

Selectmen's Meeting  
Monday, March 8, 1999  
2<sup>nd</sup> floor Town Hall, Main Street, Ayer, MA

7:00p.m. Open Session

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

The Minutes of February 22, 1999 were deferred to the next Selectmen's Meeting.

The Board approved the Bond Anticipation Note (BAN) in the amount of \$1,131,500.00 submitted by the Treasurer John Horgan. Selectman Bresnahan moved the motion, 2<sup>nd</sup> by Selectmen Sullivan, VOTE: unanimous, so moved.

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

1. March 24, 1999 the US Fish & Wildlife Services-Great Meadows National Wildlife Refuge Complex will be conducting a Public Meeting at 7:00p.m. at the Ayer Town Hall re: the development of a Comprehensive Conservation Plan for eight of the refuges in the Great Meadows Wildlife Refuge Complex. On the 24<sup>th</sup> the Open House will be at the Ayer Town Hall re: the expansion of the Oxbow NWR which is located in Ayer, Harvard & Shirley. Issues & Opportunities include: area will more than double with the transfer of 836 acres of land from the Dept. of the Army, desire for more public access, cooperative management with State & private landowners, visitor center located at Jackson gate & water quality & quantity. Chairman Hamel urged all interested Town of Ayer residents to attend and voice your comments.
2. March 16, 1999, Special State Primary Election to be conducted at the Page School from 7-8p.m..
3. Library announced the extension of the community fundraiser From Bricks to Books to 3-19-99.
4. Chairman Hamel congratulated the Ayer School Dept. on the wonderful Accreditation Dinner & Ceremony for the Page/Hilltop School held last night at the Westford Regency stating all three Selectmen attended and thanked the School for the invitation on behalf of the Board.

**Public Input:** Chairman Hamel requested if there was anyone present wishing to speak under Public Input; no one stepped forward.

Chairman Hamel called for a motion to accept the Agenda. Selectman Bresnahan moved the Board approve the Agenda of 3-8-99, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

Chairman Hamel read into the Minutes a newspaper article dated 3-7-99 from the Boston Globe presented by the Town Administrator re Agreement being reached that could pave the way for cleaning up pollution at Massachusetts Military Reservations. In addition to the clean up the DOD will be obligated to replace, repair or in some cases compensate the community for the natural resource themselves, this compensation stemming from Edwards Air Base's pollution to groundwater at Buzzard's Bay. Chairman Hamel stating the proposed Shepley Hill Landfill consolidation plan at Devens should also fall under this Agreement.

**Agenda Items**

1. **D.E.P.** The Board met with John Regan of the Department of Environmental Protection. Mr. Regan stated he was present this evening to introduce the Department's new Regional Planner for the Devens Outreach office to be located at Devens, Caroline Williams. Ms. Williams urged all Town of Ayer residents to call her re: questions/concerns at (508) 792-6753 re: the cleanup on Devens. Chairman Hamel stated the newspaper article in the Boston Globe would also be worth while to pursue. A copy of the newspaper article to be given to Ms. Williams. The Board thanked Mr. Regan & Ms. Williams for coming in.
2. **GROTON ETA LEGISLATION** The Board met with Ayer Housing Authority members Judith Pinard and Robert Moore re: the proposed Groton Legislation to expand Ayer's Economic Target area discussion. Chairman Hamel opened the discussion by stating members of the Ayer Housing Authority had approached her re: concerns with this expansion specifically not wanting to incur problems in the future competing/jeopardizing state funding for Elderly Housing and due to their concerns she had requested this matter be placed back on the Selectmen's Agenda. Mr. Moore stated this was the first time the Housing Authority had heard anything about Groton's request o have this Groton property included in the Devens/Ayer ETA zone for the assisted living complex..

