

Selectmen's Meeting
Tuesday, October 19, 2004
Ayer Town Hall, 1st Floor Meeting Room, 1 Main Street, Ayer, MA

8:00p.m. Open Session

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

Agenda Item #1. -Public Input: Chairman Bresnahan requested if there was anyone present wishing to meet with the Board under Public Input.

1. Town Clerk-Election Warrant of 11-2-04 ratified to date of Selectmen's original signing of 10-8-04. Motion made by Selectman Morrison, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
2. Selectman Bresnahan re: request for Service Dog letter of support. Selectman Bresnahan advising the Board to a request coming in from Bruce Page re the Selectmen writing a letter of support for Mr. Page for another Service Dog due to the disappearance of his former service dog "Ginger". The Board stated their approval.
3. William Oelfke requesting the Board amend the Agenda to move up the discussion re: downtown parking facility. The Board moved this discussion up to 8:20p.m. for ten (10) minute discussion. Motion to amend Agenda made by Morrison, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
4. Chairman Bresnahan took this opportunity to welcome the Middle School Student Council to the Selectmen's Meeting as part of their curriculum credit.
5. Selectman Fay took this opportunity to welcome back Selectman Maxant on behalf of the Board. Selectman Maxant stating it is good to be back, praising all the efforts of everyone present on the 5th which made it possible. Chairman Bresnahan chiding him with what a way to get more Cable time.

Chairman Bresnahan called for a motion to approve the amended Agenda. Selectman Morrison moved the Board approve the amended agenda of 10-5-04, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #2. Minutes-The minutes of 9-21-04 were read and approved. Selectman Sullivan moved the approval, 2nd by Selectman Morrison, VOTE: unanimous, so moved. The Minutes of 10-5-04 were read and approved. Selectman Sullivan moved the approval, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

Agenda Item #3. Pleasant Street School Presentation- The Board met with George Bacon, Chairman of the Historical Commission, Rick Dickason, principal of Still River Investment Services and Shaun Suhoski-Community and Economic Development Director. Mr. Bacon gave the Board a brief synopsis of the Historical Commissions research and survey of all Town Departments and outside groups as well to determine whether a need for keeping the building for municipal purposes existed. No such need was identified and recommended the sale of the Pleasant Street School. Mr. Bacon advised the Board to two valid proposals being received by the Commission's Selection Committee comprised of Mr. Suhoski, The Historical Commission and Selectman Sullivan as the Selectmen's representative. Still River Investment Services was deemed the most qualified having the technical and financial resources to complete a quality project beneficial to the Town of Ayer. Mr. Suhoski introduced Rick Dickason who gave a brief presentation of Still River's proposal. Preservation of the Historical exterior of the Pleasant Street School building, Placement of property on the tax rolls, Creation of up to 18 condominium units, with four or five to be "affordable" and counted on Ayer's inventory, Improvements to the former playing field for use as a Town park or open green space, cash payment to the Town of Ayer in the minimum of \$50K, and renovation of a vacant blighted building (for over 20 years), for residential use within a residential neighborhood if there are profits in excess of 20%, the payment to the Town increases. Mr. Suhoski stated the project is worthy of consideration and agrees with the Selectmen's support of Article 10 at the Fall Town Meeting on October 25, 2004. Selectman Sullivan stating this is a win-win situation for the Town. Selectman Sullivan also taking this opportunity to state how impressed he was with the work of the Commission with regard to this project. The Board thanked Mr. Bacon and Mr. Suhoski for Still River's presentation to the Townspeople this evening.

Agenda Item #4. Town Hall Roof Replacement Project-Designer Recommendation

The Board met with Richard Gilles re the Town Hall Roof Committee's recommendation for the architectural design & Structural Engineering Services Contract. Mr. Gilles updated the Board to the Committee meeting and evaluating candidates for the Town Hall roof project. Mr. Gilles stated various members did different tasks and as a group the following was completed:

1. Sent out RFQ for Architectural and Engineering Services
 2. Received thirteen (13) qualified proposals.
 3. Reviewed and scored the proposals according to an evaluation metric.
 4. Selected top five (5) scoring companies
 5. Interviewed all five companies
 6. Reviewed and selected top three companies to recommend to the Selectmen for approval to negotiate a fee with the top company (holding company two and three as a backup)
 7. Selected McGinley architects as the company best able to meet the needs and requirements of the Town.
- Mr. Gilles on behalf of the Town Hall Roof Committee recommended the Board approve the recommendation of McGinley Architects, of Somerville, MA as the company best able to meet the needs and requirements of the Town. Selectman Maxant moved the Board approve the recommendation of the Committee presented by Mr. Gilles and authorize the Committee to begin negotiating with the top three architects, 2nd by Selectman Sullivan VOTE: unanimous, so moved. The Board thanked the Committee for doing a great job. Selectman Sullivan updated the Board to McGinley Architects was the firm which worked on the Groton Town Hall and noted for their Historic renovations.

