

**Selectmen's Meeting
Monday, August 9, 1999
2nd Floor Town Hall-Main Street, Ayer, MA**

6:00p.m. Open Session

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

Chairman Bresnahan opened the meeting requesting a moment of silence be held for George Mederios, who passed away Saturday, August 7, 1999, at Apple Valley Nursing Home. Mr. Mederios was a ten (10) year member on the Ayer Planning Board retiring in 1997.

Town Crier- Chairman Bresnahan made the following announcements:

1. Loaves & Fishes Program: will run a shuttle service every Friday beginning, September 3, 1999 from Ayer & Shirley Centers. The bus will leave from the parking lot across from the Ayer Fire Station at 9:30am, travel to Shirley-train station/Front St. 9:45a.m. Will remain at Loaves & fishes until all have been served returning passengers to their bus stops.
2. Cablevision testing new equipment this evening to address audio problems.
3. Planning Board conducting a Public Workshop on Thursday, September 23, 1999, at 7:00p.m. at The Ayer Town Hall-Meeting Room re: Cluster & Wireless Communication Districts By-laws.
4. RAB-Restoration Advisory Meeting Thursday, August 12, 1999 @7:00pm
5. Joint Boards of Selectmen's Meeting Wednesday, August 11, 1999 @7:00pm Devens Conf. Ctr.

Public Input: Chairman Bresnahan requested if there was anyone present wishing to meet with the Board. No one stepped forward.

Chairman Bresnahan called for a vote to approve the Agenda. Selectman Sullivan moved to approve the Agenda of 8-9-99 2nd by Selectman Pena, VOTE: unanimous, so moved.

AGENDA ITEMS:

#1. Fire Chief, re: Ambulance Service/Devens. Chief Fillebrown advised the Selectmen of the Ayer Fire Dept Ambulance responding more & more to Devens. Federal Bureau of Prisons requesting assistance on two occasions most recently, which can take the Town's ambulance out of the area approximately 2-3 hours on each call; and of Town of Ayer's Fire Station not equipped to handle calls from Devens. Chief Fillebrown told the Board of his notifying Devens that when the base closed that Ayer was not equipped to handle calls from Devens. Devens responded that they were self-sufficient. The Chief advised the Board to Devens requiring 24-hour assistance and presently having only 12 hours of coverage through Patriot Ambulance. After the 12 hours Devens is looking at neighboring towns morally obligated to provide coverage. The Chief stated he was told when 911 is activated Ayer is obligated to respond. The Chief is waiting on clarification from Boston on that. With the Devens expansion, i.e. Prison, Job Corp., Sylvia's Haven etc. Devens is revisiting the Mutual aid Agreement with neighboring Towns. The Chief stated he is seeking clarification from the Board of Selectmen through a strong letter to Devens advising Devens that Ayer does not have the resources to support Devens and cannot gamble with the safety of Town residents being at risk. Chairman Bresnahan called for a motion. Selectman Sullivan moved a letter be sent to Devens although sympathetic to the need, Ayer unfortunately does not have the resources/manpower to support Devens with ambulance service; having only one (1) ambulance in service and the health & safety of Town residents is paramount and reminding Devens that the Town does not have a Mutual Aid Agreement with Devens for ambulance support, 2nd by Selectman Pena, VOTE: unanimous, so moved.

The Chief reminded the Board of a Hazmat Drill being scheduled with the Ayer Fire Dept., the Ayer Police Dept. MBTA, Amtrack & Guilford for Sunday, September 12, 1999, from 7-11a.m. on crossing on Willow Rd. Ayer, MA. Willow Rd. will be closed off and traffic will be re-routed during the Mass. Casualty/Hazmat Training.

