

SELECTMEN'S MEETING
TUESDAY, MARCH 24, 1992
2ND FLOOR MEETING HALL
TOWN HALL, MAIN ST., AYER, MA.

7:30P.M. The Board met with Chairman McKinney, Selectman Slarsky and Selectman Jones.

The Minutes of March 10, 1992 were read and accepted. Selectman Slarsky abstaining, he was not present for meeting of 3-12-92 due to prior commitment with the Joint Boards of Selectmen in Lancaster.

The Weekly Warrant was examined and approved in the following amounts: P/R: \$35,068.03
EX. \$79,714.21

The Board met with Robert Donell and Mark Flagg, re: Park Square Shopping Center-Fitchburg Rd., Ayer, Ma.

Present for the discussion was Town Counsel, Robert Gardner.

Mr. Donell stated the final contract was ready for signatures. The water line was finalized with revisions to reflect work by the trust in accordance with Attachment A and Attachment B shall be completed before the occurrence of the following events and shall be a condition precedent to the issuance of the Certificate (s) of Occupancy corresponding to the event.

EVENT I: Any Building Permit required for any use of the parcel shall require the installation of a water line to connect the water line in Groton School Road to the water line in Fitchburg Road.

EVENT II: The issuance of a Building Permit for any combination of uses which result in there being in excess of 35,000 square feet of gross leasable area, or the issuance of a Building Permit resulting in water use of 5,000 gallons per day based upon Commonwealth of Massachusetts Title V Codes, shall require the installation of a water line to connect the water line in Jonathan Drive to the Water Line in land of Nashoba Community Hospital.

Selectman Slarsky stating confusion with planning/policy changes and requested why are they (Donell/Flagg) before this Board? The Board has met with them at least 1/2 dozen times. Town Counsel reviewed the latest contract and reiterated the traffic mitigation issues resolved at the last Selectmen's Meeting of 3/10/92 as well as the distinction of a discretionary function of a planning or policy decision or judgement. Town Counsel referred to his letter to the Board dated 3/24/92 addressing these issues.

Supt. Redfield stated at a meeting conducted on Friday, Mar. 20, 1992, with Town Counsel, Supt. Redfield, Tim Higgins and the developer the change in the water line construction was identified and made conditional under Event: #1 and Event #2 and incorporated into the contract. The development is in a low flow area which is a concern with regard to Fire Protection. The Developer commissioned SEA Eng., Inc. for upgrading of the existing four inch (4") and six inch (6") lines along Park Street by proposing the installing of a Twelve inch (12") water main loop from the existing deadend water mains located within Pleasant Street's Right-of-Way to the existing water main located within Jonathan Drives's Right-of-Way for Phase I. Once event II, the issuance of a building permit which result in any combination of uses in there being in excess of 35,000 square feet of leasable area consigned or water use of 5,000 gallons per day shall require the installation of a water line to connect the water line in Jonathan Drive to the water line in land of Nashoba Community Hospital.

After considerable discussion Selectmen Jones moved the Board accept the final agreement as presented, seconded by Selectman Slarsky, VOTE: unanimous, so moved.

The Board met with Executive Secretary, Timothy Higgins, re: the re-establishment of the Ayer Industrial Development Commission. Mr. Higgins presented the Board with an overview of the Town's establishment of an Industrial Commission, on March 13, 1961 consisting of five (5) members, in accordance with the provisions of Chapter 40, Section eight of the General Laws. Mr Higgins stated the Commission had a solid track record of attracting clean and prosperous industry to the Town of Ayer, greatly expanding a diversified tax base, employment opportunities and other economic spin-offs in the community. Mr. Higgins stated he had spoken with several members of the business community who had positive experience with the Commission when it was active and felt now would be an appropriate time to re-activate the Commission.

Mr. Higgins felt the commission would help integrate the industrial sector of the community in a more participatory manner into the community. The Commission would work with Town officials to determine the towns development needs and objectives. Prepare material to promote the industrial resources of the community possibly to include a list of available land in the community, a prospectus of the Town of Ayer, to include: introduction to the community, overview of infrastructure available (water/sewer), demographic information, tax information. Actively market the Town of Ayer, walk interested parties through the various permitting processes, work with officials during the adoption of town by-laws. Capitalize on the expertise and resources of the business community in resolving issues facing the community and be the first in line of defense

against any industries that might not be acceptable to the community by explaining the intent of certain by-laws.

Mr. Higgins stated the legal requirements for activating the Commission being: the Commission should consist of not less than five nor more than fifteen members. Term of office not to exceed five years, terms should be arranged so that the term of one member expires each year.

Mr. Higgin's requested at this time for the Board's permission to place a notice in the local paper soliciting candidates for appointment to the commission. Selectman Slarsky moved the Board allow Mr. Higgins to advertise in local newspapers soliciting candidates to serve on this commission. Seconded by Selectman Jones, VOTE: unanimous, so moved.

8:00p.m. PUBLIC HEARING-UNDERGROUND STORAGE TANK-SHAKER HILLS GOLF COURSE.

Chairman McKinney opened the hearing by reading the legal notice which appeared in the Nashoba Publications the weeks of March 11, 1992 and March 18, 1992.

