six (6) residing in a unit. Selectman Sullivan updated the Board to the cost associated with this testing costing up to \$15,000.00 to the homeowner for one unit leaving other deficiencies, i.e. plumbing, electric, heating systems, it doesn't make sense when there are other needs that need to be prioritized. Selectman Sullivan requested distinction be made between owner occupied units and pure rental units. Chairman Bresnahan questioning if this lead was not abated, would it discriminate against people with young children from applying to the program. Mr. Suhoski stated it could be perceived that way. Selectman Sullivan advised to homeowners with small children being more aware of lead paint and watchful opposed to a rental unit owner, again questioning the need for the policy, if it was necessary. Mr. Suhoski stated as a Program Manager for a Housing Program using Public Funds and the potential for a health-related concern, questioned the Town's liability. Use of public funds to clean up a building and not remove the lead paint is a Pandora's box, which you don't want to get into. Selectman Sullivan then questioned the criteria used to apply for assistance into the program urging that the homeowner be provided the real dollars it will cost them for the abatement program. Mr. Suhoski stated it is established practice to have the policy. Selectman Sullivan suggested the Board 'not adopt a formal policy that requires testing for lead paint, don't require it for everybody, if a applicant in the program approaches the Town then approve the allowable funding for this abatement. Let people know there is up to \$5,000.00 to assist them with abating lead paint. Selectman Sullivan requested if there is to be a policy to distinguish between owner occupied units and rental units. Require testing in rental units but not in owner occupied units. The Board discussed the following amendments: add rental after vacant in #2 and #1 add rental dwelling unit where a child under the age of six resides. Chairman Bresnahan requested the minutes reflect the Board had this discussion. Selectman Sullivan also requested the minutes reflect that there has been no agreement or direction given by the Board, and that there will be another proposal made to the Board. Mr. Suhoski to take the comments made tonight and come back again with a revised policy prior to the next Selectmen's meeting so the Board may have time to work on it.

2. **Goals & Objectives** Mr. Sushoski reviewed with the Board his Fy-2000 Goals & Workplan ***Community Development- (see report submitted 8-23-99)***

Initiatives & goals of the following were reviewed with the Board:

1. Improve appearance & function of Ayer's Gateways
2. Improve transportation & parking in Downtown area
3. Promote decent safe & sanitary housing opportunities
4. Provide active & passage recreational opportunities for community
5. Develop a youth center in central location
6. Represent Town's interest in other community development activities

Chairman Bresnahan thanked Mr. Suhoski for his update and requested the Board take this under consideration. Mr. Suhoski to present his draft Economic Development Goals & Objectives for the next Selectmen's Meeting.

3. ***Selectman Sullivan-Court House Parking Funding-***

Selectman Sullivan updated the Board to parking crunch at the Ayer District Court House being mitigated through the assistance of our State Reps and State Senators. Selectman Sullivan stated this assistance is in the form of funding appropriated by the Governor which will allow for the removal of the house in the middle of the parking lot on Prospect St. to provide for additional parking. Thank you's were extended to Judge Kilmartin, Lt. Cossette-Westford Police Dept., Library Trustees, Park Dept. Court House staff, Chiefs of Police from surrounding towns and Chief Rizzo for pushing this problem through the political process by removing this eyesore and securing the development/reconfiguration of a new parking lot for use by the Court House to accommodate jurors from all over Middlesex County. Congratulations were extended to everyone who helped pursue this funding the 2nd time around. Selectman Pena took this opportunity to praise Selectman Sullivan for backing this effort locally and largely being responsible for its successful passage.

5. Selectman Pena, re: Guilford site Plan Approval discussion

Selectman Pena requested the Board of Selectmen conduct research regarding an appeal of the Ayer Planning Board's conditions for their Site Plan Approval Decision on the Guilford project. Selectman Pena suggested Town Counsel be contacted regarding the legality of an appeal. Selectman Sullivan stated he has not seen the conditions. Chairman Bresnahan read into the record a letter dated 9/19/99 from Town Counsel to the Ayer Planning Board re: assistance to the Planning Board regarding Guilford's Automobile Transfer Facility (see attached letter) stating that Town Counsel did not have the information necessary to provide meaningful comments on the proposed conditions-having not been provided with background information, i.e. copy of the application, relevant studies or reports, correspondence, minutes meetings/public hearings, etc. Town Counsel addressed his learning curve is still ongoing by illustrating changes to conditions previously submitted. Selectman Pena requested the following comments be submitted re: the Planning Board's Site Plan Review & Approval subject to the 36 Conditions:

8. no remediation
9. not enough money
14. backed by bond
20. no remediation
22. berm for sound control
29. no remediation

William Oelfke, Chairman of the Ayer Planning Board commented that he felt the only one that can appeal would be the abutters and/or the applicant. The Board stated as Water Commissioners they are abutters. Mr. Oelfke reviewed with the Selectmen the Planning Board's process re: Guilford's Project from application to decision, Public Hearings conducted and Town Department's distribution. Selectman Pena stated its in the best interest of the Town to work together to protect the water supply. The Town is better served when there are two avenues working together to protect the Town's interest. Selectman Pena moved the Town Administrator pursue with Town Counsel the possibility of appealing the decision of the Planning Board due to it being in the Town's best interest to appeal this decision based upon the proximity to the towns water supply, Selectman Sullivan 2nd the decision for discussion. Selectman Sullivan reviewed with the Board reasons for appeal. Selectman Pena stated a reason would be that there was no opportunity to comment/address the conditions, and conditions not properly written. VOTE: unanimous, so moved.

6. Town Administrator's Report

Action Items:

1. The Board approved the Ayer Capital Planning Committee Policy. Motion made by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
2. The Board approved the 2nd draft of Chapter 12-Problem Resolution Procedure-Personnel Policy submitted by the Town Administrator. Motion made by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous so moved.
3. The Board was advised to Town Hall copier needing replacement.
4. The Board was advised to the Conservation restrictions at Devens and requested the Ayer Conservation Commission be advised and copied this information for the next JBoS Meeting discussion.
5. The Board took the Selectmen's FY-2000 Budget Options under advisement re: the \$6,199.00 deficit until the next Selectmen's Meeting. (see attached)

9:05pm Selectman Pena moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b re: Exemption #3 to adjourn from Executive Session to re-enter Open Session for the sole purpose of adjourning the meeting 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

9:05p.m. Meeting adjourned

Date

Cornelius F. Sullivan, Clerk