

Selectmen's Meeting
Monday, February 10, 1997
Ayer Library-Lower Level Conference Room
East Main Street, Ayer, MA

7:30p.m.

The Board met with Chairman Miller, Selectman Hamel and Selectmen Norstrom.

The Minutes 1-6-97 were read and accepted. The Minutes of 1-27-97 were deferred until 2-24-97.

PUBLIC INPUT:

Chairman Miller requested if there was anyone present wishing to be heard. The following people requested to meet with the Board:

1. Philip Dynice, re: Cablevision Credit for winter storm of 12-7 through 12-9, 1996.
2. Carolyn Duff, re: Street Light request for Bennetts Crossing.
3. Timothy Henzy and Selectmen Norstrom, re: Court House Parking
4. Diana Vita, re: 1997 4th of July Celebration

Chairman Miller called for a motion to accept the Agenda. Selectman Norstrom moved the Board approve the Agenda of 2-10-97 as amended, 2nd by Selectman Hamel. VOTE: unanimous, so moved.

TOWN CRIER: Chairman Miller made the following announcements:

1. Comprehensive Plan II Meeting to be held on Feb. 13, 1997 at the Ayer Library-Lower level Conference room at 7:00p.m.
2. Joint Boards of Selectmen's Meeting to be conducted on Feb. 13, 1997 at the Devens Commerce Center at 7:00p.m.
3. Comprehensive II Planning workshop scheduled for Thursday, Feb. 20, 1997 at 7:00p.m. at the Ayer High School-Auditorium.

The Board met with Carol Duff of 14 Bennetts Crossing, Ayer, MA re: a request for a street light at the intersection of Bennetts Crossing and Littleton Road, Ayer, MA.. Ms. Duff stated that the entrance to the sub-division is a blind drive and which poses a safety problem for the residents. Ms. Duff stated she had also contacted Mass. Elec. re: this request who advised her to address her request to the Selectmen. Selectman Norstrom advised the Board to the light not being the responsibility of the developer. Selectman Norstrom also suggested roadway signage be considered advising motorist of the "Blind Drive". Police Chief Donald Haapakoski advised the Board to the State having to be contacted due the road being a state highway. Chief Haapakoski stated he would contact the State re: securing permission for traffic signage for 200' before intersection in each direction for this area. The Board approved Mrs. Duff's request for a street light to be re-installed at the intersection of Bennetts Crossing and Rt. 2A/Littleton Road, to be at the utility company's discretion as to which side of the street would best serve the residents. Motion made by Selectman Norstrom, 2nd by Selectman Hamel, Vote: unanimous, so moved.

The Board also addressed serious flooding/puddling on this road due to state highway being repaved last year. The Board requested Mr. Kreidler get a letter off to the State re: potential safety hazard-due to engineering issues and having State recognize the problem as well as advising the state that the Town is doing their part by mitigating danger.

The Board met with Timothy Henzy who presented to the Board a Subordination of Lien from a homeowner currently in the Housing Rehabilitation Program requesting to subordinate a loan for a home equity line of \$14,000.00. Mr. Henzy stated he brought this to the attention of the Board due to the terms of Agreement between the party (case #92-58) and the program they must receive the Town's permission before refinancing their property. Mr. Henzy stated he reviewed the request and recommended approval.

Chairman Miller called for a motion to approve the Subordination of Lien. Selectman Hamel moved to approve the subordination of Lien for Case #92-58, 2nd by Selectman Norstrom, VOTE: unanimous, so moved.

The Board met with Selectman Norstrom and Mr. Henzy re: the Town being contacted by Judge Killmartin at the Ayer Court House re: acquiring the property at 18 Prospect Street for the purpose of expanding the Court House Parking at the District Court. Mr. Henzy advised the Board to the funding for this purchase of land being sponsored by House Bill # 398-January 1997, by the Division of Capital Planning & Operations. Selectman Norstrom stated the Board has been contacted re: supporting this bill and requested the Board support this request by endorsing a letter prepared by Mr. Henzy to Judge Killmartin. Chairman Miller called for a motion. Selectman Hamel stated this is not the first time this request has come before the Town and requested the Treasurer's Office check to see if all the taxes have been paid to date, with that Selectman Hamel moved to approve the letter of support, 2nd by Selectman Norstrom, VOTE: unanimous, so moved.