The Chief informed the Board about three people wishing to serve on the Ayer Fire Station needs assessment: Arthur Pedrazzi, Sean Murphy and William Adamson Sr. Chairman Bresnahan called for a motion to appointment the three people mentioned above. Selectman Sullivan moved the Board appoint William Adamson, Sean Murphy and Arthur Pedrazzi to the Fire Station Study Com., 2nd by Selectman Pena, VOTE: unanimous, so moved. The Board took this opportunity to request residents willing to serve on this study committee to contact the Ayer Fire Station at 772-8231 and the Selectmen's Office at 772-8220..

#2. Community/Economic Development Report: The Board met with Shaun Suhoski. Mr. Suhoski ran through his report with the Board starting with:

1. Action Items:

The Board executed a Certificate not to Encumber for Case #95-141-Program income in the amount of \$11,000.00 representing Community Development Block Grant Funds recaptured as a result of sale of property at 23 Atherton St., Ayer, MA. Motion to approve made by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

2. The Board approved the Ayer Housing Rehabilitation Program Subordination Policy as submitted by Mr. Suhoski with one amendment to Required Information: specifically the requirement from the homeowner's financial institution regarding submission of documentation: insert: *if available* to the rundown summary. Selectman Sullivan moved the motion 2nd by Selectman Pena, VOTE: unanimous, so moved.

3 The Board approved the Chairman's authorization on the authorized drawdown signature form authorizing the following people to request payment of Community Development Block Grant Funds: Lisa Gabree, Town Accountant, Shaun A. Suhoski, Program Manager, and John Horgan, Treasure-motion made by Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous, so moved.

4. The Board discussed the Housing Rehabilitation's Program-Lead Paint Testing Policy:

1. Any residential dwelling where a child or children under the age of six (6) reside

2. Any vacant residential dwelling unit with two or more rooms. In accordance with MGL, and the goal of the Town of Ayer Housing Rehabilitation Program to test for lead paint in the abovementioned cases for any property assisted with program funds, lead paint detected under this policy shall be abated in accordance with State laws and regulations-the policy shall be in effect for the FY-98 and subsequent years programs unless revised or revoked by the Ayer Board of Selectmen. Selectman Sullivan requested if State law required the abatement of lead paint in any residential dwelling or is it required only in rental units owner occupied and not. Mr. Suhoski to research this again for Selectman Sullivan due to the high associated cost of lead paint removal to the home owner. The Board requested Mr. Suhoski to check into what the requirements were re: lead paint testing and to report back.

5. Mr. Suhoski informed the Board that the new part-time office assistant-Laura Leger of Fitchburg started her duties on July 26, 1999 at 20 hours a week. Mr. Suhoski thanked Martha Reilly for all her help training Ms. Leger while performing her other duties as Asst. Town Acct.

6. Mr. Suhoski also updated the Board re: the exterior Town Hall Restoration project advising the Board that the Massachusetts Historic Commission approved final design and bid documents. Deadline for sub-bids (masonry, painting) is August 18, 1999 and general contractors September 1, 1999. Work expected to take 14 weeks for completion. Mr. Suhoski advised the Board to the Veterans Memorial included in the base bid planned for later in the season i.e. movement of memorials, landscaping etc.

3. Selectmen's License Policies

Mr. Kreidler reviewed with the Board the need to review and possibly update the current license policies under the Board's direction: Alcohol, Common Victualler's, Amusement, Sunday Entertainment, Class I, Class II, Class III, Earth Removal, & Taxi. Mr. Kreidler advised the Board to all the license policies being put on disk and copies for the Board's review and edit back with their comments, if any.

The Board went off the posted Agenda at this time to meet with the Town Administrator. The Board agreed to revisit the Public Hearing posted for 8:00p.m. with Autumn Woods Restaurant at that time.

