

Selectmen's Meeting  
Tuesday, April 20, 1999

2<sup>nd</sup> Floor Town Hall Meeting Room, Main Street, Ayer, MA

**Open Session**

7:00p.m. The Board met with Chairman Hamel, Selectman Bresnahan and Selectman Sullivan. The Minutes of 3-22-99, 3-29-99, and 4-5-99 were read and accepted. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**Public Input:** Chairman Hamel requested if there was anyone present wishing to be heard.

The following people requested to meet with the Board:

1. Beverly Schultz, representing the Spectacle Pond Association concerning Guilford.
2. Frank Maxant, re: zoning changes.
3. Donald Messengil re: 1<sup>st</sup> Night.

**Town Crier:** Chairman Hamel made the following announcements:

1. Planning Board Public Hearing to be conducted on Tuesday, April 21, 1999 @7:00pm re: zoning articles for Annual Town Meeting.
2. Town Election April 26, 1999 from 7:00am to 8:00pm at the page School.
3. Council on Aging looking for new member. Residents should apply to Council on Aging Chairman Julia McKinney or call or stop by the Council site on Pond Street.
4. The Brush Dump will be open on five consecutive Saturdays to assist residents with spring clean up on the following dates: 4-17, 4-24, 5-1, 5-8, & 5-15 from 8:00am to 4:00pm.
5. The DPW will be sponsoring Earth Day festivities at the Transfer Station on Saturday, April 24, 1999 from 9:00am to 1:00p.m. advising residents to informational products being made available re: recycling along with light refreshments and give-aways to residents. The Conservation Commission will also be present distributing free seedlings (plants/trees) to residents.
6. Chairman Hamel took this opportunity to advise residents to the Town losing the Arbitration and the return to active duty of the individual.

Selectman Bresnahan and Selectman Sullivan took this opportunity to present Chairman Hamel a token of their appreciation of flowers- being that this was her last meeting serving on the Board of Selectmen. Chairman Hamel thanked the Board for their support and stated she has done her best serving the Town over the past six- (6) years, again, expressing her thanks to all for support.

The Board met with Beverly Schultz, representing the Spectacle Pond Association. Ms. Schultz presented the Board a document prepared by the Association which consists of Littleton, Ayer, Harvard and Westford re: Guilford's proposal for Ayer. Areas of concerns addressed by Ms. Schultz were: reduced water supply, increased water contamination-specifically organic contaminants and inorganic contaminants etc., traffic congestion, air pollution, light, noise and safety re: Guilford's track record in matters of pollution, and most importantly to put the cost back on Guilford re: contaminants, safety, and cost associated by Towns if a major contaminant pollutes the water supply.

The Board met with Frank Maxant, Chairman of the Ayer Historical Commission who requested the Selectmen vote to support an amendment to exempt from zoning changes- Town owned property and existing structures. Mr. Maxant explained to the Board why the zoning changes proposed were very dangerous to the Pleasant Street School re: proposed zoning for future use of the building.

The Board met with Donald Messengil re: 1<sup>st</sup> Night. Mr. Messengil introduced Ms. Sojolander to the Selectmen stating Ms. Sojolander has been selected by the Committee to be the Executive Director for the Town of Ayer's 1st Night. Ms. Sojolander presented a written document to the Selectmen which detailed a monthly schedule of planning which was prepared by First Night-Celebration of the Arts in Boston and advised the Board to the function in Ayer being planned at the Town Park. Selectman Bresnahan advised

Ms. Sojolander to 1<sup>st</sup> Night being a private venture and not a sanctioned Town sponsored event. Selectman Hamel suggested she talk with the Park Dept. and get on their agenda stating the Park Dept. has jurisdiction for park activities. The Board wished them success with their planning.