The Board met with Philip Dynice, Chairman of the Cable Commission. Mr. Dynice stated his displeasure with representatives from Cablevision re: securing a Credit to Town residents for the winter storm of December 7-9, 1996. Mr. Dynice stated he had spoken with Peter Atherton and David Green personally on numerous occasions due to residents contacting him re: credit. Mr. Dynice produced and presented a newspaper article granting Town of Westford residents a credit for this same storm. Chairman Miller suggested the Board send Cablevision a letter requesting that Town of Ayer customers also be granted a credit. Selectman Hamel stated the letter should reflect the Board being upset with Cable's policy which states credit will be given when cable is out for more than 24 hours and to remind them that Cablevision has over 3000 customers in the Town of Ayer. The Board requested citizens requesting credit write or call Cablevision if they were without cable for over 24 hours. The Board thanked Mr. Dynice for bring this to their attention.

The Board met with Diana Vita re: the Town's 1997 4th of July Celebration which is to be held on Saturday, July 5, 1997. Diana stated she was before the Board this evening to seek their advice re: funding options and soliciting help to run the event. The Board stated that there is \$5,000 for the fireworks and to call a meeting as soon as possible re: people to help her out. Ms. Vita stated she has planned a meeting for the week of Feb. 17th and hoped anyone interested would call her. The Board thanked Diana for her undertaking this years celebration.

Chairman Miller advised the viewing public and those present for the meeting to late cancellation coming in re: Cellular One this evening and being rescheduled for 2-24-97.

PUBLIC HEARING: New England Telephone Company and Mass. Electric re: Pole Petition West Main Street Bridge. Chairman Miller read the legal notice into the record advertised in the Nashoba Publications Newspaper the weeks of January 22, 1997 and January 29, 1997. The Board met with George Boyle, Right-of-Way Supervisor for N.E. Telephone Co. Mr. Boyle stated seven (7) new joint owned poles would be erected, three (3) existing joint owned poles would remain and five (5) joint owned poles would be removed on Old West Main Street beginning 341 east of the intersection of Rogers Rd. and Old West Main St. Mr. Boyle explained the need being a direct result of the reconstruction of the West Main Street Bridge. Mr. Boyle stated the Company would stake the poles at the property lines to avoid problems with driveways and placing the poles in front of homes. The poles removed would be from the the old bridge and two new poles to be placed on north side of road at the intersection. Chairman Miller requested if there was anyone present who wished to speak for or against the petition. No one came forward. Selectman Hamel requested if anyone had called in or came into the Selectmen's Office re: the poles. Selectmen's secretary Janet Lewis stated a few residents had come in to review the map and proposed new lay out. Chairman Miller called for a motion. Selectman Hamel moved to approve the petition as read, 2nd by Selectman Norstrom, VOTE: unanimous, so moved.

The Board met with Richard Linde, Water Foreman, for the Dept. of Public Works. Mr. Linde presented the Board with recommendations to the Town's Water & Sewer Regulations to include adding Cross Connections into the Town's existing Rules & Regulations as well as requesting all new industries in Town install an approved reduced pressure device at the service line to protect the public water supply. Lastly Mr. Linde requested the Board consider establishing a Revolving Fund for violations found at the industrial level. The Board took the recommendations under advisement to the next Selectmen's Meeting 2-24-97.

Selectman Norstrom stated she has been working with Mr. Linde re: Water Treatment Plant and Grove Pond Wells connection to the Plant. The Board reviewed the contract by Tater & Howard re: design review services and on-site engineering services during construction, which covered two (2) phases: 1. on site engineering (40 hours week as needed) and 2. services for project (as builds). Selectman Norstrom stated that \$2.4 million in funding is available for the construction which begins in March 1997. The Board unanimously voted to enter engineering services with Tater & Howard. Motion made by Selectman Norstrom, 2nd by Selectmen Hamel, Vote: unanimous, so moved.

