

Selectmen's Meeting
Tuesday, October 21, 2003
Ayer Town Hall-1st Floor Meeting Room, Main St., Ayer, MA

7:00p.m. Open Session

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

Minutes of 9-16-03, 9-23-03, 9-30-03, 10-10-03, 10-14-03 were set back for later review.

Public Input: Chairman Fay requested if there was anyone present wishing to speak under Public Input-no one stepped forward.

The Board amended the Agenda of 10-21-03 to place PYO-d/b/a The Brew Locker's Water Permit on the Agenda under the Town Administrator's Report. Motion made by Selectman Sullivan 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Selectman Fay called for a motion to accept the Agenda as amended. Selectman Bresnahan moved the Board approve the Agenda of 10-21-03 as amended, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #1. Judge Kilmartin-Shaun Suhoski-Dept. of Justice Grant Acceptance. The Board met with Judge Peter J. Kilmartin, Ayer District Court Chief Probation Officer H. James Kazeniak re: the Court House & Town's Coordinated Community Treatment Program. Mr. Suhoski updated the Board to the successful Grant Application approved for funding in the amount of \$498,703 under the Fy-03 Adult Drug Court Implementation Grants. Judge Kilmartin thanked the Board of Selectmen for **partnering** with the Court to administer the award stating the Court does not have the capacity to administer the funds for substance abusers in the Ayer District Court. Mr. Kazeniak stated treatment and monitoring of clients will be managed by Spectrum Health Services under the direction of the Ayer District Court Probation Office-the Town will serve as grants administrator and disburse funds from the award through Town staff compensated through the Grant. The Grant would implement a three year program of treatment and monitoring under the direction of the Ayer District Court Probation Office. Judge Kilmartin stated the Town of Ayer's award is the only one funded in MA. Chairman Fay read into the record Judge Kilmartin's letter to the Board dated 4-10-03. Selectman Bresnahan moved the Board vote to authorize execution of the Grant Agreements and related documentation through the Chairman pursuant to the U.S. Dept. of Justice award letter dated September 15, 2003, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Agenda Item #2. Appointments

1. Council on Aging (COA)

The Board met with Eugene Downing of 18 Pond St., Ayer, MA Mr. Downing gave the Board a brief background advising the Board that he is a fifteen (15) year resident of the Town and a current resident at the elderly housing. The Board reviewed a letter of recommendation from the Council on Aging endorsing Mr. Downing's appointment to the Council on Aging filling the vacated seat of former member Julia McKinney. Selectman Bresnahan moved the Board accept the recommendation of the COA and appoint Mr. Downey to the Council on Aging to 6-30-04, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

2. Long Range Planning Committee-The Board met with Harry Zane .

Mr. Zane gave the Board a brief background advising the Board to being a three (3) year resident of the Town with strong civic interest, feeling he could contribute to the committee's mission stating that the Town of Ayer has exceptional and unusual residential downtown character. Selectman Maxant moved the Board appoint Harry Zane to the Long Range Planning Committee, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

The Board met with Carolyn McCreary. Ms. McCreary gave the Board a brief personal background and reasoning why she would like to be appointed to the Long Range Planning Commission stressing her strong environmental concerns, being a member of PACE- water resources protection, and commuter rail. Chairman Fay called for a motion. Selectman Maxant

moved the Board appoint Carolyn McCreary to the Long Range Planning Committee-Citizens at large positions to 6-30-04, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

The Board held off appointing the Selectmen's representative until the 11-4-03 Board meeting.

40B Committee-The Board approved the following appointment nominations:

Economic Dev. Director-Shaun Suhoski-Tim Hansen-Alternate

DPW-Michael Madigan

Police Chief-Richard Rizzo-William Murray-alternate

Fire Chief- Paul Fillebrown

Planning Board Rep-to be determined

Zoning Board Rep- to be determined

Selectman's representative to be determined at 11-4-03 Board meeting.

Historical Commission RFP Review Committee-Selectmen's rep to be determined at the 11-4-03 Board meeting. Requested a copy of the RFP prior to next meeting.

Devens Enterprise Commission (DEC)-Ms Scheipers advised the Board to Murray Clark's resignation being received earlier this week and of the need to fill this vacancy. The Board thanked Mr. Clark for his service and accepted his resignation with regrets requesting this vacancy be announced on Cable/Newspapers for citizens to notify the Selectmen's Office of their interest.

