

Selectmen's Meeting
Monday, April 5, 1999
2nd floor Meeting Room Town Hall, Main St., Ayer, MA

7:00p.m. Open Session

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

2. Chairman Hamel announced the cancellation of the earlier portion of the meeting with Mr. Kreidler-regarding the Selectmen's Policies due to the meeting with the School Committee running late. The Board rescheduled to meet with Mr. Kreidler on Tuesday, April 6, 1999 at 6:00p.m. one hour prior to the Selectmen's Public Hearing scheduled for 7:00pm at the Ayer Town Hall.

Town Crier:

Chairman Hamel made the Following announcements: 1. Last date to register to vote in the Town Election is April 6, 1999-the Clerk's Office will be open to 8:00p.m. on the 6th to accommodate residents. 2. Special State Election is on Tuesday, April 13, 1999 at the Page School voting starts at 7:00am to 8:00pm 3. The Town's Election is Monday, April 26, 1999 at the Page School voting starts at 7:00am to 8:00p.m. 4. The Selectmen's Public Hearing regarding the Fy-2000 Budget is Tuesday, April 5, 1999 at 7:00p.m.. 5. The Planning Board's Public Hearing is Thursday, April 22, 1999 at 7:00p.m. Town Hall re: Zoning Amendments to inclusion on the Annual Town Meeting Warrant and 6. Chairman Hamel encouraged residents on behalf of the 4th of July Com. to contact the Town Hall re: volunteering their time to help with this years celebration.

3. **Mosquito Control** The Board met with Jane Witherow and Lauri Rosas of the Ayer Board of Health. Present for the discussion was Mr. Kenneth Courtemanche, Superintendent of the North Central Mosquito Control Project. The Board advised Mr. Courtemanche of purpose of meeting with him being issues raised at last Selectmen's Meeting concerning whether or not to continuing Mosquito Control in the Town. Selectman Sullivan opened the discussion by asking if it makes sense to spray whereas the Town is surrounded by ponds. Mr. Courtemanche advised the Board to mosquito not hatching in ponds-too deep water they breed in still standing water. Mr. Courtemanche presented the Board a Control and Technique Fact Sheet which presents specific information on the operation & techniques used to reduce the mosquito population through larviciding and adulticiding. Larviciding products used identified as Methoprene. Products identified to the Board used for adulticiding mosquitoes are: BTI & Scourge used on mounted sprayers during the evening hour operation and Methoprene used in wet areas i.e. catch basins, storm drains which are conducted during daytime operations. Ms. Rosas raised concerns re: encephalitis associated with mosquito bites. Selectman Sullivan requested the percentage of cases of encephalitis in Ayer and information regarding how the spraying reduces the incidents of encephalitis. Mr. Courtemanche to prepare this documentation for the next Selectmen's Meeting on April 20th. Selectman Hamel advised the Board to a case in Ayer a few years back where a student at Ayer High almost died from encephalitis stating one case is too many. Selectman Bresnahan stated two issues need to be addressed: extent of hazard to humans by spraying caused by use of chemicals and extent of control of mosquitoes by using this operation. The Board took this matter under advisement pending more information to be submitted by Mr. Courtemanche.

On another matter the Board granted the Board of Health permission to use Town Counsel services.

4. **Economic Development Director's Report:** The Board met with Diane Sullivan, Economic Development Director. Ms. Sullivan reviewed with the Board the Sub-Ordination Agreement for Merrimack Warehouse. Ms. Sullivan stated this sub-ordination request would be for an underground electric easement; and due to the Town having a position on the property with the bank the property owner must seek the Town's approval prior to making improvements. Selectman Sullivan's concerns being if the easement would impact the value of the property i.e. location. Ms. Sullivan advised the Board to the easement being located entirely on the property running along the backside of the building. Ms. Sullivan stated the improvement would increase the marketability of the property. Selectman Bresnahan moved the Board approve the Sub-Ordination Agreement for Merrimack Warehouse, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Ms. Sullivan advised the Board to the Town having \$6,000.00 remaining in UDAG funds due to the Town Hall Exterior Rehabilitation Project being scaled down from \$300,000 to \$200,000 stating the \$6,000.00 is the negotiated balance reduced down with the architect which represents approximately by 10% which would pay for the additional costs associated with the landscaping design. Ms. Sullivan stated the funds are in place and available. Selectman Sullivan requested Ms. Sullivan also look into additional recovery of funds with the architect having reduced landscaping cost of property between bank and Town Hall due to bank encompassing this area in their project. Selectman Bresnahan moved the Board rescind the earlier motion made at the last Selectmen's Meeting to fund \$4,000.00 from UDAG to do the landscaping design, 2nd by Selectman Sullivan, VOTE, unanimous, so moved. Ms. Sullivan advised the Board to J. Stewart Roberts stating he would be present at Town Meeting to present and promote the renovation project and the landscaping of Town Hall. Mr. Roberts will prepare bid specifications from the vote of Town Meeting. Chairman Hamel requested a handout be prepared for voters detailing the scope of work to be done.

