

Selectmen's Meeting  
Tuesday, January 18, 2005  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

The Board met with Chairman Bresnahan Selectman Morrison, Selectman Sullivan, Selectman Maxant and Selectman Fay.

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

1. Selectman Fay-Public announcement
2. William Oelfke-Town Appointment
3. Kevin Bresnahan-Fund Raiser
4. Selectman Morrison-Joint Transportation Meeting
5. Selectman Maxant-JBoS
6. Chairman Bresnahan-Recognition of Ayer's Public Safety Depts. re: Selectman Maxant's medical emergency of 10-05-04

Chairman Bresnahan called for a motion to accept the Agenda as amended. Selectman Morrison moved the Board approve the Agenda of 1-18-05 as amended, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

Chairman Bresnahan opened the meeting by publicly thanking and recognizing members of the Ayer Fire Dept., Ayer Police Department, MedStar Emergency Medical Services, Selectman James Fay, Mary Spinner, and Patrick Hughes for their fast response and life saving services administered to Selectman Frank Maxant when he experienced sudden fatal heart arrhythmia at the Selectmen's Meeting on October 5, 2004. Chairman Bresnahan presented Certificates of Recognition to all responsible for saving Selectman Maxant's life. Chairman Bresnahan turned the floor over to Selectman Maxant. Selectman Maxant stated he was so fortunate to have been surrounded by "Guardian Angels" and would not be here tonight if it wasn't for the assistance of so many people. Selectman Maxant, taking this moment to state since his incident of the growing call for training in CPR advising to Town Hall staff wishing to be trained to administer CPR/Defibrillator assistance.

Selectman Maxant also took this opportunity to admonish MADEV for traffic issues/bypass not completed and traffic diverted through Downtown Ayer at the expense of Ayer residents should major emergency occur.

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**William Oelfke, Chair-Planning Board and Dale Taylor-Chair Zoning Board of Appeals.** Mr. Oelfke stated he was before the Board this evening along with Dale Taylor to request a change in their Administrative Assistant's Job Description. Mr. Oelfke stated it was the desire of the Board's to appoint Ms. Sullivan as the Board's Zoning Administrator which would give Ms. Sullivan the authority to approve/disapprove Home Occupations before the Zoning Board. Mr. Taylor advised the Selectmen to 30% of the ZBA's business is processing Home Occupations. **Mr. Taylor advised to Zoning Board's Article #2, Section 5 108** gives the ZBA authority to appoint advising to authorization lies within ZBA. Mr. Oelfke stated change would be a one line change in Ms. Sullivan's job description. Selectman Sullivan took this opportunity to question why Conservation Commission was going alone and reasoning why this was happening. Urging Board's minimize Ms. Sullivan's time and accommodate Conservation Committee's needs as well. The Board referred change to Job Description to the Personnel Board.

**Kevin Bresnahan**-Mr. Bresnahan stated he was before the Board this evening to request permission from the Town to conduct a 7K Road Race in memory of his sister Janice to which proceeds of race is **to be used for the Ayer Schools**. Mr. Bresnahan stated four scholarships have been given out to date. Mr. Bresnahan stated he has met with Don Parker who is very receptive to event and Chief Rizzo who is researching road blocks/traffic issues. The target date for the race is May 14, 2005. Mr. Bresnahan advised to more information forthcoming at the Selectmen's 2-1-05 meeting re updates i.e. time, starting place, route as the race gets closer. The Board requested Mr. Bresnahan contact Shaun Suhoski-Community & Economic Dev. Director as well as Downtown Businesses and neighboring Towns of the event.

**Selectman James Fay**-Selectman Fay took this time to congratulate and inform the Board and Ayer residents to Selectman Morrison invited to participate on Radio Station WMUL –Station 95.1 re tribute to Dr. Martin Luther King on Wednesday, January 19, 2005.

**Selectman Morrison**-Selectman Morrison advised to Joint Transportation Meeting held earlier today on Devens and she was elected to Chair this Committee. Selectman Morrison also took this opportunity to publicly thank Lucile DaCosta and her students for handing out flyers re the Town's Charrett held last Tuesday evening at the Town Hall re the proposed parking garage-train station in Ayer.

**Selectman Bresnahan**-announced Representative Hargraves conducting Office Hours at the Town Hall this evening encouraging Ayer residents to come down and meet with Ron Englade-Rep. Hargraves's aide from 7-8 p.m. this evening.