The Board went off the posted Agenda to take up the Downtown Planning Consultant as requested earlier in the meeting under Public Input by William Oelfke. The Board met with William Oelfke, Edward Kelly, Shaun Suhoski and Philip Berry. Mr. Suhoski opened the discussion by giving the Board an update on the planning to alleviate parking and upgrade the depots MBTA station. Mr. Suhoski updated the Board to Consultant services funding available with State & Federal Funding to meet and address the concerns of all i.e. residents, businesses and commuters. Mr. Oelfke suggested a survey be conducted of the Townspeople to see if they want a rail station downtown or somewhere else/regional (Shirley). Mr. Kelley felt hiring a consultant was premature stating Town Meeting addressed down-town parking not MBTA Station. Selectman Morrison questioning why the consultant and survey could not be done at the same time. Selectman Sullivan concurring with Selectman Morrison. Stating public input very valuable/helpful. His concern is what people want. Consultant would gather and dispense information and assist Mr. Suhoski and the Selectmen. A survey would expand on issues and could be added to scope of work of Consultant. The Board requested Mr. Suhoski look into cost of adding the survey into the scope of work. The Board reviewed Chief Rizzo's research which addressed responses to public concerns listed in the Ayer Business Alliance August 17th, 2004 memo re parking garage: policing of garage issues, policing on Main Street & side street parking, cost of police enforcement, potential crime issues, traffic issues i.e. Main & Park Sts., Selectman Sullivan moved the Board approve and authorize the proposal submitted by Shaun Suhoski for Consulting/Planning Services to The Cecil Group of Boston, MA to conduct a Charrette Workshop re Commuter Rail Station in downtown Ayer for the cost not to exceed \$9,740.00, 2nd by Selectman Morrison, VOTE: unanimous. Selectman Sullivan also requested the Board authorize Mr. Suhoski to contact Mr. Cecil re cost of conducting survey. Mr. Oelfke questioned why the Town pays the Consultant to do survey why not have Communications Committee conduct referring to last Town wide survey conducted so successfully. Mr. Suhoski advising to survey may be included in budget he will look into and advise.

Agenda item #4. Supt. Madigan's Report- The Board met with Supt. Madigan.

1. Transfer Station Attendant Introduction-Supt. Madigan introduced newly appointed Transfer Station employee David Lerman to the Board. Mr. Lerman was appointed to position on October 5, 2004. Mr. Lerman's start date of employment 10-20-04. Supt. Madigan advised to Mr. Lerman meeting with John Sullivan re duties/requirements of position. The Board welcomed Mr. Lerman and thanked him for coming into meet with the Board.

Ridgeview Heights Watertank-Supt. Madigan updated the Board to Water Tank/Ridgeview Heights Development status. Crabtree Dev. Corp. has committed to constructing a 1 million gallon storage tank as part of the development-construction cost is estimated at over \$1 million or \$1.00 per gal of storage. Supt. Madigan advising to his interest in establishing a 1.5 gal MG to better serve the eastern part of Town where major projected growth will occur (Willow/Westford Rd). Supt. Madigan advising in addition 1.5 MG tank would provide full redundancy for existing 1.5 MG tank located on Washington St. which is thirty years old advising to Town not having luxury of servicing tank due to Town only having one tank. Incremental cost for the design and construction of a 1.0 MG tank compared to 1.5 MG tank is estimated at \$200K or \$0.40 per gal of additional storage. Supt. Madigan urging the Board to pursue the additional storage and if agreeable he would prepare a Capital Request for \$400K for the Spring Town Meeting. The Board requested Ms Scheipers review with Town Counsel the settlement agreement to see if the Town could require the developer to pay for the \$200K delta costs for the upsizing of the Crabtree water tank from 1MG to 1.5MG.

2. Construction Inspections-Supt. Madigan advised to the Town's DPW no longer able to conduct periodic inspections of new developments involving roadways, drainage, water/sewer lines due to regular DPW duties affected. Supt. Madigan advising to the need of these inspections occurring during construction to insure proper installation and operation. Supt. Madigan requesting the costs of these services is performed by an engineering firm borne by the developer or owner of the construction. These inspections (utility) are in agreement with the Water and Sewer Regulations that deal with inspection services. The Board agreed with Supt. Madigan and requested Supt. Madigan contact the Planning Board to discuss utility installation inspection services.
3. Salt Bids—The Board awarded the **Bid for Solar, and Premix for Fy-04 to Eastern Mineral, Inc** of Lowell, MA per Supt. Madigan's recommendation for the low bid proposal of \$43.49 per ton. Motion to approve made by Selectman Fay, 2nd by Selectman Morrison, VOTE: unanimous, so moved. The Board awarded the **Bid for Rock Salt for Fy-04 to Granite State Minerals Inc. of Portsmouth, NH** for the low bid award of \$43.23 per ton. Motion to approve made by Selectman Fay, 2nd by Selectman Morrison, VOTE: unanimous, so moved. Supt. Madigan advising to substantial increase in salt being a direct result of increase in fuel cost.
4. Long Pond Dam Engineering Agreement—The Board set this item back until design completed and Conservation Commission reviews
5. Oakgrove/Groveland Reduced Sewer Connection Request. The Board took no action on this request per vote not to accept reduced rate requests after Moore Drive/Washington Street Municipal Project—that being a one time only reduced town project rate. Motion to take no action made by Selectman Fay, 2nd by Selectman Sullivan VOTE: unanimous, so moved.
6. Oakgrove/Groveland Sewer Extension Change Order—The Board approved Supt. Madigan's recommendation to approve Hoyle Tanner & Assoc. Engineering Contract Change Order to include \$5K for full-time resident inspection time for the two new water mains and gravity sewer on Oak Grove Street. Motion to approve made by Selectman Fay, 2nd by Selectman Morrison, VOTE: unanimous, so moved.
7. Shelly Lane Consent Order—Supt. Madigan updated the Board to DEP concerns with Shelly Lane's sewer extension permit being hooked up to the Town interceptor and being in violation of DEP regulations and that a penalty may be assessed against the Town. Supt. Madigan updated the Board to a meeting being held to discuss the sewer system for Shelley Lane Development and that the Town of Ayer was liable for a penalty for allowing the developer to install and connect their sewer line into the Town's sewer system prior to the approval of the DEP Sewer Extension Permit Application. Kimble advising the penalty could range from \$25K to a minimum of a suspended penalty as the Town has been diligent in meeting the requirement of the existing Consent Order and did not intentionally allow an illegal sewer connection. Supt. Madigan stated DEP is aware the Town has actively been putting in place steps to insure that this does not happen again. Mr. Kimble requesting the Town responds within two weeks with conditions the Town would like to see in the Consent Order.

