

Selectmen's Meeting-Paul's & Franks edits
Tuesday, October 7, 2003
Ayer Town Hall, 2nd Floor Great Hall, Main Street, Ayer, MA

7:00p.m. Open Session

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

Chairman Fay announced Rep. Hargraves Office Hours at the Town Hall this evening from 7-8p.m. inviting Town of Ayer residents to come in to meet with Rep. Hargraves if they have concerns he might assist them with.

The Minutes of 9-16-03, 9-23-03, 9-30-03 were set back for further review.

Public Input: Chairman Fay requested if there was anyone present wishing to meet with the Board under Public Input:

1. Timothy Hansen-Grant Administrator-CDBG Announcement-October 14, 2003 Public Hearing re: Community Development Block Grant at the Ayer Town Hall-1st Floor Meeting Room at 6pm re: Fy-04 grant development, with December 11, 2003 grant submission deadline.
2. Carolyn McCreary-publicly thanked the Board of Selectmen for their efforts convincing Ford Motor Co., not to park cars on proposed Guilford facility.

Chairman Fay called for a motion to accept the Agenda. Selectman Sullivan moved the Board approve the Agenda of 10-7-03 as amended, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

7:10p.m. Public Hearing –Sandy Pond Truck Traffic Exclusion

Chairman Fay opened the Hearing by requesting the Legal Notice be read into the record by the Clerk. Selectman Morrison read the Legal Notice of 10-7-03 into the record advertised in the Nashoba Publications the weeks of 9-17-03 & 9-24-03. The Board turned the floor over to Chief Richard Rizzo who reviewed his memo to the Board of 9-29-03 with the attendees. The Chief updated the Board to his previous research delineating the requirements under Section 10A-9 Heavy Commercial Vehicle Exclusion:

1. Lie wholly within community, 2. Lie partially in adjacent community-only on a State highway 3. Have the adjacent Community's written approval.

2. Engineering Study must be performed and justification for requesting a truck exclusion. Warrants:
 1. Volume of heavy commercial traffic must be 5-8%, reduced utilization of facility & reduction in safety or capacity.
 2. Condition of pavement-indicating that further repeated heavy wheel loads will result in sever deterioration of the roadway.
 3. Where land is primarily residential in nature and municipality has requested exclusion only during hours of darkness-specific night exclusion may be issued.

The Chief stated before MA Highways can consider Exclusion the following data must be submitted by the Town:

1. 24 hour consecutive count of all vehicles using the road, if 12 hour exclusion a 12 hour count will suffice. The count will be broken into one-half hour intervals showing:
 1. Commercial vehicles w/ carrying capacity over 21/2 tons
 2. Other vehicles
2. Map of area, with excluded street marked in red-alternate route/s in green.
3. Physical characteristics of excluded & alternate streets i.e. length, type condition road/sidewalks
4. Types of buildings/property abutting street-i.e. residential, school, playground, businesses
5. Zoning of street
6. Proximity of alternate route to excluded road and additional distance traveled using alternate route.
7. Types of controls existing on road.
8. Hours during which exclusion is to be in effect.
9. Written Statement from the Town to the need for the exclusion.

Suitable Alternate Routes were discussed:

1. **Traffic Circle end of Sandy Pond Road**-Heavy Commercial Vehicle traffic turning west onto Central Ave. would be allowed onto this portion of Sandy Pond.

Sign at this intersection would warn Heavy Commercial Vehicle Traffic is prohibited eastbound on Sandy Pond Rd at Central Ave.-Alternate route to access Willow/Westford Rds. w/b Route 2A to Willow Rd. (the end of Willow Rd. lies within Littleton would need Littleton's permission to satisfy Rt2A to Willow Rd alternate route.

2. **Willow Rd/Westford Rd-end of Sandy Pond Rd.**-Alternate route for southbound traffic on Westford Rd. to access Central Ave./streets off Central Ave, Groton Harvard Rd./streets of Groton Harvard, would be Willow Rd. to Rt.2A-end of Willow Rd lies within Littleton would need Littleton's approval. We would attempt to divert traffic before they turned north from Rt 2A onto Willow Rd. to access Central Ave. We would place a sign on Rt 2A and Willow Rd. advising truckers to truck exclusion and alternate route to Rt. 2A to traffic circle to Sandy Pond to Central Ave.

3. **Central Ave. at Sandy Pond Rd.**

Allow trucks driving east on Central Ave to turn right (south) onto Sandy Pond Rd.

Warrant:

Justification for Exclusion-volume of heavy commercial traffic during 7 day period is 4.96%, volume for heavy commercial traffic during weekday is 5.78%.

Condition of Pavement-road is in good shape and heavy commercial traffic will not deteriorate roadway condition/per M. Madigan.

Evening Exclusion-Town is requesting 24 hour exclusion

Traffic-study conducted-volumes for heavy commercial 7/days=4.96%

Tractor-trailer =1.6%

Weekdays-Heavy com =5.78%

Map-Chief Rizzo reviewed excluded/alternate routes with the Board along with physical characteristics along with types of buildings and abutting property, zoning of street, additional distance of alternate route, controls on streets, hours of exclusion request: 24 hours and requirements of Town re: need for exclusion. Questions for Board to review: cost (signs, posts, flyers, etc.) Acceptance of exclusion by Town of Littleton, economic impact, and reactions of users/pros/cons.

Chairman Fay opened the floor for comments:

Robert Hebb: Nashoba Valley Express-81 Central Ave., Ayer, MA in business since 1994. Mr. Hebb stated Sandy Pond Road is wide enough and safe. Alternate route will not solve problem will tie up E. Main & Willow Rds.