**Agenda Item #2. Minutes of 1-4-05** Selectman Sullivan moved the Board take up the Minutes later in the meeting 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Agenda Item #3. Comprehensive Planning Committee**-the Board met with Harry Zane and Carolyn McCreary. Mr. Zane presented the Selectmen the Committee's Vision Statement depicting Ayer's unique qualities. Mr. Zane advised to statement encompassing smart growth development in already built up areas to promote: better access, lower costs, keeping open space open, neighborhood livability, and shared benefits. Also reviewed with the Board were the Committee's policies to realize the vision which would ensure gateways, businesses and houses are attractive, Downtown is vibrant, successful area, industrial development is well planned and of high value, new businesses protect large amounts of Open Space and are friendly to the environment, historic character and affordability of existing neighborhoods are preserved, housing needs of citizens reflect all economic levels and ensuring they are met, wildlife corridors and habitat areas are protected, high quality town and school services are provided as well as transportation issues i.e. MBTA commuter parking/pedestrian walking, and improvements to roadway/intersections. Mr. Zane stated the committees desire to educate more people to the plan and plans to be back before the Board in late October with a more detailed proposal. Selectman Fay requesting the committee distribute information to public in advance of meeting. Chairman Bresnahan encouraged the Committee to work with Planning Board and Shaun Suhoski and advised Mr. Zane and Ms. McCreary to informational meeting being held next Thursday, January 27<sup>th</sup> re DDEB and Town's criteria re final outcome of Devens. The Board thanked Mr. Zane and McCreary for coming in to update the Board to the Committee's proposed plan.

**Agenda item #4. Water Supply Report-Susan Hunnewell-Tata & Howard**

The Board met with Supt. Madigan and Susan Hunnewell. Ms Hunnewell advised to review of Water Supply Plan update conducted on 12-15-04 with Board of Selectmen. Ms. Hunnewell reviewed the Water Supply Plan with the Board presented at the 12-15-04 Selectmen's Meeting and offered the following update: background re water supply & distribution systems study completed in May 99 with updates ongoing,. Additional water investigations done in 99 and 02, 02 water demand projections revised during WW analysis, DEP Regulations required average day demand/maximum day demand-recommended maximize yield from existing wells and develop 3<sup>rd</sup> well at Grove Pond (GP) as well as upgrade GP Water Treatment Facility (WTF) GP WTF estimated capacity 1.5mgd due to lower filter flow rate (1.5gpm/sf vs 3gpm.ssf), and water demands updated in 04.

Ms. Hunnewell ran through the 02 water projections through 2020 with the Board advising to average day demand (ADD)projected at 2.67/mgd and maximum day demand (MDD) projected at 4.65/mgd depicting supply deficits by 2011 for ADD and 2005 for MDD recommending replacement well program, upgrade Grove Pond WTF and develop 3<sup>rd</sup> well at Grove Pond.

Ms. Hunnewell summarized with the following –Residential demand (ADD) increased, Industrial demand decreased, unaccounted-for water decreased. Projected 2020 ADD-2.28/mgd, Projected MDD through 2020

3.96/mgd with no supply deficit projected; supply deficit in near future for MDD and recommended Town remain consistent with 2002 reports. Upgrade of Grove Pond WTF and development of 3<sup>rd</sup> well recommended within next 5-10 years.

The Board reviewed cost estimates with Ms. Hunnewell re replacing Spectacle Pond Well #1, replacing Grove Pond Well #1, Grove Pond Well #2, replacing Grove Pond WTF to 2.5/mgd and developing 3<sup>rd</sup> well at Grove Pond. Ms. Hunnewell stated improvements at Grove Pond will provide the Town with the following benefits: greater flexibility operating existing wells, improved water quality from Grove Pond Wells, reduction in frequency of cleaning/media replacement and equipment. Improvements not driven solely by demand must consider health and safety and long term planning. Ms. Hunnewell stating it may be preferable for Town to construct 3<sup>rd</sup> well and do WTF upgrades at the same time to reduce DEP review and construction costs. Ms. Hunnewell stressed need to monitor water demands on annual basis and reevaluate Grove Pond WTF and costs associated with exceeding the recommended filter flow rate.