The Board approved a Housing Rehabilitation Sub-Ordination Agreement for Case #81 motion made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

1. Ms. Sullivan introduced Shawn Suhoski, Grant Administrator to the Board. Ms. Sullivan advised the Board to this being his first day of work. Mr. Suhoski stated he had reviewed the Grant application stating it was a well-written and solid program. The Board was advised to a Public Hearing being conducted on Thursday, April 15, 1999 at 7:00p.m at the Town Hall to explain the program, update the waiting list and solicit new homeowners into the program. Mr. Suhoski and Ms. Sullivan announced to the Board the Hous. Rehab. Specialist appointed earlier has declined the position and of not having qualified applicants to fill the position. Ms. Sullivan requested the Board allow a RFP be written to solicit Consultants to expedite the process to fill this vacancy. Ms. Sullivan stated this request come to the Board for timeliness and to get someone aboard who would be familiar with this line of work. Selectman Bresnahan moved the Board approve the recommendation of Ms. Sullivan and issue a RFP, 2nd by Selectman Sullivan, VOTE: unanimous. The Board further approved of Ms. Sullivan and Mr. Kreidler to develop the RFP to hasten the process.

5. Public Hearing: Class II License-Todd Walantis for Hylan Group L.L.C.

Chairman Hamel opened the Hearing by requesting the legal notice be read into the record. Selectman Bresnahan read the Legal Notice into the record. Chairman Hamel requested if there were any abutters present wishing to speak for or against the application. No one stepped forward-Hearing none the Board opened the discussion. The Board met with Todd Walantis of Falmouth, MA. Present for the discussion was Atty. Robert Gardner. Mr. Gardner gave the Board a brief background Stating this license was for a Wholesale license which would transfer vehicles from dealers to the auction with no customers on site and no outward sign of the business. The business conducted through electronic/telephone device. He would have parking spaces for no more than seven (7) cars located on site along with small office. Selectman Bresnahan addressed concerns with safety hazards due to driveway located between two buildings and of truck traffic at the facility. Mr. Walantis advised that parking area being utilized was once parking lot for employees of J.P. Sullivan and not more than three vehicles being parked there at any one time. Selectman Sullivan addressed concerns with another business trying to locate in that area and of impact to Cold Spring Brook, Chairman Hamel stated those issues were from Harvard residents relating to fumes and spills from North American Van Lines looking to relocate there. Chairman Hamel stated there was no problem associated with Ayer Wells.

Chairman Hamel called for a motion. Selectman Bresnahan moved the Board approve the Class II License contingent upon the following conditions:

1. Limit of seven (7) vehicles on site.
2. Wholesale sales of automobiles only.
3. No repairs or maintenance on site.
4. No customers are physically allowed at this location any sales from this location would be limited to electronic communication such as fax or phone.

Selectman Sullivan 2nd the motion, VOTE: unanimous, so moved.

6. Public Hearing-All Alcohol License Transfer

The Board met with Nicholas Sifakis and Manuel Sifakis of Tony's of Ayer, Inc. Present for the discussion was John and Kathleen Hanlon of Maynard, MA proposed new owners of the restaurant. Chairman Hamel opened the Hearing by Requesting the Legal Notice be read into the record. Selectmen Bresnahan read the notice into the record. Chairman Hamel requested if there were abutters present wishing to be heard. Mr. Thomas Wells, Chairman of the Federated Church Council requested to be recognized. Mr. Wells presented to the Selectmen a copy of an Agreement with Bessie Sifakis/Ayer Spa on October 7, 1974 and the Federated Church agreeing that the liquor license would not be transferred without the written approval of the governing body of the Federated Church. Mr. Wells stated the Church as an abutter would request the new owners write a similar document. Mr. Wells went on to state Tony's has been good responsible neighbor-family run business. A brief discussion was held re: the legality of the document with the new owners and history of Mr. Hanlon's prior restaurant in Stow with his liquor license. Mr. Hanlon stated he would also be running a family owned and run business with a "Irish Pub atmosphere" and his former restaurant "Coffee, Tea & Melody" never had a violation of their liquor license. Selectman Sullivan moved the Board grant the Transfer of Tony's of Ayer's, Inc. All Alcohol License contingent upon Chief Rizzo's recommendation and the Federated Church submitting back in writing to the Board their decision no later than April 29, 1999, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