Agenda Item #3. Public Hearing Continuation of 10-7-03 Sandy Pond Truck Traffic Exclusion

Chairman Fay opened the Hearing by advising all to no action being taken by the Board this evening this forum for public input only. Chairman Fay read into the record the Police Chief's Memo of 10-10-03 advising all to his discussions with MA Highways and Ross Assoc. re: various possible alternatives and the undertaking of an alternate route engineering study for Sandy Pond Road. The Chief advised to study not being available prior to the 10-21-03 meeting which prompted his recommendation for the Board to take no action prior to study being completed. Chairman Fay opened the Floor for discussion:

Phylis Palvio-Hatch St. - Property abuts Rt2A/110 who expressed her concern what the rerouting of the traffic from Sandy Pond Rd will do to the Ayer/Littleton corridor of Rt2A/110. Ms. Palvio stated there are 12 businesses, 2 churches, 10 roadways/intersections (39 curb-cuts), 4 major housing complexes whose only exits/entrances are on Rt2A/110-Devenscrest alone with 250 housing units. Ms. Palvio requested the Board to consider very seriously not just the benefits to residents on Sandy Pond Rd. the loss of revenues to businesses whose trucks must reroute and the residents of Rt2A/110 who will have the added burden of noise, pollution, and congestion as a result of the proposed truck traffic exclusion on Sandy Pond Rd.

Richard Harrison-Sandy Pond Rd. Reiterating previous remarks i.e. all residential neighborhoods, plans to expand Town beach, house damage, noise, etc. Mr. Harrison stated trucks using road are not just local business trucks stating they use the road not because they have to but because it's the route of choice, how can an additional 1.2 extra miles placed on local businesses seriously impact their profit margin? Speed limits on Sandy Pond Rd. 30/35 vs. 40/45 on Rt. 110 would make up time lost due to extra 1.2 miles closing his remarks with the telemarketers found out that residents quality of life does count and hoping the Selectmen will see it that way to.

Joseph Sampson-Cains Corp. advised to Cain's directing/instructing their drivers to avoid using Sandy Pond Rd when possible by installing signs giving instructions to all drivers and to call him if Cains can do more.

Alden Farrar-Sandy Pond Rd.-suggested the Board contact local/Devens trucking companies and urge a voluntary exclusion of trucks on Sandy Pond Rd.

Selectman Bresnahan-advising to his meeting with Meg Deloria of MaDev re: speaking with Budweiser and expecting to go with her to that firm and others on Devens re: speaking with them re voluntary truck exclusion on Sandy Pond Rd.

James Lucchesi-suggesting a curfew to keep truck traffic off the road during certain times of the day.

Elden Strickland-stated a curfew in the evening would be hard to work with for his company on Central Ave.

Carolyn McCreary-suggested defining local traffic as either originating in Ayer or restricting use of the road to local trucks only.

Gerald Millson-Central Ave.-urging the Board to do something and not put this off again.

Selectman Sullivan-Board not putting off this is third Hearing board has entertained.

Selectman Maxant moved the Board continue the Public Hearing to November 4, 2003, and request the Town Administrator draft letter to local businesses requesting their assistance implementing voluntary truck exclusion on Sandy Pond Rd. and to work with the Ayer Industrial Assoc. re this issue 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Agenda Item #4. Ayer Public Access Corp. (APAC) Requests

The Board met with Charles Comeau-Mr. Comeau stated he was before the Board re APAC's use of the 2nd Floor Great Hall for various local programming with minor clean up. Selectman Maxant questioning why APAC is charged a fee (\$100.00) for use of the building. Ms Scheipers stated fee is for use of utilities i.e. heat/electric associated with Great Hall, deposits are returned if building is clean after use to the satisfaction of the building custodian. Selectman Sullivan stated he feels fee should be waived for APAC-quasi serves Town of Ayer-different than other groups using the building requesting APAC be considered outside of policy. Selectman Bresnahan expressed his concern to keep eye on first come first serve policy re use of great hall may hinder Town's use of hall. Selectman Bresnahan stated he agreed that fee should not be required for APAC and moved the Board waive the fee for use by APAC as long as they maintain their own cleaning after performance, 2nd by Selectman Maxant, VOTE: unanimous, so moved. On another matter Mr. Comeau requested the Board's assistance with having Agenda's e-mailed for all public meetings/warrants in the future. Mr. Comeau updated the Board to a future meeting with the Board to discuss Comcast underestimating the cost of the network that connects to Town designated buildings. The Board commended APAC for their commitment and work to the Town and residents and thanked Mr. Comeau for coming in.