Phyllis Palvio requested to speak with the Board at this time. Ms. Palvio stated she had called the Selectmen's Office on Thursday, re: the meeting time for the Selectmen's Meeting and was advised the meeting would start at 7:00p.m. this evening. Also, she stated she was waiting for a call from Mr. Kreidler concerning another issue which was to be placed on the Selectmen's Agenda this evening, with the Bldg. Dept. regarding another road going in next to her property, and never received a call. Mr. Kreidler took this opportunity to advise the Board that as of this afternoon he had received a commitment from Pepsi/EPIC stating they were willing to fund the placement of a stockade fence as a neighborly gesture. Mr. Kreidler stated he was in the process of securing three (3) quotes for the purchase of this fence. Mr. Kreidler stated as far as the 2nd issue mentioned by Ms. Palvio he is aware of a matter re: the Bldg. Dept. but was not aware that this matter was to be placed on the Selectmen's Agenda this evening. Mr. Kreidler stated Ms. Palvio would be notified when the Bldg. Commissioner presents this matter to the Board.

Town Administrator's Report:

1. Appointments:

Mr. Kreidler spoke with the Board re: the Fy-2000 Town Appointments being on hold pending the vote by the Board of the Conservation Commission. Chairman Bresnahan called for a motion to appoint Robert Eldredge, Thomas Poole, Ronald DeFilippo, Donna Torres, James Drapeau and Thomas Woolpert. Selectman Pena moved to appoint: Robert Eldredge, Ronald DeFilippo, Thomas Poole, Donna Torres, James Drapeau & Thomas Woolpert; no 2nd to the motion, Chairman Bresnahan stepped down to 2nd the motion. VOTE: Chairman Bresnahan aye, Selectman Pena aye, Selectman Sullivan no, 2-1 motion passes. Selectman Sullivan requested the Board allow him to speak re: why he chose to vote no on the re-appointments. Selectman Sullivan stated voting no on the re-appointments- in no way was a reflection on the members, stating all have done a fine job speaking directly to Mr. Drapeau who was in the room and requested to join the discussion. Selectman Sullivan stated the Guilford project which proposes to build over our aquifer, is before the Town and presently has issues before the Conservation Commission and is a project which the Town has tried every which way to force a MEPA Review (Environmental Protection). This MEPA Review would allow a much more intensive review of the Guilford Project. His belief was if the Board of Selectmen would not appoint the Conservation Commission Members, by default the Guilford Project which still has Conservation Commission issues remaining would have to be addressed by the Department of Environmental Protection, state level, by default. That being the case the Department would have jurisdiction over the remaining Guilford project issues. Our Town then is in a position to petition the Secretary of that Dept.-Robert Durand, for what we refer to as "Fail Safe". The "Fail Safe" provisions would require Sec. Durand to conduct a MEPA review of the Guilford Project. With that said Selectman Sullivan stated he wanted to make it perfectly clear that in no way was this a reflection on the fine job & duty performed by members on this commission. Mr. Drapeau requested to respond. Mr. Drapeau presented copies of a section of the Commissions Handbook to the Board. Mr. Drapeau stated it was his understanding that in the act of not re-appointing the Commission members, you are desolving the Commission, the Conservation Commission Act does not allow you to do that, quoting stature MGL, Chapter 40. Mr. Drapeau stated re: the Guilford Project, they are abiding by everything, above & beyond- required by the Commission and the Commission is legally bound to approve. Selectman Pena stated it was his belief that the greatest issues of concern to us are going to be dealt with by the Board of Health-Conservation Commission is limited to Wetlands. Mr. Kreidler elaborated upon Selectman Sullivan's vote stating if a Order of Conditions goes beyond the 21 day decision period for whatever reasons by the Conservation Commission, i.e lack of quorum, members, etc. the only avenue the proponent has is to petition it for Administrative Relief at DEP, once DEP is petitioned the States jurisdiction would require a MEPA review. Mr. Drapeau requested a letter be submitted to the Conservation Commission re: Selectman Sullivan's proposal for their meeting and consideration tomorrow evening.