7. Supt. Girouard's Report: (see report dated 4-2-99)

1. Use of Prisoners-Town Projects. Mr. Kreidler opened the discussion by stating he had received a call last week from a resident on Groton Harvard Rd. who had concerns with the Town's policy re: Prisoners picking up trash along Groton Harvard Rd. Concerns ranged from no supervision, guards not present, dangerous policy. Supt. Girouard stated there are no registered sex offenders, robbery prisoners in this program. Prisoners are low-risk, non-serious offenders due to be released, i.e. DWI, etc. Prisoners have guards with them always-not easily recognized due to guards wearing same clothes as prisoners-policy of prison. Supt. Girouard to look into having guards wear reflective vests in the future.
2. Selectman Sullivan requested Supt. Girouard look into high water complaints he received at the pumping stations located at Wright Rd. and Oakridge Dr re: flooding
3. Supt. Girouard to get estimates re: granite curbing costs for sidewalks for main corridors of Town i.e. Park St., Washington St. Supt. Girouard advised Board to granite more costly than bituminous. Selectman Sullivan stating initially but long term more cost effective due to durability.
4. The Board approved a Sewer Connection for 1 Calvin St., Ayer, MA for existing residential 220/gpd Price of permit connections \$100.00 based upon permit being pulled prior to April 1, 1999. Motion moved Selectman Bresnahan 2nd by Selectman Sullivan, VOTE: unanimous., so moved.
5. The Board approved of the semi-annual water flushing of the town's water mains starting 4-12-99 from 3:00pm and 11:00pm Flushing will discontinue from 5:00pm-7:00p.m. during peak usage time by residents and start up again from 7:00pm to 11:00p.m. The flushing program to be placed on Cable TV & newspapers alerting the residents.
6. The Board appointed John Sullivan, of Horsepond Rd., Shirley, MA formerly of Ayer to the position of Transfer Station Foreman contingent upon his successful completion of a physical examination. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE unanimous so moved.
7. The Board endorsed the Notice of Award to Electric Light Company for the Central Ave Traffic Lights. Supt. Girouard advised the Board to the lights being operational by mid-June 1999.
8. The Board voted to endorse two Administrative Consent Orders:
 1. EPIC failure to comply with their current wastewater discharge permit
 2. Nasoya lab fees associated with testing their discharge waste while under violation. Motion to approve letters made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE unanimous, so moved.

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9. The Board approved of a deficit spending request requested by Supt. Girouard for sand & salt not to exceed \$20,000.00. Motion made by Selectmen Bresnahan, 2nd by Selectman Sullivan, VOTE unanimous so moved.
10. The Board took the water abatement request for 21 Groton St., under advisement pending documentation.
11. The Board requested Supt. Girouard place update on Cable re: Water Ban still being in effect.

8. Fy-2000 Capital Issues

Selectman Bresnahan requested the Board present the Fy-2000 Regular Debt requests by Departments at the Board of Selectmen's Public Hearing scheduled for tomorrow evening 4-6-99 at 7:00p.m. and let the residents participate in this discussion. The Board requested Department Heads be notified of the Hearing and be prepared to defend their requests.

9. Selectman Sullivan

1. Court House Selectman Sullivan advised the Board to meeting with Judges and & Chief's of Police of nine (9) communities who expressed their gratitude to the Town of Ayer Library and Park Dept. for assisting with the additional parking spaces at the Court House. Selectman Sullivan requested State Representatives be contacted re: status of funding of bill re-filed for the demolition of the house. Selectman Sullivan also suggested the town links a possible land acquisition (Pheasant Farm) with this property in exchange for eliminating the liens on the house. The Board requested Mr Kreidler check on the status of the bill. Draft petition for Chiefs of Police in 9 surrounding towns to support the funding and research possible acquisition of Pheasant Farm land and value of the liens against the House (Court House).

