

Selectmen's Meeting
Tuesday, December 21, 2004
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

The Board met with Vice-Chair Faye Morrison, sitting in for Paul Bresnahan who was not in attendance due to prior commitment, Selectman Fay, Selectman Sullivan and Selectman Maxant.

Public Input: Vice-Chair Morrison requested if there was anyone present wishing to meet with the Board under Public Input. No one stepped forward.

Vice Chair Morrison took this opportunity to remind the viewing audience to the Devens Disposition Executive Board (DDEB) seeking volunteers to serve on sub-committees such as Financial, Housing, Open Space & Rec., etc. and to contact Ms. Scheipers at the Ayer Town Hall for complete listing of sub-committees and if interested in serving. Ms Scheipers stated the Town is clearing house for appointees the DDEB to be appointing authority. Vice Chair Morrison called for a motion to approve the Agenda of 12-21-04. Selectman Maxant moved the Board approve the Agenda of 12-21-4 as presented, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Minutes- Selectman Sullivan requested to pass on the Minutes of 12-7-04.

Vice-Chair advised to the Board being ahead of schedule and requested the Board take up the Town Administrator's Report.

Town Administrator's Report

1. **Conservation Commission-Reserve Fund Transfer-Weed Control Program-**The Board met with George Bacon, Chairman of Conservation Commission. Ms Scheipers presented the Commissions request for a \$14,050.00 RFT advising the Board to 2004 Spring Town Meeting approving \$15K for this purpose and this amount not sufficient and partial work not practical. This transfer would be to supplement contractor to apply herbicide to Flannigan's and Sandy Ponds and filing necessary permits. Selectman Fay after a brief discussion re past funding for the weed control program moved the Board approve the Reserve Fund Transfer for Conservation Commission in the amount not to exceed \$14,050.00, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

It being 7:15p.m. the Board took up the Public Hearing –Class II License Application for Terranova Auto Body 40, Littleton Rd., Ayer, MA. Vice-Chair Morrison requested the Legal Notice be read into the record. Selectman Sullivan read the Legal Notice which ran in the Nashoba Publications the weeks of December 8, &15, 2004. The Board met with Scott Terranova of Fitchburg, MA re his application for a Class II License. Mr. Terranova stated he owns the property at 40 Littleton Rd. and runs an automotive Body Shop there. Mr. Terranova stated he would like to expand his business to include up to five vehicles for resale, (repaired vehicles and auction vehicles) at this location. Mr. Terranova stated he needs Dealer's License to access auction to purchase vehicles/parts/etc. Vice-Chair Morrison requested if there were abutters present, no one came forward. Selectman Fay advised to letter being received from abutter to which had been forwarded to Chief Rizzo re concerns expressed. The Chief's letter was read into the record which addressed abutters concerns re traffic, accidents, congestion, bus stops, residential area, and already existing car lots. Chief Rizzo recognized and concurred with abutters issues i.e. traffic, congestion due to location of pre-existing business but finding no problems directly associated with this business. Selectman Sullivan moved the Board approve the Class II License for Terranova Auto Body 40 Littleton Rd., Ayer, MA with the following six restrictions:

1. Limit of five (5) Class II motor vehicles for resale on property.
2. Hours: M-F 8am-5:00pm – Saturday/Sunday 8am-12:30pm
3. No advertising, no streamer flags/banners on site other than pricing on windshields.
4. Parking for employees/vehicles in rear of building. Two (2) spaces minimum in front of lot for customer parking.
5. Class II motor vehicles for resale to be parked on western boundary of property along fencing closest to Rt. 2.
6. Lot and building to conform to all codes, regulations, and by-laws with every effort made to keep site orderly and attractive and litter free. Plot plan on file-Assessors Office.

Town Administrator's Report (Cont.)

