

Emergency Selectmen's Meeting
Wednesday, March 25, 1998
Ayer Town Hall-Main St.
Ayer, MA 01432

4:45p.m. Open Session, re:
DEP Consent Order-ACOP-CE-97-10007
Sewer Connections

Adjourn

Emergency Selectmen's Meeting
Wednesday, March 25, 1998
Town Hall-Main St.
Ayer, MA 01432

4:45p.m. Open Meeting

Present: Chairman Norstrom and Selectmen Hamel.

Chairman Norstrom opened the meeting by stating this is an Emergency Meeting declared pursuant to Chapter 39 Section 23b of the General Laws to discuss issues of immediacy regarding ongoing litigation.

Chairman Norstrom called for a motion to enter into Executive Session. Selectman Hamel moved to enter into Executive Session and to adjourn for the sole purpose of adjourning the meeting. Chairman Norstrom stepped down to second the motion, VOTE: Selectman Hamel Aye, Chairman Norstrom Aye, VOTE: unanimous, so moved.

Selectman Hamel moved to release all sewer permits previously issued, and authorized all connections, Chairman Norstrom stepped down to second this motion, Vote: Selectman Hamel Aye, Chairman Norstrom Aye, VOTE: unanimous, motion carries.

Selectman Hamel moved to adjourn the meeting, Chairman Norstrom stepped down to second the motion. VOTE: unanimous, so moved.

5:00p.m. Meeting Adjourned.

Pauline J. Hamel Date: 3-25-98
Pauline Hamel, Selectman

LEONARD KOPELMAN
DONALD G. PAIGE
ELIZABETH A. LANE
JOYCE FRANK
JOHN W. GIORGIO
BARBARA J. SAINT ANDRE
JOEL B. BARD
EVERETT J. MARDER
PATRICK J. COSTELLO
JOSEPH L. TEHAN, JR.
ANNE-MARIE M. HYLAND
THERESA M. DOWDY

WILLIAM HEWIG III
DEBORAH A. ELIASON
JEANNE S. MCKNIGHT
JUDITH C. CUTLER
RICHARD BOWEN

KOPELMAN AND PAIGE, P.C.

ATTORNEYS AT LAW

31 ST. JAMES AVENUE

BOSTON, MASSACHUSETTS 02116-4102

BOSTON OFFICE

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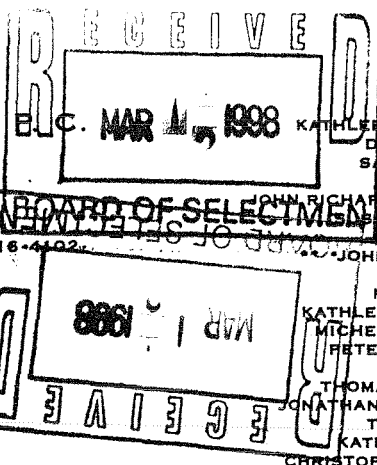
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KATHLEEN M. O'DONNELL
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SANDRA CHARTON
ILANA M. QUIRK
JOHN RICHARD HUCKSAM, JR.
SEAN M. CALLAHAN
BRIAN W. RILEY
JOHN J. KENNEY, JR.
ROBERT PATTEN
MARY L. GIORGIO
KATHLEEN E. CONNOLLY
MICHELE E. RANDAZZO
PETER J. FEUERBACH
MARY JO HARRIS
THOMAS W. MCENANEY
JONATHAN M. SILVERSTEIN
TIMOTHY J. ERVIN
KATHARINE I. GOREE
CHRISTOPHER J. POLLART

March 6, 1998

Mr. Robert Kimball
Section Chief
Massachusetts Department of Environmental Protection
Bureau of Resource Protection
627 Main Street
Worcester, MA 01604

Re: Town of Ayer and ACOP-CE-97-10007 Items 31.a; 31.b; and 31.c

Dear Mr. Kimball:

Enclosed please find the information required by items 31.a; 31.b; and 31.c of the above-referenced Administrative Consent Order with Penalty ("ACOP"). I understand that the information required by items 31.a and 31.b were due on or before November 20, 1997. This required submittal is late due to the fact that the Town's prior Superintendent of Public Works, who was responsible for monitoring compliance deadlines, abruptly left his position in the fall of 1997. The current Superintendent was hired and began his job without the benefit of being advised on any current Town issues by the former Superintendent. Despite this fact, the Town has made every effort to meet each compliance deadline as it comes due. The Town's failure to timely submit the information required by ACOP items 31.a and 31.b was a simple ministerial oversight due to the former Superintendent's abrupt departure.

I would like to point out that the Town is a party to two separate ACOPs, i.e. a wastewater ACOP and a water ACOP. Both agreements impose substantial obligations on the Town. Other than the late submittal discussed above, the Town has not missed a single deadline required by either ACOP. Enclosed herewith is a chart detailing the Town's obligations under the wastewater ACOP, and the Town's compliance with each obligation. Moreover, as evidenced by the March 3, 1997 meeting with DEP, which the Town requested, the Town has demonstrated its commitment to regulatory compliance by proactively seeking DEP's advice

Mr. Robert Kimball

March 6, 1998

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with respect to various compliance issues. The Town has also demonstrated its commitment to regulatory compliance by aggressively petitioning the State Revolving Fund ("SRF") program, and by successfully becoming a candidate for Infiltration and Inflow funding under the SRF program. Moreover, on at least three occasions over the last three weeks, representatives of the Town have spoken to Ms. Ning Chen of the DEP regarding the schedule for submission of this information. At no time until the meeting this Wednesday was the Town informed that the DEP had a problem with the schedule for submission of this information.