Selectman Maxant suggesting to look at NW Section of **Ayer**-north of McPherson Well/James Brook area. Ms. Hunnewell stated in 90 area was looked at and difficulty was with getting 400' radius. Selectman Morrison expressed concerns re back-up in case of huge fire in town. Supt. Madigan stated storage tanks would kick in for extra demand/end of day tanks fill. Laurie Nehring elaborated on RAB discussions i.e. Sheply Hill and McPherson Wells and advising Board to plume from 211 West Main St. heading towards McPherson Wells and agreeing with Selectman Maxant to re-look at James Brook area, lot of potential and work around depending on Grove Pond Wells. Mary Spinner requesting the Board look at ultra filter membrane system. Selectman Sullivan requesting SIU's disclose their twenty year projection needs. Supt. Madigan advised the Board to SIU's being contacted re their 2020 year projections and these numbers calculated into plan. Supt. Madigan urging the Board to form working group to address study and recommendations presented this evening. Selectman Sullivan moved the Board accept and continue Water Supply Report re residential growth, projections reviewed i.e. worse case and industry standards-growth predicted, no 2<sup>nd</sup> to motion, motion fails. Selectman Fay moved the Board accept the Report dated 12-15-04 prepared by Tata & Howard, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved. **The Board requested questions/concerns be forwarded to Supt. Madigan and Anita Scheipers.**

#### **Agenda Item #5. Supt. Madigan's Report**

1. **Maher-Grove Pond Contract**-rescheduled.
2. **Groveland Sewer Change Order**-Supt. Madigan updated the Board to Groveland Street essentially completed with only the paving of top asphalt coat to be completed in Spring and advised to during course of construction several items being required which resulted in increase to contract. Change Order #1 in the amount of \$23,137.18 consisted of following: Steel sheeting around existing manhole-\$5,247.18, 175 linear feet of 1 ½" force main \$5,250.00, removal & installation of reclaimed material for sub-base on Groveland St. \$12,640.00. Selectman Morrison moved to approve Change Order #1, items 1, 2, & 3 dated 1-14-05, in the amount not to exceed \$23,137.18 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
3. **Weston & Sampson**-Long Pond Contract-Supt. Madigan presented and recommended the Board award the Contract to Weston & Sampson for engineering services/repairs and permitting applications to DEP and Army Corp of Eng for Long Pond Dam in the amount not to exceed \$27,500.00. The Town DPW to do a lot of the work with concrete dam to be cast in place and riprap placed downstream. Town Counsel reviewed and approved contract as to form. Dam to be funded entirely by two (2) subdivisions: Stratton Hills Sub-Div.-\$30K and Pond View III Sub-Div-\$37,700.00. Selectman Morrison moved the Board approve Weston & Sampson's Contract for replacement engineering services/repairs to Long Pond Dam in the amount not to exceed \$27,500.00 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. Selectman Sullivan urging Supt. Madigan is sure to incorporate nature walk/s in design. Supt. Madigan advising to start up of project June-July 05 and agreed with Selectman **Maxant** and encouraging Scouts to join in on this project as it being a great undertaking for scouts to get involved in i.e. signage, bridge, etc.

Supt. Madigan's Report (Cont.)

- 4. Shelly Lane Consent Order-**Supt. Madigan reviewed with the Board the 10-5-04 penalty set by DEP for allowing developer of Shelly Lane to install and connect their sewer line to the Town's system prior to approval by DEP. Supt. Madigan updated the Board to draft consent order assesses a penalty of \$2,875.00 with a required payment within 30 days of effective date of Consent Order and a suspended penalty of \$1,875.00. Supt. Madigan advised to penalty being very lenient which reflected the Town's diligence meeting requirements of the existing Consent Order and Town did not intentionally allow illegal sewer connection and has actively been putting into place steps to insure this will not happen again. The Consent Order requires the Town take the following actions:

1. Within 30 days the Town submit to DEP a detailed summary of all road opening permits issued this past year for purpose of installing sewers subject to 314CMR7.00
2. Within 30 days the Town review and if necessary amend its permit issuance practices to prevent future road opening permits until applicant obtains necessary permits from DEP per 314CMR7.00
3. Within 60 days of Consent Order date the Town submit to DEP its written description of its protocol to ensure sewer construction does not proceed without a valid permit issued by DEP.

Motion to approve Consent Order made by Selectman Fay, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous so moved.

