

Selectmen's Meeting  
Upper Town Hall  
May 22, 1990

7:30PM Open Session

Present: Selectman Jones and McKinney, Tim Higgins, Executive Secretary NOTE: Chairman Slarsky arrived later in the meeting.

Minutes of 5/8/90 - The Board agreed to waive approval of the minutes until the next scheduled meeting.

Weekly Warrant: The Board signed the weekly warrant -

Citizens Advisory Committee: No Coal Committee:

Selectman Jones acknowledged those citizens who had volunteered their time and expertise in the study of the Patriot Proposal, noting that a combination of their efforts and those of our representatives, had stopped the Patriot Energy proposal. Steve Conant from Congressman Atkins office read a letter from the Congressman (copy attached) commending the citizens and the No-Coal group for their efforts. Selectman Jones noted that this was not the work of one Board or paid individuals but it was from the results of volunteers, that this was a small Town facing a large corporation with a big budget. At this point he handed out certificates of appreciation to all those who participated. He asked Mr. Higgins to send letters to our State Senator and Representatives.

Executive Secretary's Report:

Tim asked that Chief Connors give an up date on the Reserve Officer Position. Chief Connors stated that there would be three reserve officers, that 22 people had applied, and that he would have a list of his top candidate choices ready for the June 5 th meeting.

Atty Leonard Shamas:

Tim asked that the Board meet with Atty Shamas concerning Merrimack Warehouse. Atty Shamas explained that Merrimack Warehouse was attempting to obtain additional funding in the amount of \$160,000, he also noted that Atty Gardner had no concerns with this request. Selectman McKinney made a motion to approve this request, seconded by Selectman Jones, in a

discussion it was determined that a letter from Atty Shamas defining the language should be sent to the Board, this was agreed to, and the motion passed.

The Board signed a letter addressed to Colonel Andrle, stating the Board's position on PL874 funding.

Tim noted that Mr. William Schneider has resigned from the Board of Assessors, but that the Board of Assessors does have an interested applicant to fill the vacancy. Tim continued that this proposed the applicant is currently serving on an appointed Board and that he would keep the Board advised.

Tim noted that contingent upon the State either solving its fiscal problems or bonding its shortfall, that the Town could be receiving some of the \$570,000 from the local aid that the Governor had impounded. He noted a recent case where the Town of Brookline had prevailed in a suit against the Governor, that the Governor had no right to impound local aid funds. He stated that this could mean a Special Town Meeting may have to be held to appropriate these funds.

#### Patriot Energy UpDate:

Tim noted that Patriot Energy had asked for a 60 day extension with the siting council, but that Town Counsel had informed him that this request had been denied and it now appeared as though Patriot Energy is finished at least in the Town of Ayer.

#### PL 874 Task Force:

Tim pointed out that he had received word from the School Committee with the names of the people recommended to be on the task force as follows: Jack Berberian, Martha Craft, Murry Clark and William Noeth. He recommended that the Selectmen appoint their members also, and that these would be Sharon Summers, Charles Miller, Joseph Osbaldson, and Mr. Higgins. Selectman McKinney made a motion to appoint the members as recommended by Mr. Higgins, and the School Committee seconded by Selectman Jones and passed. The members asked that letters be sent to those appointed. Mr Higgins also noted that Colonel Michaud from Ft. Devens will be on the Committee.

#### Montachusetts Regional Planning Commission:

Tim noted that Ruth Proctor had volunteered to serve as the Town Representative to MRPC. Selectman Jones noted that he appreciated her willingness to serve, Selectman McKinney made a motion to appoint Mrs. Proctor, seconded by Selectman Jones and the motion passed. NOTE: (Mrs. Harriett Maxant serves as an alternate for the Town)

Tim stated that the Rotor Klub alcohol license is under appeal and the court has granted a stay until the court enters judgement on the merits of this action.

#### Truck Traffic Exclusion (Sandy Pond Rd.)

Tim informed the Board that the Wilmington Police, had set up the traffic counters and that the 24 hour count was in progress, and that he would apprise the Board of the results. The Board asked that a letter of thanks be sent to the Town of Wilmington for donating the counters.

#### New England Power - Herbicide Management

Tom Sullivan representing New Power Service Company stated briefly how the company applied the herbicide. Selectman Jones stated that the Board had concerns with the Town wells and where the herbicide will go, and how it would affect the area. Mr Sullivan explained that all the herbicides applied have been approved by the Dept. of Food and Agriculture, also that none of the herbicides will leach, or wash off site, these applications have a 2 - 3 month life expectancy and are 99% degradable, there will be no spraying from the air, also only trees are the targets, only shrubs are in the right way. He pointed that the applications take place every 4 -5 years. Supt Redfield added that these herbicides are probably safer than some household products. He added that the Town of Littleton should be notified before any application of herbicide takes place. Mr Sullivan stated that this would be done.

#### Supt Redfield's Report:

Supt Redfield informed the Board that he had read Mr Maxant's letter offering engineering services to the Town, but that the State required a registered engineer in order to update the Wastewater Industrial Pretreatment Program study.

