

## Selectmen's Meeting

October 2, 2007

Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

Meeting recorded by AYERPAC made part of meeting minutes-CD available for viewing by written request to Town Administrator or by purchase from AYERPAC directly.

### Present

Gary J. Luca, Chairman	X
Carolyn McCreary, Vice-Chairman	Absent
Cornelius F. Sullivan, Clerk	X
Frank F. Maxant, Member	X
Pauline Conley, Member	X
Shaun Suhoski, Town Administrator	X
Janet Lewis, Secretary	X

### 7:10p.m. Open Meeting -Chairman Luca called the meeting to order

Public Input- Chairman Luca requested if there was anyone present wishing to speak under Public Input:

1. Rick Anderer, W. Main Street, Ayer, MA resident-re Shepley Hill Landfill-Mr. Anderer opened his discussion by announcing to the Board that he had contacted State and Federal Representatives, DEP, EPA, local media and Boston Channel 7 re contamination levels emanating from Shepley Hill Landfill impacting his residence and neighborhood -West Main Street. Mr. Anderer demanding what's going on, advising the Board to Army contacting him re placing monitoring wells on his property re arsenic levels. Mr. Anderer questioning depth of testing only 20' deep advising to Scully Rd. testing at 380'. Mr. Anderer stating he wanted answers regarding his property and wanting to sell property citing health concerns his/occupants as well as neighborhood. The Board advised Mr. Anderer of meeting with PACE a few weeks ago relative to same concerns and sending out letters to Federal & State Representatives, EPA, DEP, BRAC. DOA, Devens as well re the Army's delays cleaning up Shepley Hill Landfill. Selectman Sullivan requested Mr. Anderer contact PACE joining one group would bring about a more effective force. Selectman Maxant requesting the Board join forces with Mr. Anderer, share sense of urgency and write follow up letter/s sharing his concerns. The Board requested copies of letters be sent to Mr. Anderer. Selectman Sullivan urged the Board attend the November 11, 2007 BRAC meeting at the Devens Conference Ctr. to show support.
2. Bill Daniels, Chairman of the Conservation Commission-moving of staff to third floor. Left meeting before meeting with Board due to family commitment.
3. Susan Tordella-Clean-up Day Town of Ayer held on Saturday, September 29, 2007.
4. Selectman Sullivan-passing on Minutes of 9-18-07
5. Town Administrator-Resignation of Carolyn Duff from Fin-Com. The Board thanked Ms. Duff for her service to the Town for the past 3 years and accepted her resignation with regrets. The Board took this opportunity to advise the vacancy and encourage residents to contact the Town Administrator re filling this position. Mr. Suhoski also advised the Board to the School Committees receipt of Marie Pinard's resignation. The Board scheduled a Joint Meeting with the School Committee for November 7, 2007 at 7:00p.m. to vote to fill this position. School Committee to advertise vacancy and schedule meeting in the Prof. Dev. Room at the Page/Hilltop School. Mr. Suhoski announced the Town Accountant's completion of the annual SRA' Application and requesting the Board sign application at their earliest convenience-on counter in Selectmen's Office.
6. Chairman Luca read into the record the Town Clerk's Election Warrant of October 16, 2007, for the 5<sup>th</sup> Congressional District seat. Selectman Conley requesting correction to Town Clerk's Warrant re striking "Clerk" and inserting "Member" by her signature. The Board endorsed the Election Warrant submitted by the Town Clerk.

**7:15p.m. Agenda Item #2. Continuation of Public Hearing of 9-18-07-Taxi License-C&M Lynch Inc. d/b/a Ayer Kab Co.** The Board voted to continue the Hearing due to application incomplete. Selectman Conley moved the Board vote to continue the Hearing to 10-9-07 at 7:00p.m., 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**7:25p.m. Agenda Item #3. Public Hearing-Ingle-PCO Inc. All Alcohol License-31 Main Street Restaurant-**

The Board met with Karen Ingle. Chairman Luca requested the Clerk open the Hearing by reading the Legal Notice into the record. Selectman Sullivan read the Legal Notice which ran in the Nashoba Publications Newspaper the weeks of 9-21-07 and 9-28-07. Mrs. Ingle stated she was before the Board to request their consideration from a Beer & Wine License to a Full Alcohol License. Mrs. Ingle stated the reasoning for upgrading their original request from a Beer & Wine License to a Full All Alcohol License wanting every tool available to them to ensure the success of their restaurant as well as being able to compete with other local businesses. Ms. Ingle advised to the restaurant a family style restaurant serving three (3) meals a day from 11:00a.m. to 1:00a.m.. Selectman Maxant requesting when restaurant is to open. Mrs. Ingle responding hopefully this month. Discussion occurred re Sunday Brunch Alcohol selling start up time. Secretary to check with ABCC re serving at 11:00am special legislation opposed to the 12:00 authorized start time. Selectman Conley moved the Board approve the All Alcohol License for Ingle PCO Inc.-31 Main Street Restaurant from 11:00a.m.-1:00a.m. Sunday through Saturday or to the extent Com. of MA Laws permit, 2<sup>nd</sup> by Selectman Sullivan VOTE: Unanimous, so moved.

