

Selectmen's Meeting
August 17, 2004
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

The Board met with Chairman Bresnahan, Selectman Morrison, Selectman Maxant and Selectman Fay. Selectman Sullivan absent due to vacation.

Chairman Bresnahan opened the meeting by requesting a Moment of Silence be observed for Robert Joy a 30+ year retired employee of the Town of Ayer Department of Public Works who passed away on August 6, 2004.

AGENDA ITEM #1. Public Input: Chairman Bresnahan requested if there was anyone present who wished to speak under Public Input:

1. Selectman Fay, Laurie Nehring, and Marilyn McMillian re: 211 West Main Street, Ayer, MA
2. Mary Spinner re Town Hall storage at the Pleasant Street School.

Public Input #1. 211 West Main Street, Ayer, MA Selectman Fay introduced Laurie Nehring of PACE (People of Ayer Concerned about the Environment) and Marilyn McMillian owner of Video Star (LeMac Realty)- 211 West Main Street, Ayer, MA and invited them to join the Selectmen at the table. Selectman Fay opened the discussion by advising the Board to his attendance at the Public Involvement Process Hearing conducted on Thursday, August 11, 2004. Selectman Fay advised to DEP Response Chief Nicholas Child present at this meeting and advising to Video Star's building contamination declared imminently threatening due to extremely high levels of tetrachloroethylene (PCE) being detected. Selectman Fay stating DEP has taken a very active role in this case because of its severity and location within a Zone II drainage area for the McPherson Well. Selectman Fay turned the discussion over to Ms Nehring who distributed photo copies and information collected to date by PACE re 211 West Main St. Ms Nehring advised to DEP classifying the site as a Tier 1-A Site meaning it has the agencies highest priority, explaining the site is 100 feet south of a wetland area and within 700 feet of Willow Brook and 1, 500 feet from the Nashua River. Ms Nehring stated the PCE plume is still being determined and that further testing will show how far it has migrated. Ms. Nehring updated the Board to the firm of Joel Loitherstein a licensed site professional being retained by 211 West Main St. owners LeMac Realty to develop a site assessment plan to address the contamination. Preliminary testing by Loitherstein estimated the ground water at 18 feet below the surface at 211 West Main St. advising to test wells as deep as 50 feet needed to determine the plumes extent, and preliminary testing indicating the plume moves away from the road towards the rear of the property but advising to more tests being needed. Ms. Nehring ended her remarks by listing the levels of contamination which reflected numbers totally out of scale re safety levels. Ms Nehring advised to TAG funds not available and PACE seeking local donations with a target goal of \$10K needed and advising to MADEV matching funds collected. Ms McMillian gave the Board a brief background of the owner's plight dealing with contamination and medical issues associated with exposure for her family, including herself, and staff. Ms. MacMillian acknowledged the receipt of an anonymous donation received by her family in the amount of \$2,500.00 which she turned over to PACE to start off the public contributions. Selectman Fay advising the Board to his willingness to serve as the Board's liaison to 211 West Main St. to keep the Board informed/updated to situation. The Board thanked all for coming in to meet with the Selectmen and took the matter under advisement.

Public Input #2. Mary Spinner-Pleasant Street School Clean Up-Town Hall storage.

Ms Spinner distributed memo updating the Board to storage items currently located in the basement and 1st floor of the Pleasant Street School. Ms. Spinner advising to majority of the boxes/storage items being inspected by all but a few of the Town Hall Offices and 90% deemed disposable. Areas of concern: file cabinets, paint cans, panels, carpeting, wood piles/book shelves, air conditioners/copiers/printers etc. requiring special disposal

handling due to weight, hazardous materials and urging the Board's assistance with the clean up i.e. delegating cooperation between departments to get job done prior to Sept 13, 2004 when MCI-Concord will be dispatching unit to assist with clean up in anticipation of the sale of the Pleasant Street School. Town Administrator updated the Board to herself, Mr. Madigan and Dan Sherman to tour facility later this week to determine needs accessibility i.e. dumpster/s, DPW assistance, Town Board's storage capacity.

AGENDA ITEM # 2. Minutes: The Board deferred the Selectmen's Minutes until Selectman Sullivan is present. Motion to defer made by Selectman Fay, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

AGENDA ITEM #3. Public Hearing-Common Victualler's License-Chung Ge Oriental Mkt.-210 W. Main St., Ayer, MA. The Board met with Kyung Sun Park new owner of Chung Ge Oriental Market.

Chairman Bresnahan requested the Legal Notice be read into the record. Selectman Morrison read the Legal Notice into the record. Chairman Bresnahan reviewed with the applicant what they would be changing in the establishment requesting if they would be preparing & selling food. Ms Park stated they would not be cooking food but would be selling pre-cooked items for sale and fresh vegetables/rice packaging. The Board requested to add #210D West Main Street to the address. After a short discussion the Board moved to approve the license request. Selectman Morrison moved the approval, 2nd by Selectman Maxant VOTE: unanimous, so moved.