Ms. Pinard expressed her concerns as being long range, looking down the road at future years and not wanting to compete for state funding/Grants, leaving her with an unsettled feeling. Selectman Sullivan stating with a growing aging population the assisted living facilities is few in number the only other one in this area is located in Leominster, MA. with an increased demand for this type of facility it would be beneficial/advantageous to Town of Ayer seniors to provide them with another source of housing located in West Groton rather than Leominster. Selectman Bresnahan suggested perhaps Ayer could request preference for Ayer seniors for beds/rooms & employment in the form of legislation that is being proposed. Mr. Moore stated the Ayer Housing Authority has submitted a RFP to Devens for housing and asked if this would be jeopardized. Mr. Kreidler stated Devens does not lend itself to assisted living housing- not appropriate for this type of facility, and would not be in competition with the Ayer Housing Authorities RFP proposal. Mr. Kreidler stated he could suggest language be developed into the legislation giving Ayer residents priority re: employment and preference to Ayer seniors to enter the facility. The Board acknowledged Chairman of the Groton Board of Selectmen, Peter Cunningham who was attending the Selectmen's Meeting this evening. Mr. Cunningham stated the way the legislation is written it would not be possible to set-aside a number of beds/spaces for Ayer residents due to the funding coming from the state's MHDA program. Mr. Cunningham stated Groton would not be opposed to language being placed into the Legislation giving Ayer residents priority re: employment and use of the facility. Mr. Cunningham stated time is of the essence to approve the Legislation. Selectman Bresnahan moved the Board reconfirm the town of Ayer's support subject to contractual wording being built into legislation giving preference to Town of Ayer residents to employment and to town of Ayer seniors to the facility subject to review by Town Counsel, Board of Selectmen and the Ayer Housing Authority, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous. The Board scheduled this review to be scheduled for the next Selectmen's Meeting on the 22<sup>nd</sup> of March.

### **3. Park Department**

The Board met with Park Director Marvin McMiller re: clarification of the \$30,000.00 UDAG Funds set aside for a Town Youth/Community Center. Mr. Kreidler opened the discussion by advising the Board to this matter coming back before the Board due to the Park Dept. requesting to access funds now and told that funds were earmarked but not approved until Town Meeting votes. Selectman Bresnahan read into the record the minutes of the Selectmen's Meeting of 2-22-99 clarifying the Board's intent re: this \$30,000.00 UDAG funding. The minutes stated based upon the project being approved by Town Meeting the UDAG funds would be made available. Selectman Bresnahan reiterated Town Meeting would determine where Additional funding source would be raised from if this project were approved. Selectman Sullivan stated his recollection was that the Park Dept. was initiating a fund raising campaign to get feed back from community re: potential of such a project to determine if it was feasible and based upon the success of this fund raising would justify basis to build or to withdraw project; adding this project comes before the Board too early for consideration on this years Annual Town Meeting Warrant. Selectman Bresnahan advised Mr. McMiller to 5 or 6 major projects before the Town presently for the next five years i.e. Town Hall renovation, Wastewater Treatment Plant/Regionalization, Fire Station, Pleasant St. School & now Park. Chairman Hamel suggested Mr. McMiller prepare a presentation for Town Meeting along with handouts showing the projects preliminary design work. Selectman Bresnahan also suggested perhaps letting the voters determine when funds could be spent.

### **4. Public Hearing: C.R. Pierce d/b/a Bookberry 25 Main St., Ayer, MA- Transfer of Capital Stock, Change of Manager and new Officers/Directors.**

The Board met with Atty. Charles Lessa, representing Philip Berry who advised the Board to Mr. Berry being unavailable and in Florida upon the birth of his new grand daughter Lucille. Atty. Lessa stated C.R. Pierce's application had come back from the ABCC due to an error with the company's FID # and of need for additional information to be submitted. Chairman Hamel called for a motion to approve the new application submitted by Atty. Lessa for C.R. Pierce on behalf of Philip Berry. Selectman Bresnahan moved the Board approve C.R. Pierce's d/b/a Bookberry's request for a Change in Manager, Change of officers/directors and transfer of stock, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**5. Fire Chief, re: Ambulance Rate & Town Hall Fire Alarm**