Selectman Jones asked how often the Wastewater Treatment Plant needed monitoring, Mr Redfield replied that this was a continuous process, that the cost of this was borne by the seven significant high strength users, that the constant monitoring ensures compliance with EPA regulations. He continued that daily analysis is done and also monthly reports., also that the users submit their reports. Selectman Jones stated that this could get very expensive and that it is unfair to impose regulations that cost the Town money. Again Mr Redfield stated that the Town has to be in compliance, that there is no other recourse. Both Selectman McKinney and Jones agreed that there would be problems with industry down the road. Selectman Jones asked Mr. Redfield if he was a Massachusetts Registered Professional Engineer, and if he could perform the IPP services himself he replied in the

affirmative, but that he did not have the time now because of work being done with sewer inconsistencies. He did state that he would get the information from EPA on the restrictions. Selectman McKinney asked that the records show that the Board does not agree in spending the Town's money because of an imposed EPA mandate.

Supt Redfield noted that the Board has a scheduled Executive Session to discuss employee management strategies.

In a final matter on his report Mr Redfield gave the Board copies of the proposed contract for \$24,700 between the Town of Ayer and Vanasse Hangen & Brustlin, Inc (VHB) to perform engineering services associated with preparation of the Town of Ayer's Roadway Pavement Management System. Selectman Jones asked about obligating the money, Mr. Redfield explained that this was a bond issue. Selectman Jones made a motion to sign the contract, seconded by Selectman McKinney and the motion passed.

Selectman McKinney asked about a repair schedule for the fire hydrants, Mr. Redfield replied that the list would be forthcoming.

At this point Chairman Slarsky attended the meeting. He asked Mr. Redfield about J.T. & C. Construction on the Wright Rd/Sandy Pond Sewer Project. Mr Redfield replied that the project was about 92% completed. Chairman Slarsky stated his concerns about the W. Main St Bridge, that the situation was very dangerous and the other Board members agreed, that it is a severe predicament. He asked that letters be sent to our State Representatives, Congressman Atkins and the Commanding Officer of Ft Devens identifying the Board's concerns with the Structure. Selectman Jones then made a motion that these letters be sent, seconded by Selectman McKinney, all in favor and the motion passed.

Hoyle Tanner Assoc Re: Industrial Pre-Treatment Program  
Dennis Poma representing Hoyle Tanner Associates

In regards to Hoyle Tanner's bid of \$12,000 for additional funds needed to complete the Industrial Pretreatment Program, the Board requested the need for information as to why we are not in compliance and that they need a compliance schedule. Tim asked about a transfer from the Reserve Fund, Supt Redfield referred the Board to a memo in the Board's packet from the Town Accountant concerning Industrial Pretreatment Emergency, he added that unless the update is done the compliance schedule could not be submitted to EPA. At this point, Tim read Atty Gardners comments to the Board (see letter in Tim's office). Mr. Poma explained that the regulations were not available until 1990, but that the Town was not advised, he acknowledged that there should have been some advance notice. Mr Poma also presented to the Board a pamphlet with guidelines about developing and monitoring which had been done in 10/88 and that now there are new documents and guidelines that EPA is asking for. Supt

Redfield noted that other Towns are in the same situation. Chairman Slarsky asked that EPA do the updates. Supt Redfield warned that the Town could be fined, we need an unbiased engineer to protect the Town and EPA's interest. Mr. Poma stated that the program would implement local limits and that industries would have to comply. Chairman Slarsky stated that if we tell EPA that we want these rules changed, it would be double jeopardy, we did it once, we can't do it again. He noted that the the issue in this discussion was the \$12,000 requested by Hoyle Tanner to do the update, to go forward with the emergency situation. Selectman McKinney suggested to go back and ask EPA to do the update, make changes and look at alternate ways not to cost taxpayers, that EPA should give us technical assistance. In conclusion, Selectman Jones made a motion not to appropriate the funds to Hoyle Tanner Assoc., but to ask EPA to do the update, seconded by Selectman McKinney and the motion passed. The Board asked that Mr. Redfield write a letter to EPA, he agreed to do this and that it would be reviewed by Mr Higgins also.

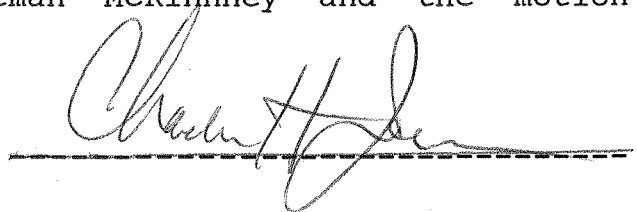
Chairman Slarsky asked Supt Redfield about the Landreth Property on Wrightway pertaining to a leach field. Supt Redfield advised the chairman that he would do a site investigation.

9:45PM Selectman Jones moved to adjourn from Open Session and to go into Executive Session pursuant to MGL Chapter 39 Section 23B, for the purposes of discussing employee management strategies, seconded by Selectman McKinnney and the motion passed.

ADJOURN

5/22/90

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A handwritten signature in cursive script, appearing to read "Charles H. Jones", is written over a horizontal line.