The Board met with Susan Tordella. Ms Tordella introduced Stan Riley co-sponsor of the Ayer Clean-Up Day. Ms Tordella advised the Board to more than eighty (80) people coming out to help. Special recognition was extended to Ayer DPW, High School Human Rights Squad, Greenway Committee, Recycling Committee and all the residents who worked very hard to clean up the Town's gateways, main streets and rail trail. Supt. Madigan echoing Ms Tordella's remarks thanking the community for all the assistance. Ms Tordella concluded by encouraging residents to keep patrolling their neighborhoods and looking forward to another successful year.

**Agenda Item #4. Chief Rizzo –Patrolman's Appointment-**The Board met with Chief Rizzo

Chief Rizzo introduced Jennifer Davis of Leominster, MA. Chief Rizzo briefed the Board re Ms. Davis background, education present and past employment. Chief Rizzo after running through Ms. Davis biography acknowledged that she is an excellent and welcome candidate to the Ayer Police Dept. bringing with her K-9 unit experience having interned with the MA State Police from 2000-2005 as well as being a certified Emergency Medical Technician. Chief Rizzo recommended the appointment of Jennifer Davis to the position of Ayer Police Dept. Patrolman contingent upon her successfully passing both a physical and psychological examination and first date of employment to be determined by Chief Rizzo. Selectman Conley moved the Board vote to approve Chief Rizzo's recommendation so stated in a Memo dated 9/19/07 to appoint Jennifer D. Davis of Leominster, MA to the position of Patrolman at the Ayer police Dept. contingent upon her successful passage of both a physical and psychological examination, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved. The Board welcomed Ms. Davis to the Town of Ayer.

**Agenda Item #5. Planning & Development Dept.-**The Board met with Chris Ryan-Planning & Development Director.

- **VHB –Zoning By-law Consulting Services Contract-**Mr. Ryan ran through the procedures re the RFP for consulting services to conduct Phase I of the Zoning Bylaw Rewrite Project. Mr. Ryan advised to three proposals received by the Sub-Committee –Steve Wentzel of the Planning Board, Selectman Carolyn McCreary, and CPIC member Patrick Hughes and himself. Funding for the re-write approved from Fy-07 ATM Article 31 in the amount of \$30K. Mr. Ryan requested the Board authorize the Planning & Development Department acting on behalf of the Board of Selectmen and the CPIC to enter into a contract with the multidisciplinary planning & design consulting firm of VHB for the sum not to exceed \$30K to conduct Phase I of the Zoning Bylaw Rewrite Project. Selectman Conley requested Mr. Ryan wait until the Planning Board endorses/approves award and bring back before the Board of Selectmen on 10-9-07. Selectman Maxant stating his objection to VHB from past experience re rotary repair/Carlton Circle driven by VHB for MADEV priority to Town of Ayer's detriment, VHB did not serve Town of Ayer. James Lucchesi urging the Board's consideration be given to the firm who updated the Town's Zoning Map advising to only two discrepancies on the Map which were corrected. Selectman Maxant requesting clarification re metes vs. bounds which is correct picture or text. Selectman Conley moved the Board continue discussion to 10-9-07, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

### **BOSMIN10-2-07/PG.3**

- Warrant Article-Expedited Permitting Program-Mr. Ryan presented the Board draft article distribution for Town Meeting-Expedited Permitting (MGL c.43D) for inclusion on the October 22, 2007 Fall Town Meeting Warrant. Mr. Ryan advised to Planning Board conducting a Public Hearing /Information Meeting on Oct. 4, 2007 as required. Mr. Ryan ran through process and timelines with the Board. Selectman Sullivan moved the Board voted to support warrant article for 43D as presented by Mr. Ryan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

Resident Mary Kidder-entered the meeting at this time requesting the Board's permission to speak having been watching the Selectmen's Meeting at home. Mrs. Kidder presented to the Board a letter written to President Reagen in 1991 re Fort Devens closing and Shepley's Hill Landfill concerns when she was on the Board of Health advising to President Clinton also copied same in 1998 who copied the Department of the Army on the correspondence stating for twenty five (25) YEARS the problem is still not solved. Mrs. Kidder offered the letter to the Board. The Board requesting Mrs. Kidder keep the letter in a safe place need for letter may be necessary in future. The Board thanked Ms. Kidder for coming into the meeting at such a late hour to bring this information forward.