Chief Fillebrown opened the discussion by presenting the Board a revised schedule of the new Medicare Allowable Rates for 1999. The Chief stated the current Medicare rate is the guideline that the Fire Dept. uses to charge other insurance carriers and people without insurance. Additional services such as oxygen, mileage & defibrillation are also charged. Allowances are made for hardship cases-service is never denied. Ambulance calls is funded through the regular Fire Dept. line item budget. Fuel, maintenance and supplies are also taken from the Fire Dept. Line Item Budget. Salaries for full time firefighters-EMT's are not included in the Ambulance charges. Payments unable to collect are abated unless notified otherwise. Selectman Sullivan suggested the Chief increase the rate to recover private carriers rates for younger people, auto accidents, ect. which pays a better rate, take advantage of cash potential to defray subsidizing the ambulance services from the Fire Dept. Budget. The Chief stated it was easier re: billing to have just one rate-the maximum Medicare allowable rate. Selectman Sullivan stated the Town' billing company would have more work but so what. Toward that end Selectman Sullivan stated he would like to see the Ambulance Services establish an Enterprise Fund that would be self-sufficient re: runs, vehicles, supplies & services. Chairman Hamel called for a motion. Selectman Sullivan moved the Board accept the Fire Chief's recommendation and increase the Ambulance Rate to \$224.26 the Medicare Maximum Allowable rate, 2<sup>nd</sup> by Selectman Bresnahan. VOTE: unanimous, so moved. The Board requested the Chief research the option to increase private insured charges looking at increasing the ambulance charges again in a few months pending this research.

On another matter the Chief met with the Board re: the cost breakdown for the Town Hall Fire Alarm System. The Chief advised the Board to a substantial portion of the quoted fire alarm system can be taken down and reinstalled at the time of the Town Hall renovation. The Chief added most of the materials could also be reused. The only change to the breakout was the control box the Town will need a master box to hookup to the Town fire Alarm system. The Board awarded the contract to Advance Security Systems Inc for the bid award of \$10,005.00. The Chief stated work would begin Tuesday, March 9,1999 at the Town Hall to install the system.

**6. Economic Development Director's Report**

**(1)-- Pages Block**

The Board met with Diane Sullivan. Ms. Sullivan stated she was before the Board this evening to present a Certified Project Designation Application to the Board under the Town's Economic Target Area Designation. Ms. Sullivan requested the Board allow Charles Miller, former Selectman and Director of the Mass. Office of Business Development and Calvin Moore on behalf of the Moore Family Trust for Page Block, 31-47 Main St., Ayer,MA. to sit in on the discussion. Ms. Sullivan stated this proposal would be for Tax Increment Financing (TIF) which would allow the owners a reduced rate on the future assessment of the building as a result of the properties complete rehabilitation. Ms. Sullivan stated it is felt that the property value will greatly increase over the coming years. The owners would realize the additional increase in taxes over a stated period of time, paying the current taxes until then. Discussion with the Board focused on Nature & Purpose of the Project, Background, components of the Plan, benefits of the Plan, Public Health & Safety, Historical Preservation, Handicapped accessibility, Maximum utilization, Parking, Blight, job creation, Certification for abandoned buildings, work analysis-local employment, affirmative action, economic benefits of project certification, and special requirements for real estate projects and agreement between the business and area banks. Mr. Moore took this opportunity to publicly thank Ms. Sullivan and Mr. Miller for their assistance with this program stating this is a \$4 million dollar project and he needs every benefit available to make this project work. Mr. Miller advised the Board to this being the Town's 1<sup>st</sup> Tax Increment Financing project. To qualify for this program three (3) components are required: 1. Property tax relief, 2. Tax credit for capital investment (5%) and 3. A abandoned building tax deduction (10%) tax reduction on 70% of the building being vacant, the Board of Selectmen would approve & support this application at Town Meeting, Town Meeting approves and final approval by the State is granted. Mr. Miller stated what makes this application different from most is that the Moore family has made a significant investment in the project. Chairman Hamel requested if this program could be made available to others? Mr. Miller stated most definitely this application would lay out plan for others.