- 5. Ridge View Heights Water Permit Application-**The Board met with Supt. Madigan and Steve Mullaney, PE S.J. Mullaney Engineering re Crabtree Dev. Corp.-Ridgeview Heights Water Line Extension-Mr. Mullaney updated the Board to request being modified to loop the Town's Water Distribution System and construction of a 1.0MG Water Tank/2007, as a mitigation measures for 150 single family residential lots and 140 multi-family townhouse units for Ridge View Heights Sub-Division. The Board after review voted to approve the application to DEP for Crabtree Dev. Corp's 150 home Ridge View Heights Sub-Division for expansion of the water distribution system, including mains along Snake Hill Road and within the proposed sub-division and not include the 140 multi family townhouse units. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Fay aye, Selectman Maxant aye, Selectman Morrison aye, Chairman Bresnahan aye, Selectman Sullivan no 4-1 motion carries. Selectman Sullivan requesting additional information re future water supply before approving application. Chairman Bresnahan responding the Town has enough water per the earlier discussion. Selectman Maxant stated what influenced him was the developers agreement to loop water distribution system and construction of new water storage tank.
- 6. Sewer Abatement-P.Y.O. Inc.** The Board approved a Sewer Abatement for PYO Inc. d/b/a Brew Locker 207 W Main St., Ayer, MA per request of Supt. Madigan who updated the Board to leak which caused high water reading, plumber hired-problem corrected. Water portion paid for by customer-labile. Sewer bill needed to be adjusted to reflect water leaked into ground not sewer. Abatement of \$2,114.14 approved by Board. Motion to approve made by Selectmen Fay, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #6. Fire Department-Ambulance Rates**

The Board met with Chief Fillebrown who presented the Board the Town of Ayer's current Ambulance rates, proposed new rates and Boston area rates. Chief Fillebrown advised to Comstar the Town's billing company recommends the Town increase rates above the Medicare allowable to reflect actual higher cost to the Town. Chief Fillebrown stated most ambulance services, private & municipal charge a rate higher than Medicare allowable. The Board after review moved to increase the Town's Ambulance Rates to reflect Boston area rates (30% increase). Motion to approve made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

Chief Fillebrown on another matter requested the Board's approval for the Ayer Fire Station's Paramedics Intercept in the amount of \$200.00. Motion to approve made by Selectman Maxant, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Agenda Item #7. Town Administrator's Report-**

1. **Barr Inc.**-The Board moved to approve Barr Inc. Change Order #2. for additional site work in the amount of \$10,225.18 for a total new price of \$4,058,026.40. Motion to approve made by Selectman Morrison, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
2. **MunEnergy**-The Board moved to award the three (3) year contract for the purchase of electric utility for the Town's municipal buildings to MunEnergy a subsidiary of MA Municipal Assoc. for the latest rate price provided this evening-7.75 cents. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
3. **JBOS Hous. Committee Resignation**-The Board accepted the resignation of Lora Haines with regrets and requested the vacancy be advertised immediately.
4. **Open Space Plan Letter of Support**-Ms. Scheipers presented Shaun Suhoski's letter to the State Division of Conservation Services of EOEA urging approval of the Town's 2004-2009 Open Space and Recreation Plan. Motion to approve made by Selectman Morrison, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
5. **Town Hall Roof** -Ms. Scheipers presented Change Order #1 for structural investigation re leaks to tie bars in the Great Hall-Interior Walls in the amount of \$1,500.00. Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

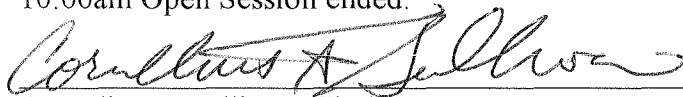
**Agenda Item #8 Selectmen's Questions/New Business**

Selectman Morrison-took this opportunity to thank the Board for allowing her to attend the Annual MMA Meeting earlier this month. Selectman Morrison advised to her attending MIA's Meeting and accepted on behalf of the Town of Ayer the Town's Reward's Program check in the amount of \$12K for good fiscal planning. Ms Morrison elaborated on many of the workshop provided i.e Capital Planning, Chapter 70 etc. Selectman Morrison also reminded everyone to Joint Transportation Meeting on 1-26-05 at 7pm at the Ayer Town Hall.

Selectman Bresnahan-re Selectman Maxant's statement re MADEV planning to site Nuclear Waste Facility on Devens-advising of his speaking directly with Mr. Burke who advised to MADEV never making such a statement **and has no plans for placing such a facility of that nature on Devens. Selectman Bresnahan also handed out copies of DEC Regulations that he believes state that a nuclear waste dump would be illegal.** Selectman Bresnahan took this opportunity to remind viewing public to Town of Ayer's Criteria Meeting to be held at the Ayer Town Hall on Thursday, January 27<sup>th</sup> at 7:00p.m.

10:00p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B, Exemption #3 re Eastern General, to adjourn from this Executive Session to re-enter Open Session for the sole purpose of adjourning the meeting 2<sup>nd</sup> Selectman Fay.

10:00am Open Session ended.



Cornelius F. Sullivan, Clerk

AYER BOARD OF SELECTMEN

DATE: 3-15-05