

Selectmen's Meeting  
Monday, November 2, 1998  
2nd floor Town Hall, Main St., Ayer, MA

6:30p.m. Open Session

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

*Tax Classification Study Committee's Report to the Selectmen*

Chairman Hamel opened the meeting stating the purpose of opening at 6:30pm this evening was to allow the Board of Assessors to present the Fy-99 Tax Classification Committee's Report and to receive comments on the report. The Board met with Thomas Hogan, Assessor's Assistant, David Allen, Committee Member and Murray Clark, also a Member of the Committee. Mr. Clark met with the Board and stated the Committee was promulgated by the Selectmen following the Tax Classification Public Hearing of Fy-98. The Selectmen appointed six (6) people to this committee to review and make recommendations to all issues relating to property tax classification. The Committee met from April through August of 1998. Mr. Clark presented each of the Selectmen a report by the Committee to assist the Board with their Fy-99 Tax Classification options. Mr. Clark ran through each of the options: Open Space, Residential Exemption, Small Commercial Exemption and Residential factor. Mr. Clark reviewed with the Board the adoption back in 1985 to establish two rates primarily due to Ayer's large commercial, industrial and residential rate. Mr. Clark stated Ayer is unique among Mass. municipalities in that 55% of the Town's taxable valuation lies in CIP. Mr. Clark reviewed Ayer's history with respect to property tax classification. Mr. Clark concluded with the Committee's recommendation for the Board to apply the following strategies for the FY-99 Tax Classification Hearing.

1. Not to adopt unless supported by significant CIP development a residential classification that causes CIP to pay over 70% of the property tax levy.
2. That the residential factor be adopted annually that adjust the levy percentages based upon the changes in valuation.

The Board of Selectmen thanked Mr. Clark for the presentation. Mr. Clark in turn thanked Thomas Hogan for the preparation and dissemination of information presented this evening. Chairman Hamel called for a motion to accept the report as presented. Selectman Bresnahan moved the Board accept the Report of Tax Classification Study Committee as presented on November 2, 1998. Selectman Bresnahan requested Mr. Hogan keep the information current and consistent, 2nd by Selectman Sullivan, VOTE: unanimous so moved. Chairman Hamel advised the viewing public to the Public Hearing for the Fy-99 Tax Classification will be conducted on 11-9-98 at 6:30p.m. at the Town Hall.

7:00p.m. Open Session

The Minutes of 10-19-98 were read and amended.

**Public Input:** Chairman Hamel requested if there was anyone present wishing to be heard. Donald Benere-on behalf of Groveland St. Residents seeking to include Groveland St. to the Town's Sewer System.

Robert Pena-Communications Committee, re: Town sponsoring a "Volunteer Fair" for Boards/Committees/Commissions recruiting volunteers to serve on open Town Government Committees, Commissions & Boards.

**#1. Angus Bruce-Bennetts Brook Sub-Division**

The Board after a brief discussion voted to approve to plow Bennetts Brook with the following contingencies. Selectman Bresnahan moved the Town accept snow maintenance "plowing" of streets in Phase 1 & 2 of Bennetts Brook based on the following contingencies:

1. Mr. Bruce to finish paving of streets and sidewalks in Phase 1 & 2 - Bennetts Crossing to Pingrey Way to Robins Road back to Bennetts Crossing.

2. Phase 3 to be completed by Spring of 99 with all paving completed for acceptance at the Annual Town Meeting in May of 1999.
3. Any damage occurring to streets during this winter will be the responsibility of Mr. Bruce.
4. Mr. Bruce shall maintain a cleared area behind the guardrail for students waiting for buses.
5. Mr. Bruce at the direction of the School Committee shall attain the required insurance coverage required by the School Committee for school buses to enter Bennetts Brook.
6. State to install signage east and west of Bennetts Brook entrance.

The Board requested if any problem comes up with School Committee the Selectmen wish to be made aware of it.