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Mr. Kreidler requested a twenty (20) year schedule to see what the Town of Ayer will be foregoing/projections. Ms. Sullivan requested at this time for a member of the Board of Selectmen, Mr. Kreidler, along with Mr. Miller and Ms. Sullivan to work with the Moore family to help them through this process. Selectman Sullivan requested to be the Board's Delegate to work with the Moore family and to keep the Board apprised of the development.

- (2) **Grant Administrator's Position-** Ms. Sullivan presented to the Board her recommendation for the Grant Administrator' job classification. Ms. Sullivan stated she met with the Personnel Board on 3/2/99, and the board

Approved the position at a Grade 9. Ms. Sullivan stated she met with the candidate-Shaun Suhoski and discussed the terms and conditions of the position. The Personnel Board offered steps 1-3 Of Grade 9. Ms. Sullivan offered the salary of Grade 9 Step 3-\$38,515.00. Mr. Suhoski was given credit for prior years of municipal services in this field from 11-14-94, solely for the purpose of vacation accrual and all other benefits as per the Personnel Policies and Procedures Manual. The Board requested James Carrington to clarify the Personnel Board's policy re; advancement to Step 4, not be permitted under the Policy after a six (6) month probationary period and the Board's opinion relative to vacation accrual not being recommended. Mr. Kreidler disagreed with Mr. Carrington re: vacation and referred the Board to Chapter 18. After a brief discussion Chairman Hamel called for a motion. Selectman Bresnahan moved the Board hire Mr. Suhoski at Grade 9 Step 3 with combination of vacation accrual from 11-14-94 and all other benefits allowed per the Personnel Policies and Procedures Manual, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

- (3) **IDFA** Ms. Sullivan updated the Board to the IDFA's \$100,000.00 Sign/Façade Program. Ms. Sullivan stated only three (3) Town businesses had applied for assistance under this Program 1 for window replacement and 2 for paving. Ms. Sullivan reviewed with the Board the possibility of adding an architect's services to the program to assist Town businesses to visualize the potential of their property with new ideas/renderings for store fronts/building. The architect could size up the scope of work needed to upgrade and help the owner's with specifics which would encourage higher retail benefit and enhance streetscape. The Board discussed different options i.e. zero payback/if architect's services are utilized must initiate work or payback/UDAG Funds-strict adherence to financing arrangement. The Board requested Ms. Sullivan to speak with area businesses to receive their input and develop a proposal with specific guidelines.

**7. Supt. Girouard's Report:**

1. Supt. Girouard introduced Richard Hassett the finalist for the Town Engineer's position to the Board. The board reviewed with Mr. Hassett his experience and qualifications for the position. Mr. Hassett Stated his resume-reflected experience in project management through design and build with Bechtel. Mr. Hassett has engineering licenses in Maine, Connecticut and Massachusetts working as well in other countries. Selectman Bresnahan moved the Board accept the recommendation of supt. Girouard and offer the position to Mr. Hassett subject to pay classification by Personnel Board.
2. The Board reviewed the DRAFT copy of the Groundwater Protection District By-law prepared by Tata & Howard and set Friday, March 12, 1999 @ 9:30a.m. to meet and review the documentation. Selectman Sullivan presented Supt. Girouard a copy of his mark-ups for Tata & Howard's response back for this meeting on the 12<sup>th</sup>.
3. The Board was advised to time frame regarding presentation of the WWTP for Town Meeting. Mr. Kreidler advised the Board to the Annual Town Meeting in May being to early for this decision. There is not enough information presently to place before the voters re: going it alone or regionalizing. Mr. Kreidler advised the Board to Public Hearing having to be conducted and the best option would be for a status report at the May Town Meeting and adjourn meeting to address this subject in detail later in the year (June or later). Mr. Kreidler to work with Supt. Girouard to develop timeline for this article and report back to the Board on the 22<sup>nd</sup>.
4. The Board heard requests for two (2) water abatements and took the following action:
  1. Rafinn Realty Trust-Supt. Girouard to re-construct new breakout re: past history and report back to the Board with profile. The Board took this under advisement pending this information.
  2. Richard Lynch-10 East Main St., Ayer, MA the Selectmen denied this abatement request.