The Board met with Robert McGinty, Trustee of the Shaker Hills Golf Course and Wellman Parker, Fire Chief of the Ayer Fire Department. Mr. McGinty submitted Zoning Board of Appeals decisions dated December 1990 and December 1991. The first decision modified the terms of the Special Permit filed 9/29/90 allowing the approvments to Shaker Road. The second decision addressed the underground storage tank amendment mandated by DEP Chapter 148, directive, not allowing aboveground storage tanks. This change came in after the start of the project. Mr. McGinty stated this change of regulations placed him back before the ZBA for approval who subsequently approved this petition in January 1992. Fire Chief Wellman Parker approved the application on February 24, 1992. Chief Parker stated the above ground storage was unsafe and safest way to store would be underground. Supt. Redfield stated he has not been contacted and would need to see the construction plans prior to approval. Chairman Mckinney requested if there was anyone present to speak for or against the petitioner, no one came forward. Selectman Jones moved to approve the Shaker Hill Golf Course application for license to store 1000 gallon of gasoline underground, Selectman Slarsky seconded the motion, VOTE: unanimous, so moved.

The Board met with Supt. Redfield re: Highway Pavement discussion and review of funding options.

Supt. Redfield opened the discussion by presenting the Board background information regarding funding options available to the Town to initiate a Roadway Improvement Program.

The Town has experienced pavement deterioration to the roadway infrastructure due to funding limitations over the past ten years. Failure to address current needs will require substantially larger expenditures in the future resulting from rapid deterioration.

Supt. Redfield presented a solution utilizing the proposed \$2,800,000 recommendation for a five year improvement plan by Vanasse Hangen Brustlin Inc.

OPTION 1: Request Prop. 2 1/2 Override
\$2,800,000 over a five year period/by borrowing

Tax Increase

*1993 - \$800,000/year one- \$0.33/\$1,000.00
1994-1997 - \$500,000/annually

OPTION 2: DPW can request budget increases

The Board requested Supt. Redfield to put together a phasing of the roadway improvement project. List each road to be done.

The Board addressed the replacement of two 4000 gallon gasoline storage tanks at the Department of Public Works at a cost of \$80,000.00 to be reimbursed under Section 3 (c) of chapter 33 of the Acts of 1991 (6033-9198) under the provisions of MGL Chapter 90, Section 34.

Benefits realized with this program would be protection of the environmental and public water supplies: replace and update DPW equipment so that the DPW can continue to perform its daily duties: update fuel usage control system: and utilize reimbursed funds that are excluded from the Town's tax rate.

Selectman Slarsky requested Supt. Redfield submit a comparison using gas stations verses the elimination of the Towns gasoline storage tanks.

Supt. Redfield's last capital program addressed the construction of a new 4.2 million gallon water storage tank. Supt. Redfield addressed the land acquisition phase by placing a warrant article on the Town Meeting election ballot in the form of a debt service override question. Supt. Redfield stated the new storage tank should be built on the hill located north of the Groton Harvard Road solid waste disposal area. The Board requested a Screening Committee be formed to look into the present water storage system and come back with a recommendation whether to build new water storage tank. The committee to consist of the Fire Chief, Supt. Redfield, Planning Board member, Advisory Board member and Tim Higgins.

The Board was advised of Budget meeting scheduled for 3/25/92 at the Town Hall, second floor meeting hall beginning at 7:00p.m. with the Police Dept., Fire Dept., DPW, Town Accountant and Selectmen's Budgets. The Board was also reminded of Budget discussion scheduled for Saturday, March 28, 1992 at 8:00a.m. with the School Committee.

Chairman Mckinney took this opportunity to update the Town residents to Nashoba cable upgrading the service in the Town of Ayer and of interrupted service to subscribers during this period.

Chairman McKinney advised the Town to MCI-Shirley coming back to work in the Ayer Police Station through the prisoner work program. The Town has given permission for the prison to use the Town's sweeper in lieu of services.

SUPT. REDFIELD'S REPORT:

1. The Board awarded the Mass. Small Cities contract for engineering services to design a water main from the Town's standpipes to the center of Town to GCG of Lynnfield, Ma. Selectman Slarsky moved the motion seconded by Selectman Jones, VOTE: unanimous.

2. Supt. Redfield updated the Board on the Superfund meeting held on March 24, 1992 at Fort Devens. The Board was alerted to landfill sedimentation testing coming in re: arsenic/heavy metals elements being found in Plow Shop Pond bottom sampling. Supt. Redfield stated these elements were not attributed to Fort Devens. Selectman Slarsky requesting the Inland Fisheries be notified of health risk and that area be posted unsafe. The Board requested this matter to be acted on quickly.

3. The Board was advised of tour date re: the Town of Acton's Transfer Station tour being set for Friday, March 27, 1992 with Supt. Redfield, Tim Higgins and Recycling Committee.

Selectman Slarsky moved to adjourn Open Session and enter into Executive Session pursuant to M.G.L. Chapter 39, Section 23B re: Salary Negotiations, to adjourn from Executive Session to Re-enter Open Session for the sole purpose of adjourning.

10:00P.M. Open Session adjourned.


STEPHEN M. SLARSKY, CLERK

DATE: 4-21-92