**Agenda Item #6. Supt. Madigan's Report**-The Board met with Michael Madigan

1. **Grove Pond Replacement Wells**- Supt. Madigan updated the Board to need of amendment to Tata & Howard's contract-\$5,259 re average depth to unsuitable material was greater than 50' at each test well location and an additional test well required due to poor water quality bringing total testing to 5 wells. The \$5,259 is the difference between the budgeted and installed work. Selectman Maxant stating his displeasure with going over budget and still going ahead with project without the Board's endorsement, and doesn't want this becoming a habit. Selectman Conley requesting reassurances that other item not finished (1.4) in Tata & Howard's Contract will not go over Fy-08 budget. Selectman Sullivan moved the Board vote to approved Tata & Howard's amendment #1. to the Grove Pond Replacement Wells Project in the amount not to exceed \$5,259.00, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved. On another item re this project Supt. Madigan recommended the Board vote to award the contract to install replacement wells for F.G. Sullivan Drilling Co. for the amount not to exceed \$68,888.00 and authorize the Chairman's signature on the Notice of Award 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
  2. **Water Projects Status Report**-Water Projects-Present for this discussion Susan Hunnewell-Tata & Howard. The Board reviewed the Water Projects Status Report with Supt. Madigan and Susan Hunnewell.- Informational only. Ms. Hunnewell updated the Board to **Replacement Wells at Grove Pond**-The Board reviewed the \$68,888 Notice to proceed authorization to begin within two weeks and project completion within sixty (60) days. Tasks remaining to be completed: pump test report, compilation of design plans & specs for connecting piping and construction. Completion of project with replacement wells on line & connected to the Water Treatment Facility expected by Fall 2008. Ms. Spinner of the Fin-Com reviewed with the Board the 5-year plan to be re-evaluated re the Town's Capital Plan. Selectman Sullivan posed scenario to Supt. Madigan re likelihood of Devens and Ayer's three wells pumping at max at same time. Supt. Madigan stating would never occur in all actuality, "no Crisis foreseeable" do to good planning. Supt. Madigan reminded Board to MOU with the MA National Guard (MNG) and the Town of Ayer re the Town's Grove Pond Wells off Barnum Rd. being revised to include additional restricted activities to include gravel mining, road salt/deicing material storage, underground storage tanks and concrete crushing operations and awaiting signatures by Board which were on counter in Selectmen's Office. Selectman Sullivan moved the Board vote to approve the revised MOU with the Town of Ayer and the MA National Guard, and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Conley VOTE: unanimous, so moved.
- Grove Pond Well #3. & Wastewater Treatment Facility Upgrades**-Ms. Hunnewell advised to DEP Review/approval target date of January 08, well installation & pump test bid/award 2-08, installation & well test Mar-May 2008, Report submission ENF/WMA 7-08, DEP review & approval 4-09, design & construction well #3, & WTF Jan-May 09, construction completed 6-10.

**GeoInsight Review Proposal-Spectacle Pond Well Field**- The Board reviewed the groundwater monitoring program re the PanAm site off Willow Rd. re the installation of additional upgradient monitoring wells to monitor potential documented releases of oil or hazardous material as well as identifying possible storage of petroleum products in the surrounding area. Selectman Sullivan moved the Board approve ,

GeoInsight's review & proposal re Spectacle Pond Wellfield in the amount not to exceed \$2,300.00 and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

**Groton Street Wall Replacement Bid Award-**Supt. Madigan updated the Board to bids opened on 9-19-07 for the wall replacement project and a total of 10 bids received. Supt. Madigan recommended the Board award the contract to Buxton Co. of Pepperell, MA for the bid award not to exceed \$33,693.00. Supt. Madigan advised to the project being funded from MA Highway Chapter 90 reimbursement. Selectman Sullivan moved the Board approve the contract for the Groton St. Wall Replacement as recommended by Supt. Madigan per his memo of 9-20-07 to Buxton Co. of Pepperell, MA not to exceed \$33,693.00, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

Supt. Madigan presented handouts to the Board re notification to residents/commuters re Groton Street being closed off during repair work and depicting traffic detour/s. Town Administrator offering to place document onto Web Site. Selectman Conley requesting telephone number be placed on flyer should questions arise and to distribute flyers to the residents of West Street, Groton St., and Pearl St., Selectman Conley to distribute to commuters.

