

Selectmen's Meeting  
Monday, June 8, 1998  
2nd floor Meeting Hall, Main St., Ayer, MA

7:00p.m. Open Session

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

The Minutes of May 26, 1998 were read and accepted.

**Public Input:**

The Board met with Larry & Debra Cole of Sculley Rd., Ayer, MA re: the island at the Top of Sculley Road and West Main St. Mrs. Cole stated the residents on Sculley Rd. were never notified that the island proposed for the top of Sculley Rd., was being removed by the State. Mrs. Cole stated her concerns with excessive speeding in the area and for the safety of small children in the area. The island would have made the trucks slow down upon entering the road reducing the speed. Selectman Bresnahan suggested the street itself be reviewed, as it is the only public access to this industrial area. Mr. Paul Kiley also stated his concern with the intersection as well as problems he has with curbing on West Main Street- in front of his driveway causing severe run off/flooding in his garage. The Board requested Supt. Girouard look into this problem. The Board took the matter of the island under advisement.

The Board announced the cancellation from the Agenda of Ruth Nemzoff, candidate for the Governor's Council due to no show.

The Board met with Laura Bridges re: Arts Picnic Grant funding. Ms. Bridges gave the Board a brief background on the program; stating the program is in its 3rd year of operation offering low-income/disabled students in grades 1-4 and 5-6 a summer program of arts and entertainment which is geared towards children who may not have the opportunity to vacation or enjoy summer programs. Loaves & Fishes along with the School Dept. will be working in conjunction with the Arts Picnic to include lunch. Mr. Kreidler advised the Board to funding approval/commitment made in 3/97 by the Selectmen from UDAG funding. Chairman Hamel called for a motion, Selectman Bresnahan moved the Board approve the \$2,500.00 from UDAG funds, 2nd by Selectman Sullivan, VOTE: unanimous, so moved. Motion passes. Selectman Sullivan requested the balance of UDAG, and interest earned- Mr. Kreidler to get back to him with this figure.

The Board met with Lauri Nehring, Janet Keating Connolly, TAG Consultant and Mary Hoye, Certified Industrial Hygienist. Per Mr. Kreidler's suggestion the Board limited the discussion with PACE to the 4 points/questions submitted in a report by PACE to the Selectmen, mutually agreed upon due to the lengthy Agenda before the Board. The four (4) questions put before the Board were: 1. The Special Town Meeting of November/97-Article 27-More Protective Schedule of testing for the Grove Pond Well. 2. Question #6 communication re: the testing made available to PACE/residents. 3. Question #7 Level of Arsenic acceptable by Ayer and 4. Question #11 Committee to be established to review the water testing & to work on the Water Master Plan.

Present for the discussion: John Regan of the Department of Environmental Protection, John Deline, Town Engineer and Gary Girouard, Supt. of Public Works who were present to address PACE's questions and concerns to the above mentioned questions.

The Board thanked PACE for their contributions and hoped their concerns were addressed and requested residents interested in serving on the Town's Water Master Plan and to review test results of Grove Pond Well to contact the Selectmen's Office. Ms. Nehring requested another meeting be scheduled to continue discussions of other points not raised due to scheduling time constraints.

**Public Hearing:** Beer & Wine License DHANLAXMI Corp./Exxon-Park Street, Ayer, MA  
The Board meet with Anupama and Hitesh Bhagat new owners of Exxon Tiger Mart and Seth Cohen representing Exxon Corp.

Chairman Hamel opened the Hearing by reading the Legal Notice which appeared in the Nashoba Publications Newspaper for the periods of June 3, 1998 and May 27, 1998. The Board opened the discussion with Anu Bhagat who gave a brief back ground of the company and products available. Mrs. Bhagat stated her intentions to be able to offer Beer & Wine for the convenience of her customers for one stop shopping, stating she now offers a ATM, cigarettes, convenience food/items, as well as the gas station. The Board reviewed with Mr. & Mrs. Bhagat their background and concerns re: the sale of alcohol, storage, and of securing the area where the alcohol is going to be sold. Chairman Hamel requested if there were abutters present wishing to speak for or against the application. Mrs. Zelda Moore requested the proximity of her property to the Exxon station. Mr. Kreidler replied approximately 300 feet that being the footage required for notification to abutters. The Board opened the floor to residents present wishing to speak for or against the application. Chief Richard Rizzo stated for the record the statistics re: alcohol related incidents in the Town of Ayer, but would get back with statistics compared to other communities. The Board thanked everyone for coming in and took the application under advisement. Motion made by Selectmen Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

**Police Chief's Report:** See report dated 6-5-98

**Action Items:**

1. Chief Rizzo to submit his recommendation re: the Sergeants position finalist to the Board at the next Selectmen's Meeting scheduled for 6-22-98.
2. The Board approved the COPS MORE 2 Year Matching Grant in the amount of \$17,365.80/Federal Share and \$5,788.00/Town share submitted by the Chief for a part-time Records Clerk and a part-time Prisoner Monitor contingent upon funding availability and retention plan in place. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
3. The Board moved and 2nd to support the Handicap Parking Patrol Program and to accept the provisions of MGL Chapter 90 Section 20A and 20A 1/2. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