2. **Long Pond Dam-Stratton Hills**-Ms Scheipers presented the Long Pond Agreement with Stratton Hills as edited and recommended approval and authorize the endorsement by the Vice-Chair in absence of Chairman Bresnahan. Motion to approve made by Selectman Fay, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
2. Stratton Hills-Sewer Pump Station Upgrades-the Board deferred this matter to January 2005 Selectmen's Meeting.
3. **Conservation Commission**-Use of Town Counsel. Ms. Scheipers advised to a request from Conservation Commission to have Town Counsel define Conservation Restriction for Autumn Ridge Sub-division. The Smith Family has presented Conservation Restriction but Commission wishes Town Counsel's review. The expenditure to cost less than \$500.00. Motion to approve made by Selectman Sullivan, 2nd by Selectman Fay, VOTE: unanimous, so moved.
4. **Chapter 90 Contract for Funding**-Ms Scheipers presented the Board the finalized Chapter 90 Requisition allocating \$153,834.00 in road maintenance assistance. Ms Scheipers requested the Board approve this funding assistance and authorize the Vice-Chairs endorsement in absence of Chairman Bresnahan. Motion to approve Com. of MA Highway Contract in the amount of \$153,834.00 made by Selectman Fay, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
5. **Fy-06 Draft Capital Program Request**-Ms Scheipers presented the Town Hall Capital Requests:
 1. Town Hall Roof Replacement-\$450K
 2. GIS Basic system -\$10KMotion to approve made by Selectman Fay, 2nd by Selectman Sullivan, VOTE: unanimous, so moved
6. **Jake Brake By-law**-Ms Scheipers updated the Board to Selectmen's Office receiving correspondence from the Office of the Atty. General relative to Town must have MA Highways permission to erect Jake-Brake Signs voted at Town Meeting. Ms. Scheipers also advised to Board encouraged to seek Town Counsel's opinion to the legality of enforcement of bylaw under certain conditions. The Board approved of Town Counsel's review and recommendation prior to contacting MA Highways to be sure all issues are resolved. The Board requested Chief Rizzo meet with the Board re enforcing bylaw and appropriate signage.
7. Ms. Scheipers advised to three items under Executive Session-employee settlement agreement, Town Hall Architect, and other litigation issues.

Agenda Item #5. Recycling Committee the Board met with Keith Saxon and Laurie Sable. Ms Scheipers advised to Recycling Committee requesting Selectmen's assistance re charge/direction of Committee. Committee looking to change name to Ayer Solid Waste Disposal & Recycling Advisory Committee. Ms Sable stated the purpose of meeting with Selectmen was to define charge options for the Town, Tasks- review layout and service changes, hours of operation, recycling offered, disposal offered, Budget -expenditures of Enterprise Fund, Fee Structure recommendations, Disposal/Recycling Contracts, Public Outreach-i.e. mailers/flyers, newspaper, educational materials, work with schools promoting recycling, business recycling opportunities. Develop Household Hazardous Waste Collection Day. Proposed make-up of committee to include 5 citizens, recycling coordinator, DPW Supt., Selectman, Board of Health member. Remove fee setting from Board of Health and transfer authority to Selectmen.

Vice Chair Morrison suggested a joint meeting be scheduled with the Department of Public Works, Transfer Station Foreman, Board of Health and Selectmen. Selectman Sullivan suggested the Committee look into a way to simplify or combine the authority that sets the rates and controls the work of recycling. Selectman Fay requested the Committee look at ways to reduce the cost of solid waste disposal. Mr. Saxon stated when he purchased his sticker for the Transfer Station he received no guidance on recycling. Mr. Saxon advised the Board to Town having 3000 households and only 1000 hold transfer station stickers. Selectman Sullivan stated transfer station operation is partly subsidized from the tax levy and transfer station fees were reduced pondering if that is the wrong direction for fees to be going in requesting that be the first order of business for the Committee to work on. Mr. Saxon stated he wanted more people to use the Transfer Station to pay the balance of their share of the waste disposal costs. Mary Spinner of the Fin-Com advised the Selectmen to Board of

Health threatened by a law suit if Board raised rates but thought things are looking better due to this recycling committee and suggested the committee look at the Town of Groton's approach to recycling and waste disposal program. Supt. Madigan adding the Town's Pay as You Throw Program has been a Smashing Success and agreed with Vice-Chair Morrison for the need to schedule a joint meeting with the Board of Health, DPW, and Recycling Committee. The Board thanked the Committee for coming in and sharing their views with the Selectmen. Ms. Scheipers to schedule joint meeting and get back to Board with proposed dates.