AGENDA ITEM #4. Town Hall Roof Committee-The Board met with Richard Gillis. Mr. Gillis updated the Board to the progress and recommendation/s of the Committee re repair of the Town Hall roof. Mr. Gillis advised the Board to a RFQ being developed for Architectural and Engineering services and to place an article on the Fall Town Meeting Warrant above and beyond the \$20K roof article approved by the Spring Town Meeting. (see report dated 8-17-04). Mr. Gillis also advised to the need for short term maintenance to hold Town over to the next summer when the actual roof replacement can be accomplished estimated at \$6,500.00. Selectman Fay moved the Board approve the recommendation made by the Town Hall Roof Committee to proceed with the selection and hiring of structural engineering/designer services to prepare roof analyses and bid specifications. Selectman Fay requested the Board appoint the existing members of the informal committee to be the Designer Selection Committee for the purpose of evaluating proposals received and make recommendations to the Board of Selectmen for the hiring of a firm and to endorse an article to be placed on the Fall Town Meeting Warrant seeking approval for the additional funds needed for these designer services, 2nd by Selectman Morrison, VOTE: unanimous, so moved. The Board thanked Mr. Gillis for volunteering his services and meeting with the Board this evening.

AGENDA ITEM #5. Office of Community & Economic Development-The Board met with Shaun Suhoski, Community & Economic Development Director. Mr. Suhoski presented two (2) subordination requests to the Board

1. Subordination Requests-

38 Bligh Street (S. Murray)-Ayer, MA- The Board approved the subordination to refinance their 1st mortgage. Motion to approve made by Selectman Fay to approve subordination of the Town's lien conditioned upon a new first mortgage not to exceed \$62K, 2nd by Selectman Morrison. VOTE: unanimous, so moved. Selectman Maxant moved the Board authorize the Chairs signature, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

52 Grove Street (C&M Pepin)-Ayer, MA-Mr. Suhoski updated the Board to this subordination not following the Town's policy and his office having unanswered questions concerning lien status/transaction, therefore Mr. Suhoski recommended the Board's denial to subordinate the Town's Lien. Selectman Fay moved the Board accept Mr. Suhoski's recommendation to deny the subordination in accordance with the Town's subordination policy for 52 Grove Street as presented, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

Mr. Suhoski updated the Board to the Town's award of \$800K from CDBG Funds which will allow another 20-25 homes in Ayer to be rehabilitated. Mr. Suhoski advised to Grant being very competitive and Ayer tying in 5th for this Grant round. The Board congratulated Mr. Suhoski and his staff.

AGENDA ITEM #6. Supt. Madigan's Report

1. Appointment of Wastewater Treatment Plant Attendant-Sewer Department

The Board met with Supt. Madigan who introduced to the Board John Shanahan. Supt. Madigan advised to seventeen applicants responding to job. Interviews were conducted by John Loomer, Pam Martin and Supt. Madigan. Field was narrowed down to six applicants and Mr. Shanahan was deemed the most qualified. Supt. Madigan recommended the appointment of John Shanahan. Mr. Madigan advised to the receipt by the DPW of satisfactory pre-employment physical & DOT testing on Mr. Shanahan. The Board based upon the recommendation of Supt. Madigan appointed John Shanahan to the Wastewater Treatment Plant Attendant contingent upon Mr. Shanahan obtaining a Hoisting License within six (6) months of employment. Motion to approve made by Selectman Fay, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

AGENDA ITEM #7. FY-05 APPOINTMENTS (CONT.)

Capital Planning -The Board appointed Richard Gillis to the Capital Planning Committee after meeting with the Board and giving a brief background re his interest on serving on this Committee. Motion to appoint Mr. Gillis to the Capital Planning Committee made by Selectman Fay, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

Disabilities Commission-The Board appointed Lola Parlon to the Ayer Disabilities after meeting with the Board and giving a brief background re her interest on serving on this Commission. Motion to appoint Ms. Parlon made by Selectman Fay, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

Communication Committee-The Board appointed David Bodurtha to the Communications Committee after meeting with the Board and giving a brief background re his interest on serving on this Committee. Motion to appoint made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved. The Board also reappointed Lisa Marble to the Commission based upon her confirmation to be reappointed. Motion to reappoint Lisa Marble made by Selectman Fay, 2nd by Selectman Morrison VOTE: unanimous, so moved.

Community Preservation Committee-The Board appointed Robert Pena to the Community Preservation Committee as the Historical Commissions representative per the recommendation of the Commission. Motion to appoint Mr. Pena made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Community Preservation Committee-Citizen at Large Vacancy-the Board reviewed the five (5) applicants wishing to serve in this position: David Bodurtha, Patricia Walsh, Pauline Hamel and Linda Raines and Louis Marino. The Board met with Ms Haines who gave the Board a brief background re her interest in this appointment. The Board set this appointment back pending interviews with all of the above at a future Selectmen's Meeting.