The Board reviewed the Town Accountant's 8/3/07 memo re guardrails for Sandy Pond Rd. & Shirley St. change order to the contract changing the amount 50% above the original bid price and bid award awarded to lowest bidder while the other bidders were not asked to provide new quotes requesting review of documentation re compliance with MA Procurement Laws not receiving three quotes as to not delay vendor payment.

**Agenda item #7 Town Administrator's Report-**The Board met with Town Administrator Shaun Suhoski

**1. Mr. Suhoski** updated the Board to Letters going out re Liquor Control Violations and Hearing scheduled for 10-10-07 at 7:00p.m.

**2. Draft 10-22-07 Town Meeting Warrant-**

**Article 1. Rescind prior borrowing authority-School Gym parathion-\$800**

Hilltop School roof replacement \$128,153.65 and Fire hose replacement \$945-Board Approved article as presented for inclusion on the 10-22-07 FTM Warrant.

- **Article 2** Close Balances From Prior Articles: Peter Paige-Park Dept. Commissioner present for Discussion requesting Board not to close balance on the Kiddie Depot 1999 ATM Article (\$5,032) and Park Safety net 2005 ATM Article \$5K requesting Board's consideration to keep in reserve to use as leverage and consolidate with fundraising efforts for the Park.-The Board removed this article from the 10-22-07 Fall town Meeting Warrant.
- **Article 3** Transfer Funds (\$29,714.65-UDAG Funds) to Ayer Housing Authority-The Board reviewed the care & custody of the Pleasant Street School placed under the Board of Selectmen's Control two years ago-Mr. Suhoski advising the Board to the Ayer Housing Authority is not a Town entity and cannot transfer money to the Hous. Auth. Selectman Conley urging the Board revert money back into the UDAG account and if Pleasant Street School needs additional money for the senior apartments later a request could be made again at that time. Selectman Maxant moved the Board leave the money where it is and remove this article from the 10-22-07 Fall Town Meeting Warrant, 2<sup>nd</sup> Selectman Sullivan, VOTE: Selectman Maxant aye, Selectman Sullivan aye, Selectman Conley no, Chairman Luca aye, 3-1 motion carries.
- **New Article 2-Transfer to Reserve Fund-** (\$5,847.00) from line item 01193-57430 Fire Casualty & Liab. Insurance to the Reserve Fund. The Board approve this article as presented for inclusion on the 10-22-07 FTM Warrant
- **Article 3-Expediated Permitting** (MGL c.43D) approved as is for inclusion on 10-22-07 FTM Warrant.  
The Board approved this Article as is for inclusion on the 10-22-07 Fall Town Meeting Warrant.
- **Article 4-Road Acceptance-Pheasant Circle-**approved as presented for inclusion on 10-22-07 FTM Warrant.-Mr. Suhoski advised to John Riley Road acceptance withdrawn from FTM Warrant.
- **Article 5 Require Retired Employee to Join Medicare-**approved as is for inclusion on 10-22-07 FTM Warrant.

**BOSMIN10-2-07/PG.5**

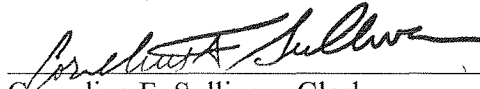
- **Article 6-Amend General By-law XXXII (Dog Bylaw) by adding Section 4**—approved as presented for inclusion on the 10-22-07 FTM Warrant.
- **Article 7. Zoning Amendment-Willow Rd.**—approved as presented for inclusion on the FTM Warrant.
- **Article 8. Citizen's Petition-Change in tenure in the Town's By-laws of the Planning Board.**  
Approved as presented for inclusion on the 10-22-07 FTM Warrant.

Selectman Conley moved the Board close the Fall Town Meeting Warrant (FTM), 2<sup>nd</sup> Chairman Luca,  
VOTE: unanimous, so moved.

Mr. Suhoski updated the Board to no Executive Session this evening but reminded the Board to Selectmen's upcoming meeting schedule: next Selectmen's Meeting on 10-9-07, Liquor Control Violation Hearing on 10-10-07 @7p.m., DPW Negotiation 10-18-07 @6:30p.m. and Executive Session scheduled for 10-9-07 re Personnel matter, Tri-Board Meeting scheduled on 10-17-07.

Selectman Conley reminded the Board of the need to fill vacancies re MADEV Vacancies—School Regionalization Meetings—to contact Supt. of Schools., DEAC-School Committee Member and Town member to Open Space & Recreation.

10:30 Selectman Sullivan moved the Board adjourn the meeting, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.



DATE: 12-18-07

Cornelius F. Sullivan, Clerk

AYE BOARD OF SELELCTMEN