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5. Supt. Girouard recommended to the Board that Daniel Scott be transferred to fill the vacant truck drivers position in the Highway Dept. Mr. Scott will remain at the Transfer Station until a suitable replacement is found to fill his position. The Board approved this request and congratulated Mr. Scott on doing an outstanding job at the Transfer Station.
6. The Board awarded the installation of the Traffic Light on Central Avenue to the Electric Light Company of Cape Neddick, ME for the bid award of \$14,800.00.
7. The Board approved of a sewer permit expansion request for the Bank building on Littleton Rd. which has a change of use to a restaurant. The owner is requesting to expand the current permit from 342 gpd to 6658gpd. Supt. Girouard stated under the Town's new Sewer Bank Policy the owner can request up to 10% of the allotted daily flow, in this case 1540gpd. The additional flows are a result of the type of business that will occupy the building, a restaurant. The Board approved this request under Part 1 Allocation. Selectman Bresnahan read into the record page 2 -1 allowing the Board to waive the limitation on maximum flows, provided that the request provides an overriding benefit to the community as a whole 1540 gallons to be taken from: Commercial/Industrial and remainder from future allocations motion made by Selectman Bresnahan, Chairman Hamel stepped down to 2<sup>nd</sup> this motion, VOTE: Selectman Bresnahan aye, Selectman Hamel aye, Selectman Sullivan no, 2-1 Motion carries.

**8. Town Administrator's Report**

1. Mr. Kreidler advised the Board to early projections re: Fy-2000 budgets coming in as well as raise and appropriate articles
2. The Board was advised to two resignations appearing on the Agenda. Mr. Kreidler stated the Council on Aging's Driver's resignation is on hold pending a meeting with the employee. The Board moved to accept the resignation of the Animal Control Officer pending review and discussion with the employee and the Town Administrator.
3. The Board appointed Frank Maxant to the Advisory Board per the recommendation of James Carrington, Chairman of the Advisory Board.
4. The Board was advised to the Town Administrator conducting two (2) orientation session with employees re: the new Personnel Policy & Procedures Manual and of the following chapters being worked on: Chapter 4.1.2., 6.1.1., 10.1.1., 10.1.2., 12.1.2., 13.2, 15.2.3, 17.2, 17.3, 17.4, 27, 27.1, 27.2 (see attached) and Selectman Hamel's two (2) recommendations 1.5, Section 4.2. (see attached)
5. The Board was advised to MassDev submitting a request to the Town on behalf of a business wishing to utilize the lower portion of Moore Airfield. Selectman Hamel requested abutters all be notified of this request including Harvard. Mr. Kreidler and Selectman Bresnahan advised that this is not possible since Devens was advising us of the new use, not asking our permission.
6. The Board was advised to the Planning Board wishing to re-print the Town's Zoning-Bylaws depicting the old by-laws and amendments to them. The Board discussed the pro's & con's of developing them in house along with use of school students at the High School and of local business also expressing interest. The Board approved not to exceed \$2,000.00 for the printing of the new Town of Ayer Zoning By-laws. Selectman Bresnahan moved to approve the request from the Planning Board not to exceed \$2,000.00 from UDAG for the proposed comparison booklet on the zoning amendments, provided that high school is given consideration as an alternative source for doing the booklet., 2<sup>nd</sup> by Selectman Sullivan, VOTE: Unanimous.

**NEW BUSINESS**

1. Mr. Kreidler advised the Board to the Selectmen's General Policies & Procedures and Board of Selectmen's Office Policies & Procedures being readied. Mr. Kreidler has met with Selectman Bresnahan & Hamel and will meet with Selectman Sullivan re: these policies to receive their input.

12:13p.m. Selectman Bresnahan moved the Board adjourn the meeting, 2<sup>nd</sup> by Selectman Sullivan, VOTE unanimous, so moved.

 DATE: 5/19/1999  
Paul D. Bresnahan, Clerk