Agenda Item #5. Geologic Services Corp./Dept. of Public Works re Monitoring Well Proposal (update and new proposal) The Board met with Bruce Roach and Matt Dickson of Geologic. r. Dickson conducted a map presentation to the Board depicting the installation of the up-gradient monitoring wells. Mr. Dixon stated GSC has conducted a more extensive survey of the land usage in the area hydraulically up gradient of the proposed Guilford development project. **See Anita's language on Selectman Sullivan's motion.**

Agenda Item #6-Town Administrator's Report-

1. Brew Locker/Water Permit-The Board met with Fred Zagami re: water connection for 207 West Main St. Ayer, MA. Town Administrator advised the Board to Brew Locker not current with Taxes for 2002 and of the Town Clerk issuing memo to that affect-- \$12K were owed in back taxes from previous owner, which was not under prior owner's name which caused the delay in notification. Mr. Zagami was before the Board this evening to offer a \$6K payment today and a \$6K payment next week to bring the taxes into compliance. Ms. Scheipers stated she has copy of memo re: back taxes owed in the amount of \$12,119.09 and a paid receipt from the Town Clerk dated today in the amount of \$6K and remainder to be paid by 10-28-03. Ms. Scheiper advised the Board should the payment not be received by 10-28-03, orders would be given to the Water Dept. to shut off the water at 207 West Main St. Selectman Sullivan recused himself from discussion. Selectman Bresnahan moved the Board approve the water permit for the Brew Locker located at 207 West Main St., Ayer, MA contingent the remaining balance of \$6,110.09 be paid by 10-28-03 or water to 207 West Main St., Ayer, MA be shut off immediately, 2nd by Selectman Maxant, VOTE: Selectman Bresnahan aye, Selectman Maxant aye, Chairman Fay aye, 3-0 motion passes.

2. DPW-Bid Award-Salt

The Board awarded the 2003 Salt Bid as follows:

1. Solar Salt: Eastern Salt Co, No. Chelmsford- \$33.00/ton
2. Premix Salt: Eastern Salt Co., No. Chelmsford- \$33.00/ton
3. Rock Salt: Granite State Minerals, Portsmouth, NH - \$31.53/ton

Motion to award made by Selectman Sullivan, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

3. **Historical Display Donation-John Conway-** The Board voted to approve the donation made by John Conway to provide the date numbers and letters marking the rear Town Hall as the 1st Fire Station in the Town contingent upon the Historical Commission contacting MA Historical for permission. The Board expressed concern re: donation due to MA Historical grant funding provided to the Ayer Town Hall restoration project inside & out.

4. **Elevator Maintenance Agreement-**Ms Scheipers updating the Board to current provider not living up to contract obligations per Dan Sherman and recommending the termination of Eagle

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Elevator Service of Boston, MA-Ms. Scheipers advising to custodian having looked into new provider and will have recommendation for the Board at the next meeting. The Board moved to terminate Eagle Elevator's Maintenance Agreement and to provide sixty (60) day notice to them. Motion made by Selectman Sullivan 2nd by Selectman Maxant, VOTE: unanimous, so moved.

SELECTMEN'S QUESTIONS

Selectman Sullivan-Requested Chief Rizzo-Supt. Madigan check on status of Mr. Conway's request for crosswalk to be placed on Washington St., by Fire Station.

Fire Station received \$71K Grant thanks to efforts of Captain Paul Fillebrown for new radio equipment- great job, well done.

Selectman Bresnahan-Questioning why the need to have resident on Long Range Planning Com. with Devens experience-did not see the need. Shaun Suhoski to forward to the Board the Consultant's recommendation.

Selectman Fay: Status of review by Chief of Police concerning public boat launch on Sandy Pond on Hedgeway. Selectman Bresnahan stated residents do not want due to the very small size of Sandy Pond.

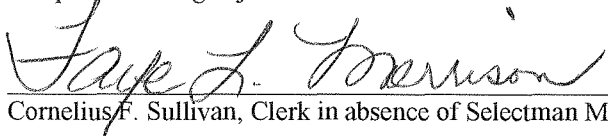
The Board approved the Commuter Rail Public Hearing Date of 11-4-03 at 7:00p.m. at the Ayer Town Hall, Motion made by Selectman Sullivan 2nd by Selectman Maxant, VOTE: unanimous, so moved. The Board requested this Hearing be advertised on Cable/newspaper as soon as possible to notify residents, state representative and neighboring towns.

Selectman Maxant- Wishing to have Police enforce Winter Clearing of Sidewalks co-ordinate with Winter Parking Ban Notice.

The Board moved to reinstitute policy have local board contact the Selectmen's Office prior to contacting Town Counsel - legal budget for Fy-04 estimated to be over budget. Motion made by Selectman Bresnahan, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

9:10p.m... Selectman Sullivan moved the Board adjourn the meeting, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

9:10p.m. Meeting adjourned.

 Date: Nov 18, 2003
Cornelius F. Sullivan, Clerk in absence of Selectman Morrison