The Board on a related matter voted to send a letter to the Devens Commerce Center thanking Devens for the use of their water while Spectacle Pond #1 Well pump was down now Well #2 can be undertaken.

The Board approved the relocation of four (4) utility poles owned by Littleton Light at the entrance to Spectacle Pond Wells be relocated by Middlesex Corp. Mr. Kreidler to write letter approving of the relocation to Middlesex Corp.

The Board met with Tony DiLuzio of KVA Associates who advised the Board that seventeen bids were received for the General Contractor for the new Police Station. Fifteen of the bids had come within \$100,000.00 of each other. Bids ranged to a high of \$2.5 million. Mr. DiLuzio stated the competitive bidding reflected Ayer's project to be the first project to hit the streets in 1997 for the new construction year. Mr. DiLuzio recommended the Board award the contract for the New Police Station construction to AMG Construction of Stoughton, MA for the low bid award of \$1,989,000.00. Mr. DiLuzio stated that Town Counsel Kopleman & Paige had reviewed the contract and that only two changes had been recommended which AMG accepted. Mr. DiLuzio also advised the Board that AMG had already prepared a work schedule and had begun screening sub-contractors. A mid March groundbreaking was announced. Selectman Hamel moved the Board award the new police station construction to AMG Construction of Stoughton, MA for a bid award of \$1,989,000.00, 2nd by Selectman Norstrom, VOTE: unanimous, so moved.

Town Administrator's Report:

ACTION ITEMS:

1. The Board was advised to screening committee meeting with six candidates on 2/10 and 2/11 and narrowing field to three. The top three candidates to meet with the Board of Selectmen on 2-24-97.
2. The Board was advised to the Fy-98 Budget message being sent out to all Town Departments/Committees/Boards and Commissions. The message requested two budgets be prepared: a level funded budget and a 5% reduction across the board budget. A meeting is being prepared with all town department heads to discuss funding and reduction in revenues being projected for Fy-98.
3. The Board was updated on the Oakridge Drive Sewer Project. Mr. Kreidler stated there has not been an on-site engineer on the project since Supt. Ouellette left. David Ross has recently accepted the on-site engineering responsibilities for the Town and has found problems ranging from billing practices and having no signed contract with contractor doing work, D&C Construction, a draft contract was found only.

Mr. Ross had called the principal re: conducting a meeting and to date has been unsuccessful towards that endeavor. It appears that the Contract was sent to Town Counsel for review and never got beyond that point. Approved change orders do exist. Mr. Ross requested the Town hold up on payments until certain items Mr. Ross had flagged have been reviewed with the principal of the company. The Board thanked David Ross for his assistance and requested to be kept apprised of situation.

4. The Board was advised to Town Accountant Lisa Gabree successfully going after and receiving Chapter 90 funding under the Mass. Highways for the Town in the amount of \$268,000.00. Mr. Kreidler stated this responsibility generally falls under the auspices of the DPW but absent a superintendent Ms. Gabree took the charge and met with DOR officials to secure the Town's funds. The Board expressed their sincere appreciation to Ms. Gabree and congratulated her on this accomplishment.

5. The Board moved to approve the amendment to the MOU for the Open Space and Recreation Plan-this amendment. This amendment would serve to link the Executive summary voted by the JBOS to this Plan. Chairman Miller moved to endorse the Amendment 2nd by Selectman Norstrom, VOTE: unanimous.

6. The Board was advised to the last of the issues being settled with the DPW union to bring back the position of utility man. This position would take on the old charges re: janitorial services cleaning the Ayer Town Hall, police station and DPW town offices as well as other duties assigned. Mr. Kreidler advised the Board with this position back on board the need for the present janitorial services would end. The Board voted to cancel the Town Hall janitorial cleaning service in thirty days with JJS Services of Peabody, MA but, to insert a special recognition in the letter thanking Robert and Danny Brianias for their loyal and dedicated service to the Town Hall staff. Mr. Kreidler advised the Board that the Asst. Supt. Robert Smith had requested a vehicle for this position and was advised to MART having surplus utility vans, and requested the board endorse a written request for such a van submitted by Mr. Smith. Selectman Hamel moved the Board endorse the request to MART for a van, 2nd by Selectman Norstrom, Vote: unanimous, so moved.