Jane Witherow of the Ayer Board of Health joined the discussion at this time. Mrs. Witherow commented on the non re-appointment of the Conservation Commission members stating they are good people limited with what they can do-and to not hold that against them. Not re-appointing a volunteer Board because you want to make a statement will cost the Town the people volunteering on other town boards. The Board of Health has a lot of power with the support of Selectmen, Conservation, Planning Board- we'll go after the project to make sure the project is done right. Ms Witherow stated the BoH has legal avenues, ENF, noisome trade, it will protect our water if it doesn't stop it. We can pull "Fail Safe" if we have to. Ms. Witherow stated she has been in contact with Sec. Durand and has a meeting on Wednesday the 11th with the Massachusetts Assoc. of Boards of Health to review site assignments and on the 13th to review Noisome Trade regulations. Mr. Drapeau requested why the Annual Appointments for the Commission were not staggered-stating they should be followed under MGL instead of them all coming up at one time. The Board requested Mr. Drapeau bring this up at the next Conservation Commission and have the Commission stager the three year appointments. The Board moved to have Mr. Kreidler develop the letter for the Board detailing the steps to a MEPA Review as discussed by Selectman Sullivan.

The Board appointed Shaun Suhoski to the position of Economic Development Director at Grade 10 Step 4 at a salary of \$43,697.00 to be funded from CDBG at \$38,500.00 and UDAG: \$5,197.00. Selectman Pena moved the motion 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

The Board appointed Karen Dynice Swanfeldt to the Ayer Housing Authority per the recommendation of Kenneth Martin, Director. Chairman Bresnahan noted Mrs. Swanfeldt replaces her father-who served on the Housing Authority for 19 years who recently passed away. Motion made by Selectman Pena, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

The Board appointed Douglas Becker to the Cable Commission for a one year appointment. Selectman Pena moved the motion 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

2. The Board approved a Reserve Fund Transfer in the amount of \$300.00 for the Ayer Conservation Commission approved by the Advisory Board, motion made by Selectman Pena, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

3. Mr. Kreidler informed the Board about a meeting being held this Friday, 8-13-99 @ 7:00pm at the APD with the Ayer Masonic Association re: the Pleasant St. School. Selectman Pena moved the Board have Town Counsel investigate the lease between the Historical Commission and Ayer Masonic Assoc. re: the sub-lease of the building by the Masons to the Calvary Baptist Church, which may be a violation of the lease, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

4. The Board was informed about a Procurement Seminar being planed for all Town Departments/Agents re: Procurement process within the next month to review & update all departments to process.

7. Mr. Kreidler informed the Board about a situation before the Planning Board which involved the bond issue for Samatha Lane and resident-involving a hub (hub is not a boundary marker) moved during the construction of the development. Selectman Pena stating this is not Town issue-is a civil issue between the developer & resident. The resident-Mr. Turro stated he was told by the developer the marker would be put back in after construction of the road. Selectman Sullivan stated action was done on behalf of the Town and something was wrongfully done and it should be remedied. Chairman Bresnahan suggesting the Planning Board respond to this gentleman and if they need the Selectmen's assistance they could contact us at that time. Mr. Kreidler stated that this has been done and the Planning Board is requesting use of Town Counsel to see if this problem could be resolved through the bond. Chairman Bresnahan called for a motion to allow the Planning Board contact Town counsel re: resolving this issue through the bond, Motion made by Selectman Sullivan, no 2nd

BOSMIN8-9-99/PG.5

to the motion, Chairman Bresnahan stepped down to 2nd this motion VOTE: Selectman Sullivan aye, Chairman Bresnahan aye, Selectman Pena no- 2-1 motion passes.

Town Administrator requested the Board take up Autumn Wood Restaurant Public Hearing at this time being that all the parties were present and that it was 8:00p.m.

#4. 8:00p.m. Public Hearing Autumn Wood Restaurant: Common Victualler's License.

The Board met with Charles & Barry White of Berlin, 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 were abutters present wishing to speak for or against the license. No one stepped forward. Mr. Kreidler advised the Board regarding the Food Handler's permit being finalized 8-10-99 the last item being the rinse cycle on the dishwasher holding the permit up. Chairman Bresnahan called for a motion. Selectman Pena moved the Board approve the Common Victualler's License contingent upon Food Handler's License being approved by Nashoba Board's of Health, 2nd Selectman Sullivan, VOTE: unanimous, so moved.