8. Water/Sewer Permits-The Board approved Water and Sewer Permits for Lot 2, Lot 3, Lot 4, Lot 5 – Rose Lane for Robert Hicks and 25 Main St. Water Permits for a 3” & 4” service for Calvin Moore. Motion to approve made by Selectman Fay, 2nd by Selectman Morrison. VOTE: unanimous, so moved.

Agenda Item #6. Tree Warden- Ms Scheipers updated the Board to Harvey Flagg applying to fill the remainder of term-until the Town Election for the Town Tree Warden’s position. Ms. Scheipers updated the Board to Spring Town Meeting voting \$15K budget. Ms. Scheipers **reviewed** with the Board the Job Description and budget breakdown which combined hourly stipend of a salary \$15/per hour, contracted work-out/large tree removal and remainder maintenance until the Spring Election. Selectman Fay moved to approve the Tree Warden’s budget, 2nd by Selectman Morrison, VOTE: unanimous, so moved. The Board approved the appointment of Harvey Flagg recommended by the Town Administrator, motion made by Selectman Sullivan, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item 7. Town Administrator’s Report

1. Town Counsel Expense for Planning Board-Ms. Scheipers updated the Board to Planning Board requesting an additional \$3,516.56 for Special Town Counsel Judith Pickett, previous funds approved by the Board have been exhausted re Kingsbury Subdivision (Ediades). The Planning Board to provide estimate needed to cover further expenses expected re this case. Motion to approve made by Selectman Fay, 2nd by Selectman Maxant, funds to come out of Legal Expense, VOTE: unanimous, so moved.
2. St. Andrews Christmas Fair-Sign request-The Board approved a Sign Request for St. Andrews Parish for the period of October 30, to November 14, 2004 to be located in front of Town Hall. Motion to approve made by Selectman Fay, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
3. OCED Commonwealth Capital Application-The Board voted to ratify the signing of the Commonwealth Capital Application which the State required before Grants are submitted by the Town. Motion to approve made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.
4. Ms. Scheipers presented the Fall Town Meeting Motions for the Board’s review and comment. Ms. Scheipers updated the Board to Town Counsel verifying with State that last years unpaid bills need a 9/10 vote of approval by the Town.
5. Ms Scheipers presented the Board the Fy-05 Calendar of Dates & Deadlines to assist Town Boards, Departments through the year i.e. budget submittal dates, budget meetings.

NEW BUSINESS/SELECTMEN’S QUESTIONS

1. Devens Disposition Update-Selectman Bresnahan updated the Board to DDEB Voting options-will be submitting a report to the legislation required under Section 23 of Chapter 498, would be a non binding town meeting followed by a binding question on the Nov. 2006 ballot. Devens residents to hold separate Town Meeting and their votes will be handled by Towns at the Nov. 2006 ballot-and recorded separately. Legislation and report to be developed by DDEB.
2. The Board reviewed the UDAG Budget of the Office of Community & Economic Development prepared by Town Accountant Lisa Gabree. Selectman Maxant’s stating his objective that the office no longer be supported by UDAG by 2008 and to look at other sources i.e. Federal/State Grants-majority of Grants have Administrative assistance to pay staff salaries or funding by town budget..
3. Selectman Fay -Tractor Trailer issue on Sandy Pond Road.
4. The Board voted to ratify the Urban Self Help Grant for Park Dept. for assistance to Sandy Pond Beach and authorized the Chairman’s signature on all related documents. Motion made by Selectman Sullivan, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

9:40p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 S23B Exemptions 2 & 3, to adjourn from Executive Session to re-enter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

9:40p.m. Open Session ended.

-DATE: _____

Cornelius F. Sullivan, Clerk
AYER BOARD OF SELECTMEN