Conservation Commission-Town Administrator advised the Board to this Commission historically being a five (5) member Commission with no alternate positions. Currently the Commission has been working as a five member Commission including an alternate position, Robert Eldredge currently serving in this alternate position. Town Counsel recommending the Commission follow the original composition established that being a five (5) member Commission with no alternates until if requested Town Meeting establishes new make up allowing seven members including alternates. The Commission presently has serving George Bacon, William Daniels, Andrea Desilets and Patrick Hughes and one vacancy due to the resignation of Thomas Poole. The Board set back this appointment until Robert Eldredge has had opportunity to respond to stay on Commission as full member. Applicants for this position: Louis Marino, Linda Raines, Keith Saxon.

Personnel Board-The Board reviewed the re-appointment request from the Chairman of the Personnel Board recommending the re-appointment of Pauline Conley. Selectman Fay moved the Board defer on this appointment. Motion to defer made by Selectman Fay, 2nd by Selectman Morrison, VOTE: Selectman Fay aye, Selectman Morrison aye, Selectman Maxant no, wishing to follow recommendation of Chairman of Personnel Board to re-appoint Ms. Conley, Chairman Bresnahan aye, 3-1 motion to defer carries.

Ayer Police Dept. Reserve Officers- The Board appointed Edward Nelson, Jesse Goguen, Robert Finn, Kevin Feeley, Ryan Griffin, Robert Soultanian and John Windhol per the recommendation of Chief Rizzo. Motion to appoint made by Selectman Maxant, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Special Out of Town Police Officers-The Board reviewed the list of Special Police Officers submitted by Chief Rizzo from the Towns of Shirley, Lancaster and Littleton. Motion to approve the Special out of Town Police Officers made by Selectman Morrison 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Recycling Committee: The Board met with Keith Saxon who gave the Board a brief background re his interest in serving on the Recycling Committee. The Board moved to appoint Mr. Saxon to the Recycling Committee. Motion to appoint made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Zoning Board of Appeals: The Board appointed Jennifer Gibbons to the vacant full member position on Zoning Board of Appeals and Louis Marino to the alternate's position on the Zoning Board of Appeals. Motion made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.

AGENDA ITEM #8. TOWN ADMINISTRATOR'S REPORT

1. Water Permits-The Board approved the water permits for Lot 9-4b/r, Lot 10-3b/r, Lot 11-4b/r, and Lot 12-4b/r for Robert Hicks-Pondview per Supt. Madigan's recommendation and authorize the Chair's signature. Motion to approve made by Selectman Fay, 2nd by Selectman Morrison, VOTE: unanimous, so moved.
2. Sewer Permits-The Board approved the sewer permits for Lot 9, Lot 10, Lot 11 and Lot 12 and for 134 Central Ave. per Supt. Madigan's recommendation and authorize the Chair's signature. Motion to approve made by Selectman Fay, 2nd by Selectman Morrison, VOTE: unanimous, so moved.
3. Change Order #5 Winter Street Architects Contract (Fire Station)-The Board approved Change Order #5 presented by the Town Administrator not to exceed \$49,850.00. Motion to approve Change Order #5 to Winter Street Architect's contract not to exceed \$49,850.00 made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.
4. The Board moved to approve the site line easement donation to the Town (M-5924-A dated July 2004) and to endorse the proposed easement to place an article on the Fall Town Meeting Warrant requesting the Town's acceptance of this easement. Motion made by Selectman Maxant, 2nd by Selectman Morrison VOTE: unanimous, so moved.
5. The Board authorized and approved a 3% pay increment for the Ayer Fire Station on-call Firefighters/EMT's, their past increase was in 2001. Motion to approve made by Selectman Maxant, 2nd by Selectman Morrison, VOTE: unanimous, so moved.
6. The Board voted to approve and endorse the September 14, 2004, State Election Warrant submitted by the Town Clerk. Motion to approve made by Selectman Morrison, 2nd by Selectman Fay VOTE: unanimous, so moved.
7. Town Administrator reviewed FYI's with the Board re: Safe Haven Legislation-scheduling a meeting with the Police/Fire/Hospital re implementation of this program. Chapter 90 notification Town will receive \$153,834 for Fy-05, Cemetery Land donation-MADEV confirmed the donation of approximately 3.5 acres of land off Bishop Rd. with stipulation Devens residents be allowed to be buried there. Site walk proposed for 8-16-04. Next step will be Town acceptance of land at Spring Town Meeting.

AGENDA ITEM #9. SELECTMEN'S QUESTIONS/NEW BUSINESS

Selectman Morrison took this opportunity to publicly thank the Town Hall Roof Committee for their effort and enormous amount of work.

Selectman Fay-Requesting the Board review Nuisance By-law very weak -strengthen the By-law and North Post formal document concern.

Chairman Bresnahan-Handed out draft of Tree Warden Job Description created by Anita Scheipers.

Chairman Bresnahan called for a motion to enter into Executive Session. Selectman Morrison moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 re: contract negotiations, grievance update, and current legal cases to adjourn from this Executive Session for the sole purpose of adjourning the meeting, 2nd by Selectman Fay, VOTE: Selectman Fay aye, Selectman Morrison aye, Selectman Maxant aye, Chairman Bresnahan aye, unanimous, so moved.

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9:00p.m. Open Session ended.

DATE: _____

Faye L. Morrison, Clerk

AYER BOARD OF SELECTMEN