The Board met with Manuel Velez, Chairman of the Zoning Board of Appeals re: a decision made by his Board based upon the research by Special Town Counsel, Judith Pickett which involved property on Brook St. which was determined to reflect the zoning change of 1973's Special Town Meeting vote declaring this parcel industrial with additional language deleting Maxant's Brook St. property from this industrial zone. Mr. Velez went on to state conflicting opinions vs. ZBA & Planning Board & Building Commissioner, re: the sale of parcel of land in the Maxant property in 1994 which was sub-divided into two lots. One lot having a house on it the other a pole barn where the person conducts a business. The Bldg. Inspector issued a permit for the construction of the house and a garage based upon general residence delineation on the Zoning Map for that area-later issued a stop order due to the garage exceeding permissible size limitations, which was the purpose of supposedly for sub-dividing the lot. The Person then filed a petition with the ZBA requesting a variance to relocate his business there. The ZBA determined that the land was grandfathered and remanded the case back to the Building Inspector. To date the party has submitted a building permit application to construct and additional 12' x 12' shed next to the existing pole barn which creates a set back violation and triggers a site plan review. Mr. Velez requested permission for Town Counsel-Kopleman & Page to review the file/history of this parcel & map to determine:

1. What is the rightful zoning designation of this parcel.
2. Which Zoning Bylaws should be used 1973 or current-noting that 73 bylaws did not distinguish between Light Industrial and Heavy Industrial.

3. If the property is found to be in H-I what is to be done to correct the existing structure?  
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The Board requested Mr. Velez to meet with Mr. Williams of the Planning Board re: the letter to be sure the Planning Board agrees to the context submitted to Town Counsel. Selectman Bresnahan moved to approve the Zoning Board of Appeals request to have Town Counsel render a legal opinion regarding the zoning designation for a parcel of land located on Brook St. contingent the letter being agreed upon by both the ZBA and Planning Board, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

The Board met with Diane Sullivan, Economic Development Director.

**Action Items:**

1. The Board approved of Case #91-13 Lien Sub-ordination for property located on west Main Street, Ayer, MA. Selectman Bresnahan moved the approval, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
2. The Board requested the MBTA parking upgrade be run by the Ayer Business Alliance regarding their recommendations and also to gather as much public input prior to Board approval of the final report.
3. The Board approved the MDFA Public-Private Partnership Grant to fund the renovation and restoration of the restoration of the Page's Block. Motion made by Selectman Sullivan, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
4. Ms. Sullivan advised the Board to the Farmer's Market starting up again hopefully by the first weekend in August or possibly as soon as the middle of July this year. The Board reviewed possible areas for the Farmer's Market to be located: The Berry Block, Depot Sq., and possibly between the bank and town hall. Ms. Sullivan to meet with the vendors and business merchants and get back to the Board.
5. The Board was advised to the Town's application for a Community Development Block Grant. Ms. Sullivan advised to the Town's prior success with obtaining this grant in the past to fund additional Housing Rehabilitation and infrastructure projects, i.e Devenscrest sewer. The Board was advised to this grant high competitiveness and strongly encouraged a public social project be looked into. Ms. Sullivan stated a Public Hearing Notice will be run in the paper for local input.

**Supt. Girouard's Report:** See report dated 6-5-98

1. The Board met with Supt. Girouard, John Deline, Town Engineer and Project Manager for the Grove Pond Well and Jack O'Connell Consultant from Tater & Howard. Mr. Deline presented the Board the punch list items requested from the Selectmen's Meeting of 6-5-98. Mr. Deline ran down the list with the Board of the critical path items. The Board after a lengthy discussion requested to meet again at the end of the week to be kept apprised of new information forthcoming.

**Action Items:**

1. Water Ban still in effect until further notice. Board still looking into possibility of purchasing water and even/odd watering pending further investigation.
2. The Board approved the instrumentation system integration at the Grove Pond Water Filtration Facility at \$55.00/per hour not to exceed. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
3. The Board approved the Change Order for PUMA for the chemical feed pump motor starters for the Grove Pond WFF-contract 96-1 at a cost of \$2,977.00 Motion made by Selectman Bresnahan 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
4. The Board moved and approved Sewer Permits for 60 Barnum Rd., 138 Oakridge Dr., 65 Nashua St., and 151 Oakridge Dr., Ayer, MA. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

**Town Administrator's Report**

**Action Items:**

1. The Board was advised to Meeting Wednesday, June 10, 1998, with the Mass. Historical Commission re: the Town Hall, restoration.
2. The Board met with Michael Woffenden and Ellen Watson re: The Train Whistle Legislation. Mr. Woffenden requested the following:

A. Home Rule Petition be submitted to the state as soon as possible to Rep. Hall and Rep. Hargraves to include a certified attest vote by the Town Clerk..

B. To be able to review the file in the Selectmen's Office re: all correspondence received regarding the Train Whistle Petition. The Board approved of this request.

3. The Board reviewed the candidates re: the Government Study Committee and requested residents interested in serving on the Communication Committee to please contact the Selectmen's Office.

4. The Board reviewed the Fy-99 Appointments. All Boards, Committees to be contacted prior to final approval to ensure their willingness to serve. Mr. Kreidler to contact each of the members individually re: their choices of committees they wish to serve on under the Ad-Hoc appointments.

5. the Board approved of the Selectmen's Summer Schedule of Meetings: One meeting in July: July 20, 1998 and one meeting in August: August 17, 1998

6. The Board was advised to Restoration Meeting on Devens June 11, 1998 at the BRAC Office 7:00p.m. landfill remediation being the topic of discussion. Alternate site proposed being the Gravel Pit and Driving Range.

7. The Board was advised to the latest revision of the Personnel Policy being in their books for their review and comment. Selectman Bresnahan recommended the policy be distributed to all employees for their feedback in July.

Selectman Bresnahan moved the Board adjourn from Open Session to enter into Executive Session pursuant to M.G.L. Chapter 39, Section 23b, Exemption #2, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

11:25p.m. Open Session ended.

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Paul D. Bresnahan, Clerk

Date: \_\_\_\_\_