Additionally, I would like to point out that the Town's late submittal has not caused any harm to the public health or to the environment. Although the submittal required by 31.a and 31.b of the ACOP is important to DEP and the Town, it is an administrative submittal which has not and will not result in harm to the public health or the environment, and has not and will not adversely affect the Town's ability to meet other compliance deadlines.

Moreover, in order to help assure compliance with future deadlines, the Town has created a new full-time Town Engineer position. The new Town Engineer will begin work on March 9, 1998, and one of his duties will be to monitor both water and wastewater ACOPs to assure compliance with deadlines.

Thank you in advance for considering my comments. Should you have any additional questions or concerns, please do not hesitate to contact me.

Very truly yours,


Christopher J. Pollart

CJP/dlr

Enc.

cc: ✓ Board of Selectmen
Town Administrator
Superintendent of Public Works
Ms. Paula Boyle - Hoyle, Tanner & Associates, Inc.
Mr. Paul Hogan - DEP

Submittal required by wastewater ACOP Item 31.c

Draft Warrant Article for May 1998 Annual Town Meeting:

To see whether the Town will accept the provisions of Chapter 44, Section 53F ½ of the Massachusetts General Laws, with respect to a sewer enterprise fund effective July 1, 1999.

**MADEP ADMINISTRATIVE CONSENT ORDER
TOWN OF AYER, MASSACHUSETTS**

CONSENT ORDER No.	TASK	ACO SUBMITTAL DATE	STATUS
23	Prepare Phase II - Facilities Plan including Regionalization Participate in Waste Load Allocation Study	Summer of 1998 as per the Phase I Facilities Plan Report schedule None to date	Due to town 3/31/98 Town to work with other communities located on the Nashua River and the MADEP to develop a Scope of Work On hold
✓24	Develop Program Plan & Schedule for I/I Analysis and SSES Conduct GIS Mapping ³	November 1, 1997 Prior to SSES	Scope of Work submitted on October 29, 1997 verbally approved 3/3/98 No work conducted to date on this
25a)	Develop sewer bank	Twenty days from date of the Consent Order	Submitted 2/28/98 Requested extension to June 1998
✓25c)	Submit summary of total gallons approved to POTW	Extension requested verbally to 3/1/98	
25d)	Estimate I/I removed from the Devenscrest project	December 1, 1997	

26	Submit report to lift the sewer moratorium	One year from the date of the Consent Order (November 10, 1998)	Not begun
√27	Prepare Dechlorination Facilities Record Drawings/ Design Permanent Dechlorination Facilities	November 1, 1997	Completed/ Under review by the MADEP
√28	Prepare Supplemental O & M for dechlorination facilities	October 1, 1997	Completed/ Under review by the MADEP
√29	Develop Monitoring Program for toxic materials and high strength loads	November 1, 1997	Approved by MADEP
√	Sampling program for toxic loads	March 31, 1998	Conducted on 2/25-2/27
	Prepare Status report on industrial audits	March 31, 1998	Requested extension to 3/31/98
√30	Prepare Preliminary Sludge Landfill closure plan/groundwater monitoring well plan Final Sludge Closure Plan Construction	Nov. 1, 1997	Completed/under review by MADEP Scope of Work will be developed following MADEP review and approval of Preliminary Closure Plan
31	Develop User Fee Enterprise Fund	October 15, 1997	Town

Notes

- 1 Dependent on MADEP and if Ayer participates with Devens
- 2 To be determined following review of Scope of Work by the MADEP
- 3 In order to do the SSES work a base map of the sewer system is necessary
- 4 Includes installing four (4) groundwater monitoring wells and one (1) round o
sampling from the wells, does not include construction inspection services
- 5 Estimate for construction administration/ resident engineering services

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Town of Ayer
ACO-CE-97-1007 & NON

SEWER
Section 31)
User Fees Enterprise Fund Established:

Section 31a):	FY97 Actual	FY98 Projected	FY98 Actual (6 months)
Revenues:			
Charges for Services	546,629		293,961
Septic Charges	43,027		31,609
50% Interest, Liens and Permits	64,494		19,895
	<u>654,150</u>	<u>543,500</u>	<u>345,465</u>

Section 31b):	FY97 Budget	FY98 Budget	FY98 Actual (6 months)
Summary of Operating Budget:			
Salaries	276,838	285,289	125,006
Services	191,875	191,875	46,886
Supplies	68,700	68,700	31,339
	<u>537,413</u>	<u>545,864</u>	<u>203,231</u>

Services include:

Electricity for plant, pump & lift stations	94,775
Sludge disposal	80,000
Waste water treatment heating	10,800
Sewer main cleaning	6,000
MBTA sewer easement - Park Street	300
	<u>191,875</u>

Supplies include:

Equipment repairs & replacement	25,200
Chemicals	14,500
Plant, office, general supplies	10,000
Preventative maintenance - generator, pumps and instrumentation	10,000
Lab materials & charts	9,000
	<u>68,700</u>

Section 31c):

Draft warrant article for May 1998 Annual Town Meeting:

"To see whether or not the Town will accept the provisions of Chapter 44, Section 53F 1/2 Massachusetts General Laws, with respect to a sewer enterprise fund effective July 1, 1999."