## **Agenda Items**

### **1. Ayer Board of Health and North Central Mosquito Control Project**

The Board met with Jane Witherow Chairman and Lauri Rosas of the Ayer Board of Health. Representing the No. Central Mosquito Control Project was Tim Deschamps, Asst. Superintendent. Ms. Witherow opened the discussion by stating, there is not a lot of information regarding statistics re: encephalitis percentages relevant to spraying/not spraying from No Central Mosquito Control and turned the discussion over to Mr. Deschamps. Mr. Deschamps presented the Board a Public Health Fact Sheet re: Eastern Equine Encephalitis (EEE) prepared by the MA Dept. of Public Health which detailed the outbreaks in Massachusetts from 1938 through 1990. Mr. Deschamps went on to detail how traps are set up in Massachusetts which are then brought into the State Laboratory for testing-if EEE is found the Department of Public Health notifies local Boards of Health. Selectman Sullivan questioned whether spraying significantly reduces EEE? Mr. Deschamps stated he did not have that information but advised the Board to product- malathion being used to kill adult mosquitoes in the past, which is found in most garden bug sprays but due to public outcry resmethrin is now used. Eliminating the mosquito reduces the disease. Mr. Deschamps reviewed how the spraying program works-No Central conducts mosquito-landing counts to determine if spraying is warranted. Spraying is done only by request and if determined to be needed. Selectman Sullivan questioned the interval of protection 12 hours/24 hours and beyond the 24 hours after spraying. Mr. Deschamps stated adulticiding (spraying) is not long term; the product used is low residual/low volume which uses a small amount of insecticide to cover large areas. The actual amount of resmethrin sprayed over a one-acre plot is approximately equal to one fifth of a thimble. Residents not wishing to have their homes/property sprayed are to call the Town Clerk's Office and Clerk's office will notify No. Central Mosquito Control not to spray. Selectman Sullivan requested if local area communities spray for mosquitoes i.e. Shirley, Lancaster, Devens, Harvard, Groton, Littleton-Mr. Deschamps stated no they do not spray. Mr. Deschamps stated success with larviciding which documents breeding areas- by cleaning them out will eliminate breeding. Selectman Sullivan expressed option of still using No. Central Mosquito Control but not through use of chemicals. Ms. Rosas opposed this option stating other companies/homes in town use chemicals and purchased them over the counter to kill mosquitoes and could not see the reasoning behind this option. Selectman Bresnahan stated his concerns regarding percentage by spraying which reduces encephalitis cases, is spraying dangerous to humans, is the spray actually killing mosquitoes? The Board took this matter under advisement pending more information.

On another matter Selectman Bresnahan requested the Board of Health's assistance re: MEPA/NEPA process with regard to Guilford Industries. Selectman Bresnahan advised the Board to Cong. Meehan meeting with representative of PACE at his Town Meeting on Saturday April 10, 1999 and supporting this recommendation to get Guilford to comply with MEPA review. Ms. Witherow advised the Board to the Board of Health's understanding concerning Guilford Industries; advising if Guilford applies for a state permit it will trigger MEPA but if they don't apply MEPA will not be triggered. The Board of Health can overrule the Planning Board as she understood it by Town Counsel by placing restrictions on their Special Permit. Ms. Witherow advised if public health & welfare is at risk and based upon the Board of Health's understanding this business will generate significant noise and possible contamination of a protected water supply under Chapter GL c111, s143. Selectman Sullivan moved the Selectmen support the Board of Health through a letter requesting Guilford Industries go through MEPA/NEPA Study Review, 2<sup>nd</sup> by Selectman Bresnahan. Selectman Bresnahan also requested Cong. Meehan & former Sen. Durrand be sent a copy of this letter. Ms. Witherow also requested status of meeting with Town Counsel and Town Departments to explore all their legal options re: situations before the Town such as this. The Board requested Mr. Kreidler organize a meeting with all Departments and Town Counsel as soon as possible.