Agenda Item #6. Supt. Madigan's Report –the Board met with Supt. Madigan

1. **Tata & Howard Draft Water Supply Report**-The Board met with Susan Hunnewell of Tata & Howard. Ms. Hunnewell updated the Board to her responding to Selectman Sullivan's questions and presented response to comments dated 12-15-04. Ms Hunnewell's report predicts sufficient water for the next twenty (20) years. Supt. Madigan advised to report taking the overall water supply and demand data and updating it two years after the previous report. The report contained additional potential homes (600) units, twice as many as stated in the 2002 report, and an additional 140 potential townhouse units. The plan also included future demands for water with business expansion of the four industries in town that use significant amounts of water-Cains, CPF, EPIC, & NASOYA (Vitasoy). Supt. Madigan stating Vitasoy's prediction to future water it will use by 2020 was much more modest than previous prediction of 200,000gpd instead of 700,000gpd. Selectman Sullivan questioning if the company understood the consequences such a decision could have for the Town. Ms Scheipers stated Vitasoy fully understood consequences of their decision. Supt. Madigan cited another change since 2002 this change was in reduction in what he termed unaccounted for water lost in the distribution system stating this problem went away reasoning being we are forceful in inspection in enforcement of regulations. The draft report indicated the Town has enough water at two sources to meet 20 year demands, there is no unforeseen shortage in the near future and the Town really has a plan. Launching the refurbishing and replacing of the Town's four water wells being a wise choice. Patrick Hughes questioning if the report sufficiently takes into account further potential residential development. In the future the Town is very vulnerable to 40B proposals questioning the assumption about potential build out in the report. Ms Hunnewell stated the estimate of new homes included not only what the Planning Board has on the books but also what the Montachusett Planning Commission's projection is for future growth. Selectman Sullivan questioning what might happen should the Town not renew a rate of growth bylaw. Mr. Hughes stated much more stringent state requirements for such bylaws have appeared making it difficult to draft such a bylaw, noting the Town's sunset provision in the Town's present bylaw takes effect in the fall. Mr. Hughes questioned the Selectmen whether they would be accepting the report or will the public have a chance to comment. Ms. Scheipers advised to a Public Hearing could be set. Mr. Hughes stated concerns re drought of a year or worst takes place? Mr. Saxon of the Conservation Commission raised concern re risk of possible contamination of well fields relying solely on groundwater ie. Railroad activities Spectacle Pond at risk. Supt. Madigan stated groundwater for Grove Pond Wells is protected by a very thick clay layer. These wells are yielding a larger volume of water while with raw water there is lesser quality due to manganese and iron content than Spectacle Pond Wells. The Board took the report under advisement and thanked Ms. Hunnewell for coming in to meet with the Board.
2. **Ridgeview Heights Water & Sewer Extension Permits**-The Board met with Stephen Mullaney who advised to sewer extension permits only being requested which would allow this application to be submitted with the MA Dept. of Environmental Protection to secure the tying in of Littleton Lynn apartment complex into the extension with the new pump station to be furnished by the developer. Mr. Mullaney advised to the water extension should the Town not allow connection to the distribution system the developer could drill separate wells for each home or building of townhouses. The Board moved to approve the extension of the one hundred and fifty (150) single family homes and ability of Littleton Lynn to connect and not approve the 140 Townhouses. Motion made by Selectman Fay, 2nd by Selectman Sullivan VOTE: unanimous, so moved.
3. **Consent Order #3 Wastewater Treatment Plant**-The Board approved Change Order #3 for the Wastewater Treatment Facility Upgrades Project for a credit amount of \$14,702.56 consisting of the following additional costs or credits:

BOSMIN12-21-04/PG.4

1. Reconfiguration of raw waste DI pipe connection to an A/C pipe- \$4,785.44
2. Modifications to generator pad construction - \$875.00
3. Not to exceed amount to fix existing metal floor hatch - \$1,000.00
4. Cost to install Alternate M-1 secondary clarifier drive - \$3,637.00
5. Credit allowance-MA elec. Transformer - \$24,000.00
- Total change order: - (\$14,702.56)

Total adjusted contract price for project-\$3,480,000.00. Motion to approve made by Selectmen Fay, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

4. **Spectacle Pond Well #1 Contract-** The Board approved the recommendation of Supt. Madigan and Tata & Howard for the replacement of Spectacle Pond Well No. 1 be awarded to F.G. Sullivan Drilling Co., Inc. of Lancaster, MA for the contract amount not to exceed \$47,960.00. Motion to approve made by Selectmen Fay, 2nd by Selectman Maxant VOTE: unanimous, so moved.

Agenda Item #8. Office of Community & Economic Development

The Board met with Louis Marino Jr. and Mrs. Louis Marino Sr. re seeking the Town's assistance to allocate CDBG program Income Funds to pay for materials necessary to construct a temporary ramp to provide wheelchair accessibility to a mobile home located at 25 Groton School Rd. #29. CDBG regulations state that physically disabled individuals are presumed to be low-to moderate income. The family healthcare providers advised to individual physically disabled by virtue of amputation of one leg below the knee and obesity. Program income as a direct grant to pay for construction materials is proper. The Board reviewed financial documentation presented to them re Low Income Eligibility based on CDBG Guidelines approved a repayment loan in the amount of \$758.00 to pay for the construction materials, loan to be paid back within one year. Motion to approve made by Selectman Fay, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

8. **ACEC** -The Board voted to contact the other Towns, Shirley, Harvard, Lancaster, NRWS, and ACEC Stewardship Committee to ask if they want to join us in a request to close the hole in the ACEC. Vice-Chair Morrison requesting to contact all parties and get them on board to support common cause.

0:00p.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: Employee Settlement Agreement, Town Hall Architect, and present litigation, 2nd by Selectman Maxant, VOTE: Selectman Maxant aye, Selectman Fay aye, Selectman Sullivan aye, Vice-Chair Morrison aye, Unanimous, so moved.

10:00p.m. Open Session closed

Cornelius F. Sullivan DATE: 1-4-05
Cornelius F. Sullivan, Clerk