2. Parking Plan Selectman Sullivan presented to the Board a parking plan for consideration on This year's Annual town Meeting Warrant. Selectman Sullivan presented a plan which would create a corridor for parking from Park St. to the Post Office in downtown Ayer. Area's outlined were: behind Roux's Market, behind Town Hall-taking of the 3 house between municipal parking lot to Len Art, if and when a new Fire Station is built the current land it sits on could be used to create additional parking. Selectman Bresnahan requested a study be put together to seek approval for this parking proposal. Chairman Hamel stated the MBTA is currently working on a parking study and she personally opposes tearing down houses, businesses should develop their own parking needs. Chairman Hamel suggested waiting to see what the comprehensive plan dictates prior to undertaking another parking proposal. Diane Sullivan advised the Board to the town's current needs being met with the 38 spaces behind Pages Block being developed, 80 spaces to be realized from the Railtrail and 20 spaces in the municipal parking lot stating there are projects presently before the Town which addresses the next year and half and warned the Board not to move faster than the demand. Selectman Bresnahan moved to requested Diane Sullivan update the Parking and Traffic Flow Study focusing on parking, 2nd by Selectman Sullivan., VOTE unanimous, so moved.

10. Town Administrator's Report

1. The Board approved as a final draft the Capital Planning Policy prepared by Mr. Kreidler designating Option #3 amending total of citizens to five (5) and distribute to all Departments and Elected Offices.
2. The Board approved Town Meeting Dates as follows: 5-10-99 1st night, 5-11-99 2nd night, 5-17-99 3rd night and 5-18-99 4th night if need. The Board to discuss time of closure of meetings with the Town Moderator.
3. The Board was advised to the Animal Control Officer's position presently before the Personnel Board and of Mr. Januskiewicz willing to stay on until position is classified.
4. The Board granted Richard's Class II License an extension to 5-15-99 to clean up the property and voted to conduct a Public Hearing on 5-26-99 to revoke the License if this date is not complied with.
5. The Board was advised to the next Jbos Steering Committee Meeting on 4-7-99 @7:00p.m.
6. The board was advised to the next Jbos Meeting to be held at the Shirley Library @7:00pm on 4-14-99.

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7. The Board was advised to the Grand Opening of the Job Corp Center to be conducted on Patriots Day, April 19, 1999 at 2:15p.m. Congressional dignitaries to be present include Sargent Shriver and Senator Edward Kennedy. The Board requested letters be sent out to West Main St. businesses requesting their assistance with cleaning up their property for our congressional guests before this date. Areas addressed were the trailers parked on West Main St., Esquire Cleaners Building, and fence along Job Corp Site.
8. The Board to take up the DEC appointments at the next JBOS Meeting scheduled for 4-14-99.

NEW BUSINESS:

1. The Board approved the License To Enter And Use Real Property Agreement with North Middlesex Saving Bank and the Town for the Park between the Bank and Town Hall with the date of October 19th, 1999 to be inserted for the approval date.
2. Selectman Bresnahan stating the need to have the Sewer Study addressed prior to Town Meeting. Mr. Kreidler advised the Board to Tata & Howard preparing analyses re: Ayer lone vs. regionalization. Mr. Kreidler stated this information to be made available to Board at their next meeting on 4-20-99 for presentation at Town Meeting.
3. Selectman Sullivan suggested the Women's Club be contacted re: initiating a neighborhood competition for the best maintained lawn & gardens in Town. The Women's Club would be the judges. Selectman Sullivan also suggested the worst also be recognized, adding that later businesses could also be incorporated. Selectman Hamel stated such a program was initiated years ago with the "Golden Broom" contest in the downtown business district. The Board requested Diane Sullivan contact the Women's Club to request their support of such an endeavor.

12:00m Selectman Bresnahan moved the Board adjourn from open session to enter into Executive Session pursuant to MGL chapter 39 S23b Exemption #3 to adjourn from that Executive Session and enter into another Executive Session pursuant to MGL Chapter 39 S23b Exemption #3 to adjourn to enter back into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Sullivan, VOTE unanimous, so moved.

12:00m Open Session adjourned.

 DATE 5/18/1999
Paul D. Bresnahan, Clerk