### **2. Emergency Management re: Y2K**

The Board met with Fire Chief Paul Fillebrown and Emergency Management Director-Wellman Parker. Mr. Parker stated he was before the Board this evening to update the Board to the Memorandum of Agreement with the Town of Ayer and the Northern Middlesex Regional Emergency Planning Committee;

which comprises of Ayer, Ashby, Dunstable, Groton, Harvard, Littleton, Devens, Pepperell, Shirley, Townsend and Westford. Mr. Parker stated the Town entered this Agreement on 11-1-95. The goal of this planning committee is to receive regional certification for its member towns for disaster planning pursuant to Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and as recent Y2K issues. The committee meets monthly in Ayer at the Police station where exercises are conducted. Fire Chief Fillebrown advised the Board should and if Y2K issues occur the Police Dept. Dispatchers will be inundated with calls for assistance and towards that end they have spearheaded extra people/dispatchers be made available on 12-31-99. Wellman Parker also advised the Board to reports being developed which would list departments with cellular phones and generators. Mr. Parker on another related matter requested the Board allow a change of name be approved for his department to Ayer Emergency Management Agency from Emergency Management. The Board approved this request. Motion to change the name made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

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

The Board met with Diane Sullivan re: Page-Moore Realty Trust Tax Increment Financing (TIF) Proposal- Present for the discussion: Zelda and Calvin Moore and Charles Miller. Diane Sullivan revisited the TIF proposal presented on April 5, 1999 to the Board of Selectmen. Diane Sullivan stated she has met with Selectman Sullivan, Thomas Hogan, Assessor's Clerk, and Jim Kreidler to work out the details of the TIF proposal with the Moore's, and has returned to the Board with a recommendation for consideration and potential support at Town Meeting. The Board reviewed with the Moore's the Certified Project Application. Selectman Sullivan requested to amend page 2. #4 suggesting preference be given to Ayer sub-contractors by inserting language to make a good faith effort to hire locally. After much discussion was heard regarding this amendment from the Moore's, Chuck Miller and the Selectmen; Selectman Bresnahan moved to accept Page Moore Realty Trust's Tax Increment Financing Proposal with an amendment to strike the language "in the region" on Page 2. based upon the high level of confidence/history the Moore's have of hiring locally, Selectman Hamel stepped down to second this motion, VOTE: Selectman Bresnahan aye, Selectman Hamel aye, Selectman Sullivan no, motion passes 2-1. Diane Sullivan presented the Board an exemption schedule reflecting three (3) additional proposals to the one being proposed for the Board's consideration this evening prepared by Mr. Hogan the Assessor's Assistant depicting \$457,900 as the base valuation and a schedule to pay any amount above and beyond this as a result of improvements to the property (example of \$1 million dollars was used) and how much of that increase the family would pay over a fifteen (15) year period and twenty (20) year period.as well as the Moores which was proposed for years 1-5 base value, years 5-10 he would pay 25% of new value, years 10-15 he would pay 50% of new value and years 15-20 he would pay 75% of new value. Selectman Sullivan moved the Board support Page-Moore Realty Trust's Tax Increment Financing Proposal presented this evening with amendment to #4.to be ratified at Town Meeting, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

Diane Sullivan took this opportunity to wish Selectman Hamel good luck with future endeavors and thanked her for her support for the past three years.

### **4. Community Development Block Grant Update**

The Board met with Shawn Suhoski, Program Manager regarding an update of the Housing Rehabilitation Program. Mr. Suhoski advised the Board to status of Housing Program including the rehab specialist position, client waiting list and outcome of the Public Hearing of 4-15-99. The Board also reviewed with Mr. Suhoski administrative issues concerning the designation of the Programs Certifying Officer and delegation of procurement duties. The Board after review with Mr. Kreidler and Mr. Suhoski re: the certification required through the Community Development Block Grant specifically related to initiating housing rehabilitation moved to accept Mr. Suhoski's recommendation to assign him the responsibility and duties of the Environmental Certifying Officer's position. Motion made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Bresnahan-VOTE: unanimous, motion passes. On another matter the Board moved and second after review with Mr. Kreidler and Mr. Suhoski the delegation of tasks re: efficient procurement of services and contractors under the Town's CDBG Program to allow for efficiency and eliminate repetitive paperwork due to Mr. Suhoski's experience with public procurement. Motion made by Selectman Bresnahan 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