The Board also advised Mr. Bruce to the Winter Parking Ban which goes into effect on November 15, 1998 to March 31, 1999 all motor vehicles in the subdivision must be off the streets midnight to 6:00a.m.

**#2. Town Accountant-Lisa Gabree**

1. Y2K Update: Ms. Gabree stated she has tested all the PC's in the system which access MUNIS, four (4) failed minor testing the only PC that failed Y2K & would require replacement is the Mass. Small Cities Program, which is used primarily for word processing and spreadsheets. The Computer Ctr. is in the process of determining whether an upgrade is necessary for MUNIS-a COBOL run program. The cost of an upgrade if needed would be approximately \$1,000.00. The School Department submitted a written response, but not a verification of vendors -which is to be submitted back to Lisa by 11-12-98. Also reporting back by 11-12 are the Assessors, DPW, Fire, Library and Police Departments re: status of Year 2K issues. Ms. Gabree reported that the Department of Revenue requires the Town to report steps taken to ensure Y2K compliance to be submitted along with the recap sheet. The timeliness of the two reports coincides with Y2K issues. Ms. Gabree stated she will report back to the Board at their next meeting on November 16, 1998. The Board thanked Ms. Gabree for her update.

On another matter the Board met with Ms. Gabree re: the Town's Audit Service Contract. Ms. Gabree stated the Firm of Guisti, Hingston and Company has performed the audit of the Town of Ayer for several years. Ms. Guisti has familiarity with the Town's auditing and computer systems reducing interruption of Town staff, and has a good working relationship with the Town and extensive experience auditing municipalities throughout Massachusetts. Ms. Gabree stated the audit, a single audit, is made in accordance with generally accepted auditing standards under the provisions of Government Auditing Standards and Audits of State & Local Governments. Ms. Gabree ran through supporting financial principals with the Board. Ms. Gabree recommended the Board award the three year contract to Guisti, Hingston and Company of Georgetown, MA for \$13,000.00 a year, Selectman Bresnahan moved the Board accept the recommendation of the town Accountant and award Guisti, Hingston and Company the Auditors Contract for \$13,000.00 a year for years 1998, 1999, and 2000, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

**#3. Ayer Park Dept.**

Mr. Kreidler advised the Board to the Park Commissioners being unable to attend tonights meeting due to a conflict in scheduling-they are meeting this evening outside of Town Hall. Mr. Kreidler advised the Board to the background re: the \$30,000.00 UDAG appropriation. The Board was advised to the UDAG appropriation of \$30,000.00 being voted by a previous board and of the purpose of that appropriation being for a building from Devens being moved & refurbished to a location at Pirone Park as reflected in Selectmen's Minutes in 1996--- and later in 1997 Selectmen requested \$17,000.00 at their meeting on 6/2/97 from the unused \$30,000.00 appropriation be utilized to fund the matching funding for the Police Department Grant "Cops & Kids" to receive a grant award of \$35,978.00. Selectman Bresnahan moved the Board vote to rescind that authorization and vote not to support the \$30,000.00 UDAG appropriation to be utilized by the Park Dept. Selectman Sullivan 2nd the motion for discussion purposes and requested the Board hold off on any vote until meeting with the Park Dept. Selectman Bresnahan rescinded his

motion and the Board requested the Park Dept. be contacted to meet with the Selectmen at their next meeting on 11-16-98.