Chairman Miller advised the Board to his conversation with Mass. Highway Director, re: the West Main Street Bridge Sidewalk who was in agreement that there is a need for a sidewalk on the bridge and that she is looking at 4 scenarios re: funding options. Chairman Miller to get back to Board re: which option would be the cheaper alternative to the \$140,000 proposed cost.

7. Mr. Kreidler on behalf of Fire Chief Paul Fillebrown, who could not be present this evening due to another meeting requested the Board award the bid for the fire departments air tanks to Cascade Air Systems for the Diver Air Tanks for the bid award of \$14,832.80, motion made by Selectman Hamel 2nd by Selectman Norstrom, VOTE: unanimous, so moved.

8. The Board unanimously approved the contract with Tater & Howard for the design review and on-site engineering services during construction, at a cost of \$150,000.00 funding to be provided under the Town's \$2.4 million borrowing article. Motion made by Selectman Norstrom, 2nd by Selectman Hamel, VOTE: unanimous, so moved.

9. The Board was advised to the wastewater treatment plant assessment with Hoyle Tanner entered into by the former Supt. of Public Works for \$5,000.00 being ruled invalid by Town Counsel Kopleman & Paige. Town Counsel also advised that the document could be used regarding upgrading the sewer system. Selectman Hamel suggested this be run by Douglas Titus, a resident of the Town who is familiar with wastewater treatment matters.

10. The Board approved a Educational Incentive for Mr. Kreidler for two courses he is currently enrolled in (Mediation/Negotiation and Capstone). Motion moved by Selectmen Hamel,, 2nd by Selectman Nostrum, VOTE: unanimous, so moved.
BOSMIN2-10-97/PG.5

Public Hearing: The Board met with Henry Wysk re: a Beer & Wine License for Exxon Gas Station on Park Street, Ayer, MA Chairman Miller read into the minutes the Legal Notice which ran in the Nashoba Publications the weeks of January 22, and January 29, 1997.

Chairman Miller requested if there were abutters present. Four people raised their hands.

Mr. Wysk stated Exxon Corp. has turned their gas stations into convenience stores to become more competitive. Mr. Wysk stated he had just left a meeting with the Zoning Board of Appeals re: a canopy, dimensional ordinances and from the off street parking.

He also was before the ZBA re: a special permit for a sign. Mr. Taylor of Angard Lane spoke o problems foreseen with drinking behind lot by young people. Mr. Wysk addressed his abutters concern by stating his plans to increase the lighting behind the building. Mr. Wysk stated the problems with young people hanging around the lot is due to a telephone booth located behind the station. Mr. Wysk has contacted the owner of the property to have the booth relocated. The Selectmen stated their concerns regarding requiring a positive I.D. be checked by employees 21 and older. Selectman Hamel requested if there are other such establishments in Mass. Mr. Wysk responded yes. Selectmen Nostrum expressed her opinion that there is no need for another package store in that area in Town due to proximity of two others down the street at corner of Main & Park Streets.

The Board requested to take this matter under advisement pending Mr. Wysk's current status being before the ZBA and if variances and Special Permit are approved or not. The Board rescheduled this discussion for the 24 th of February. Motion made by Selectman Hamel, 2nd by Selectman Norstrom, VOTE: unanimous, so moved.

Selectman Hamel moved the Board adjourn from Open Session to enter into Executive Session pursuant to M.G.L. Chapter 39 section 23B, Exemption #2, re: the Economic Development Director's contract to adjourn to enter into another Executive Session pursuant to M.G.L. Chapter 39 Section 23B Exemption #3, re: Police Investigation to adjourn for the sole purpose of adjourning the meeting, 2nd by Selectmen Norstrom, VOTE: unanimous, so moved.

Pauline J. Hamel DATE 2-27-97
Pauline J. Hamel, Clerk
AYER BOARD OF SELECTMEN