Mr. Suhoski took this opportunity to advise the Board to his looking into the future use of the Ayer State Game Farm and presented the Board his information via a memo dated 4-20-99 outlining the potential for future use for "Open Space" or "a park" and procedures to the State for both should the Town elect to further its investigation. Mr. Suhoski stated pending receipt of the written plan from the state, the Town should, if any, consider exactly what its goal is for this 97-acre parcel. Mr. Suhoski stated based upon his experience property under Fisheries & Wildlife is routinely held for conservation purposes which may require a 2/3 vote from the State Legislature to change such a restriction. The Board thanked Mr. Suhoski for looking into this matter and requested he do as much research as possible due to the potential of this property.

**5. Supt. Girouard's Report: see report dated 4-16-99**

Present for the discussion was Richard Hassett, Town Engineer.

1 Regional Wastewater Update-Mr. Kreidler advised the Board to Supt. Girouard, Mr. Hassett-Town Engineer and himself spending a lot of time preparing for the presentation for Town Meeting stating the three (3) issues that are most important being: 1. Providing service to community-2. Cost effectiveness and 3.- Autonomy -power/control regarding administrative issues. Mr. Kreidler stated Tata & Howard has prepared a contract for Town Engineering services which would provide alternate plans for treatment and disposal of Ayer's wastewater utilizing the Town's existing wastewater treatment facility, the proposed Deven's WWTP, or a combination of both. Selectman Bresnahan moved to authorize the Town to contract with Tata & Howard for an amount not to exceed \$10,000.00 for the purpose of completing a study within sixty (60) days of sewer alternatives 2. To authorize Mr. Kreidler & Supt. Girouard to determine how to seek whether Ayer DBO (Design-build & Operate) is viable and steps involved. 3- Support concept of an update to the Townspeople at the Annual Town Meeting, and if it is agreeable to seek a postponement of Town Meeting to a time certain, that time being September 1999 to vote on the Wastewater treatment facility options. 4. Require monthly status reports from DPW on Wastewater status 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

Bennetts Brook Pumping Station: Supt. Girouard advised the Board to Town of Ayer taken on operation of the Pumping Station having accepted this responsibility by a prior Board. Supt. Girouard checking with Registry of Deeds to be sure it is properly recorded.

The Board approved of a water permit for 2 Jonathan Drive, Ayer, MA for 330/residential gallons. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

The Board approved of a Sewer permit for 23 Westford Rd. for a garage 110/gal commercial. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

The Board met with Robert Prescott regarding new construction for two (2) homes on Norwood Avenue. Mr. Prescott stated he contacted DEP re: sewer permits and was directed back to Town regarding issuance. Mr. Kreidler advised the Board to Town not required to issue sewer permits for extension on sewer line-the extension does not go in front of lots and further the Town does not have the capacity for extensions. Selectman Sullivan advised Mr. Prescott of setting a dangerous precedent. Mr. Prescott presented plans to the Board depicting the two pre-existing lots and how to access the lots-stating he is not extending the sewer line he would be connecting to a manhole through a forced main approximately two hundred feet (200') to where the road ends. Much discussion was heard regarding Mr. Prescott's proposal. Selectman Hamel expressed not having sufficient time to look at all the issues. Selectman Bresnahan requesting if the sewer line does not belong to the town does the Selectmen have the right to approve. Selectman Hamel expressing looking at consequences having denied a lot of people-and looking for an exception to the rule. Mr. Prescott stated the Town recognized the lots as buildable lots and are taxed as such and he has all the proper approvals except water & sewer. Selectman Sullivan stated the lots were determined buildable because they were signed on an old sub-division plan. Selectman Sullivan requested if Town maintains the road and has access to it. Supt. Girouard stated road is maintained as approved but not excepted. Selectman Bresnahan requested to verify that the road is maintained by Town of Ayer and does the Town take on any responsibility for taking over sewer line. Selectman Bresnahan also requesting who told Mr. Prescott what re: whether the lots were buildable. Selectman Sullivan re-emphasizing to be sure all Town