**4. Public Hearing: Ayer Exxon Beer & Wine License-44 Park Street, Ayer, MA**

The Board met with Anu and Hitesh Bhagat owners of the Ayer Exxon Tiger Mart re: Change of Directors of the Corporation. Selectman Bresnahan read into the record the legal notice which ran in the Nashoba Publications the week of October 28, 1998. Ms. Bhagat advised the Board to her husband not being a U.S. Citizen which does not allow him to be on the Board of Directors of the Corporation, he can be an officer but not a director; and for the need this evening to submit a Change of Directors to the ABCC. Chairman Hamel requested if there was anyone present wishing to speak for or against the license application-no one stepped forward. Chairman Hamel called for a motion. Selectman Bresnahan moved the Board approve the change of directors naming Anu Bhagat as sole director of the corporation, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

**#5. Building Commisisoner:**

The Board met with Gabe Vellante, Building Commissioner/Zoning Officer re: Junk, Abandoned, Wrecked, Dismantled or Discarded vehicles-Article XXI and Unregistered vehicles-Article XXXVI. Mr. Vellante advised the Board to current By-law not having teeth to enforce the way it is written and of By-law being challengable. Mr. Vellante suggested after meeting with the Police Chief that the Police Department be charged with enforcement of the Unregistered vehicle problem staing the Police could take swifter action through non-criminal citations. Mr. Vellante suggested the Board amend the Unregistered By-law to the Town's Junk Vehicle By-law and add trailers and campers to this category for amendment at the Annual Town Meeting; and zoning complaints must be formalized to be enforceable. Selectman Bresnahan moved the Building Commissioner and Police Chief work together in a collaborative effort of co-operation to resolve this problem. Selectman Sullivan reviewed with the Building Commissioner previous meeting concerns with three specific areas of Town: West Main St., Columbia St. and Pond St. Mr. Vellante stated he will continue to enforce the by-law until new one is in place.

On another matter the Board requested Mr. Vellante to contact the Contractor who is removing the roof shingles and windows at Page's block to develop another alternative proposal to restricting parking in front of the Page's Block which would also incorporate safety controls.

**#6 Fire Chief: re: Feasibility Study**

The Board after meeting with the Fire Chief requested he solicate cost estimates regarding repairing the building or if building a new facility is warranted. The Board reviewed with the Chief the Warrant Article at the Fy-98 Annual Town Meeting funding \$2,500.00 for a consultant to conduct a cost comparison.

On another matter the Chief recommended that no use of the Town Hall for outside functions or Park Dept. functions be conducted until a Fire Alarm System is installed in the building and a evacuation plan is developed. The Fire Chief's recommendation was read into the record. Selectman Bresnahan moved the use of the building by the Park Dept. be withheld based upon the Fire Chief's recommendation until further investigation is done by the Fire Chief and Building Commisisoner, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

The Board along with the approval of the Advisory Board approved of emergency funding from UDAG funds of \$9,029.00, if this is a allowable use/or from the Reserve Fund if not allowed by UDAG for the cost of repairs to the Town's Jaws of Life Equipment housed at the Ayer Fire Department. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Chairman Hamel requested if the Chief had recieved the memo from Ron Englade-Representative Hargraves aid re: proximity of tanks and transformers to the commuter station. The Fire Chief stated he had and would respond to Rep. Hargraves Office re: commuter's concerns.

**#7. Police Chief**

The Board met with Chief Rizzo re: a request for a change order on the Police Station's landscaping. The Board requested the Chief get copies of Ross Assoc. representative William Murray's letters re: the landscaping recommendations of the Ayer Police Station and to investigate other options with local contractors for the replacement of shrubs and treatment of grubs. The Board also requested maintenance be reviewed with the Dept. of Public Works and local landscapers for the maintenance of the grounds.

On another issue the Board met with Chief Rizzo and Lt. Denmark regarding a Grant Update. Lt. Denmark advised the Board to the Selectmen in 1997 approving \$17,000.00 cash match from the Youth Center \$30,000.00 appropriation for a Cops & Kids Grant which fell through and of two other Police Dept. Grants which need local matches of approximately \$7,500.00. After a short discussion the Board moved to approved of \$7,467.00 to be funded through UDAG, if allowable as a appropriate use, or from the Reserve Fund if not- for the Town's cash match for two Police Dept. grants: 1996 Local Law Enforcement Block Grant \$3,469.00 and the 1997 Local Law enforcement Block Grant for \$3,998.00. Motion made by Selectman Sullivan 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