On another matter the Board endorsed the All Alcohol License approved by the ABCC on 7-21-99. The Board took this opportunity to welcome the new owners and wished them much success.

Town Administrator's Report (cont)

8. The Board was informed about Richard's Auto status and of Atty. for Mrs. Slarsky informing Town about a court order for tenant to remove remaining vehicles.
9. The Board authorized Mr. Kreidler to send a letter to Guilford re: blocking of crossings causing unnecessary delays to residents for long period of time. Chairman Bresnahan related his own personal history of recent events and condition of right of ways needing to be cleaned up abd of debris/garbage at these crossings needing to be cleaned up.
10. Mr. Kreidler said Pepperell's Cluster Zoning by-law put in packet inadvertently.
11. New Business: Mr. Kreidler advised the Board to latest development re: Chapter 90 Funding being passed by House & Senate for \$150 million-Gov. Cellucci wishes to cut budget to \$100 million. The Board authorized Mr. Kreidler to write a letter on behalf of the Board re: the Gov. Approve the Budget as passed by the House & Senate. (2) Mr. Kreidler announced the deadline for SHAVE Applications being 8-20-99 for \$500.00 Tax Refund for Seniors/Handicap residents program volunteering 100 hours of work.

#5. Supt. Girouard's Report: See report dated 8-6-99

ACTION ITEMS:

1. The Board approved of the Supt's request to scrap a 1983 Ford CV and a 1984 Ford LTD. Selectman Pena moved the motion to approve the disposal of the two vehicles 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
2. Supt. Girouard announced DEP issued a letter of recognition to the Ayer Water Dept. re: high quality of water receiving a score in the top 20% in the Public Water Systems Award Program. The Board requested a letter of commendation be issued to the Dept. congratulating the Dept for a job well done.
3. The Board approved the contract for instrumentation service for the wastewater treatment facility in the amount of \$7,344.00 to Fischer & Porter Inc. Motion made by Selectman Pena 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
4. The Board approved Nasoya Foods additional wastewater flow of 1,540g.p.d. from the existing industrial sewer bank capacity. Motion made by Selectman Pena, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
5. The Board reviewed the list of non-sewered areas in town and requested areas be broken out with construction cost by street and prioritized.
6. The Board approved Tata & Howards Engineering service Contract for the West Main St. upgrades in the amount of \$72,000.00 broken out into 8 payment sections (page 4) and recommended funding to be from Chapter 90- 50% and UDAG interest 50%. The Board

authorized the Preliminary Design Phase/Services for \$8,000.00 motion made by Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous, so moved.

7. The Board approved Weston & Sampson Engineering Contract in the amount of \$29,000.00 for the post closure requirements at the Sludge Landfill contingent upon Town Counsel's approval. Motion made by Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous, so moved. Funding approved at the 1999 ATM.
8. The Board approved Tata & Howard's General Engineering Services Addendum Motion made by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
9. The Board was informed re: status of the full-time Seasonal employee position and requested more information re: duration of employment, job description, pay scale.
10. Chairman Bresnahan requested a list of DPW foreman's with their respective job titles, telephone numbers & pagers re: standby list for emergencies to include weekend & weekday standby when Supt. Girouard is unavailable.
11. Chairman Bresnahan stated his disappointment with Tata & Howard not submitting their report re: the regional wastewater status for Monday's meeting scheduled for 8-16-99. Supt. Girouard advised the Board of Tata & Howard calling last week and advising of being behind schedule.

2. Goals & Objectives DPW

The Board reviewed the DPW Goals & Objectives.

9:25p.m. Selectman Sullivan moved the Board adjourn the meeting, 2nd Selectman Pena, VOTE: unanimous, so moved.

DATE: _____

Cornelius F. Sullivan, Clerk
AYER BOARD OF SELECTMEN