Officials are aware of limited sewer capacity and that permits may or may not be approved. Mr. Prescott stating if it is determined line is private all his work & investment was for naught. Mr. Kreidler stated one year ago the Selectmen did not have a Policy and a different point of view. Selectman Bresnahan suggesting to do more investigating-Selectman Sullivan stated the Board has done their best to follow policy but a few grey areas have come up. Selectman Bresnahan requesting if Mr. Prescott was told by agent of Town that sewer was available, and if so- who. The Board took this matter under advisement until their next meeting.

The Board took the Inflow & Infiltration Study under advisement until better weather conditions to allow for a more accurate report.

The Board awarded the contract to Powell Construction for screened loam for \$13.00/cubic yd. With the additional work to be performed by DJ Construction of Ayer for the Oakridge Dr. sewer extension project. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

The Board requested to schedule North East Correctional Institute in to meet with the Board after Town Meeting.

The Board endorsed the six (6) contracts with Electric Light Co. of Cape Neddick, ME for the Central Ave./Groton Harvard Rd. Flashing beacon Light approved at a prior meeting.

The Board moved to deny the water abatement request by the owner of 21 Groton St. Motion made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

The Board awarded the contract to Maher Drilling & Pump Services for the bid award of \$22,000.00 for the cleaning of Spectacle Pond Wells, motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous.

The Board award the contract to Power Products for the servicing of three generators located at the Water Treatment Plant for the bid award of \$825.00 motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

#### **6. Town Administrator's Report:**

1. The Board reviewed the Annual Town Meeting Warrant Articles with Mr. Kreidler.  
Article #3. The Board moved to approve a 2.5% pay increase for Elected Officials, Motion made by Selectman Sullivan, Chairman Hamel stepped down to 2<sup>nd</sup> motion, VOTE: Selectman Sullivan aye, Chairman Hamel aye, Selectman Bresnahan no. Motion carries 2-1.  
Articles #5 & #6: The Board requested numbers be placed in articles, can be amended.  
Article #8: Amend to read be elected to serve until spring 2000 Town Election.  
Articles #23 & #24: If both articles do not pass Election Debt Exclusion not support Plan B.  
Article #59: support contingent upon location of land not being in Aquifer Protection District and if Planning Board approved of article being placed on warrant.  
The Board approved of the all the warrant articles except Article 59 being contingent upon approval of Planning Board submitting in writing their approval of article being placed on warrant and the receipt of the Town's Aquifer Protection Map to verify location of property is not in aquifer zone II area.  
Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
2. The Board set back reviewing the amendments to the Selectmen's Policies until after Town Meeting  
In order for the new Selectmen to have a chance to review the document prior to approval.
3. The Board took the Reserve Fund Transfer Request for the Town Accountant under advisement pending Advisory Board approval and rescheduled for the next Selectmen's Meeting.
4. The Board approved of the use of water for the High School car Wash contingent upon the Fire Dept approval and opening of hydrant by the Water Dept.
5. The Board approved of the Animal Control Officer's Grade level being upgraded to level 3 per the Recommendation of the Personnel Board. Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Bresnahan.

6. The Board requested a letter be submitted to Rep. Hargraves requesting legislation be re-filed to support the land acquisition of the house on Prospect St. for Court House Parking and requested Mr.Kreidler to develop a Petition to be circulated by Chief of Police seeking support by other area Police Chiefs for this re-filing of new legislation.

11:00p.m. Selectman Bresnahan moved the Board adjourn from Open Session to enter into Executive Session pursuant to M.G.L. Chapter 39 Section 23b, Exemption #3 to adjourn from that Executive Session to enter into another Executive Session pursuant to MGL chapter 39, Section 23b, Exemption #3 to adjourn from that Executive Session to enter into Open Session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

11:00p.m. Open Session ended.

PD Bresnahan DATE: 5/18/1999  
Paul D. Bresnahan. Clerk