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

Action Items;

1. Winter Parking Ban announced for 11-15-98 to 3-31-99.
2. The Board approved of the North Middlesex Savings Bank Legacy fund for the Time Capsule contingent upon Town Counsel's review and recommendations should the Town of Ayer is no longer be in existence in 100 years-2098 and what to do with Trust if not in existence.
3. The Board accepted the resignation of Edith Jones from the Council on Aging with regrets and requested a letter of appreciation be sent to her.
4. Selectman Sullivan moved the Board approved of the Groton Board of Selectmen sponsoring the legislation for the expanding the Town of Ayer's Economic Target Area by limiting it to just the West Groton parcel it is interested in, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
5. The Board was advised to the Planning Board's distribution list for the Consultant's By-law re: Guilford Railroad being closed on November 6, 1998 and of eight companies being mailed requests for professional services which would call for cost estimate and a detailed scope of services. Selectman Sullivan requested status of Zone II Deliniation-Mr. Kreidler advised the Board to Tata & Howard preparing this deliniation which must pass the Board's approval as well as EPA/DEP. Selectman Sullivan stressed the critical need for this Zone II deliniation.

***New Business:***

1. The Board approved of the Treasurers request for short term borrowing in anticipation of revenue notes contingent upon the Treasurer submitting in writing his reasoning for this borrowing of \$1,500,000.00.
2. The Board requested a citizen at large be selected to serve on the SCADA Steering Committee for the Joint Board's of Selectmen along with Mr.Kreidler and Ms Sullivan, Mr. kreidler's alternate. The Board suggested Mr.Pena solicite volunteers through the Communications Committee or the proposed Volunteer Fair as well as announcing this position on Cable.
3. Mr. Kreidler announced Senator Durand announcement of the Recall Petition passing.
4. The Board decided not to take any action regarding responding to a former Ayer Police Officer's attorney re: him requesting his job back.
5. Mr. Kreidler advised the Board to State Engineer coming out on 11/3/98 to look at the E. Main St. Bridge-specifically scaffolding under bridge concern.

**#9. Supt. Girouard's Report: see report dated 10-30-98**

Action Items:

1. The Board award the bid for the traffic markings to: Traffic Markings of Franklin, Ma for the bid award of \$6,963.00.

2. The Board awarded the Salt Bid for the bid award of \$28.90/ton to Eastern Mineral, Lowell, MA
3. Supt. Girouard announced Chapter 90 funds can be utilized for the construction of school zone sidewalks on Washington St.-scheduled for the next construction season.
4. Supt. Girouard to verify the speed signage posted at 35/MPH on Washington St.
5. Supt. Girouard advised the Board to alternative being submitted re: Rogers St. & W. Main St. he will be prepared to report back at the next Selectmen's Meeting.
6. The Stop signage at Oakridge Dr. new development entrance/exit area were put up as well as "slow children" signs.
7. The Board was advised to SCADA system contracts not executed but awarded to amend the billing software.
8. Supt. Girouard reported on Crabtree Development's low water pressure, stating initial reports found pressure to meet state minimum requirements, but the fact of the matter is that water pressure does not meet standards. The Board reviewed the report submitted for former Town Engineer John Deline re: Crabtree Heights and Long Pond Estates. Supt. Girouard reported on alternate corrective measures both costly one requiring special hydrants and pumps for each home and more costly a pumping station which would require 8-10 months to put in place at a cost of \$250,000.00
9. The Board requested Mr. Kreidler & the Fire Chief put in place an emergency fire plan for home in the Crabtree Development should it be needed-perhaps encompassing the ponds in the vicinity.
10. The Board scheduled Monday the 16th of November at 5:00p.m. to meet at the Ayer Town Hall with the Regional Waterwater Study Committee.

11:15p.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 #