Joseph Sampson-Cains Foods, Inc. E. Main St. Ayer, MA -Mr. Sampson stated he is here tonight also representing the Business Assoc. Mr. Sampson opened his remarks by advising the Board to Cains allowed access on Sandy Pond Rd. Mr. Sampson stated there is a serious safety issue forcing Willow Rd use, as well as additional truck miles a year (12 trucks/day x 2 ways=13K additional miles/yr + fuel cost). Beyond the monetary concerns turns on alternate routes not designed for large trucks. Mr. Sampson to submit written concerns.

Eldin Strickland-Ayer Moving & Storage-serious problem at intersection of Willow Rd. & 2A echoing Mr. Sampson concerns re: monetary cost associated with alternate routes proposed.

Robert Murphy-Poly One Distributors-concerned exclusion here will lead to further exclusions-requesting Town contact him relative to any specific concerns /violations.

Paul Routhier-advised to his truck terminal posted re not to use Sandy Pond Rd. and only using Sandy Pond Rd. when trains block crossing. Mr. Routhier stated MA Highways were out surveying Willow Rd. & Rt2A and supposedly has plans for change but no funding available.

Gerald Millson-resident Central Ave.-stated use of Sandy Pond Rd by trucks has expanded from past levels-does not want trucks turning in front of his house-concerns stated addressed public beach and safety of children in residential area, noting exclusion allows for local deliveries but excludes through traffic.

Mr. Farrar resident Sandy Pond Rd.-responsible for informal survey, stated if Town amended land at intersection of Sandy Pond Rd. & Central Ave. could be used to make it easier for trucks to turn-Budweiser goes this way all the time to get to their NH brewery.

Cindy Plunkett resident-Central Ave.-family owns land trucks turn on-legal issue; many young children/families live near that intersection.

Joann Wilson-Snakehill Rd.-looking for compromise to be reached for residents/businesses re fairness who/how will that decision be made.

Selectman Bresnahan-asked MADEV representative Meg **Delorier** to comment on their ability to influence traffic from business located on Devens not to use Sandy Pond Rd. and utilize Patton to Jackson Rd. to Rt. 2. Ms **Delorier** stated Rt. 2 on/off ramp still under construction and dangerous. Ms. Delorier stated they can't enforce until intersection is made safe. Ms **Delorier** stated they can ask but cannot "make" them not use Sandy Pond Rd. Ms. **Delorier** to pass voluntary exclusion message to **trucking** firms located on Devens.

The Board requested Devens to work with State to get better signage/directions to Devens-present sign to small-referenced signage needs to be addressed-i.e. Cains Sign needs to be larger.

The Board requested to request assistance from MA Highways-for the reconstruction of Willow Rd.-Rt2A & signage. Enforce strict speed enforcement. Chief Rizzo stated 3 years ago reduced speed request was made to State and State would not allow-speeding tickets are generally on passenger cars.

Air Power of N.E./Ayer-purposely avoids residential areas when can & will work with drivers to avoid use of short cut.

Chairman Fay-questioned the use of lights at intersection?

Selectman Maxant-Can we allow local trucks to use road if not doing **local** deliveries?-no discriminatory.

Residents-Sandy Pond/Willow Rd. expressed concerns with exiting driveways, house rattles, windows need replacement due to 18 wheelers-stated local trucks abide with speed limits others don't-, diesel fumes, urged thought & consideration to compromise. Mr. Farrar questioned again the use of access road-Paul Routhier stating not possible due to trains blocking road.

James Lucchesi – again requested a curfew be placed on Sandy Pond Rd. rather than go for full exclusion.

The Board thanked all for their input and for coming in to meet with the Board. Chairman Fay called for a motion to continue the Public Hearing to October 21, 2003. Selectman Sullivan moved to continue the Public Hearing to October 21, 2003, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #3- Early Retirement Incentive Program- The Board met with Town Treasurer Denis Callahan re: Early Retirement Incentive Program-Fall 2003. Ms. Scheipers advised the Board to the State Program this year allows all MRS (Middlesex Retirement System) employees except teachers. Due to Town Meeting not having voted this issue prior to October 1, 2003 the Board of Selectmen are now allowed the option whether to accept the program this year. This vote must occur prior to November 1, 2003 and participants (retirees) must retire before December 2, 2003, and they must retire on the effective date set by the Selectmen, which must be prior to 12-31-03. Ms. Scheipers reviewed criteria under which participants would partake, the number of people to accept this round and the number of years to allow people to add to their age +/- or years of service

with a maximum of five years total. Mr. Callahan presented a possible list of 22 participants eligible for this year's program. Stating only two (2) on the list have expressed interest, 1 school and 1 DPW employee. Selectmen Bresnahan moved the Board approve the following criteria under which the Town of Ayer participates: The number of people who can participate in limited to five (5), to allow any town of Ayer department employee to participate, allow the full five (5) years to be added to the age +/- service, and to approve the effective date of retirement to be December 24, 2003 as recommended by the Town Treasurer, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Agenda Item #4. Institutional Controls- Present for the discussion Atty. Leonard Shamos representing Henry Woodle-Merrimack Warehouse-Fitchburg Rd., Ayer, MA. Ms. Scheipers updated the Board to 7-16-03 meeting re: options of accepting responsibility to enforce Institutional Controls to protect the public from potential hazardous waste/contact re ground water associated with the AOC50 contaminated lands. The Board formed a group to look at pros & cons of enforcing applicable IC's as well as three other alternatives: Ms Scheipers reviews all of the following options pros & cons with the Board. (see attached report) advising the Board to obligation to take any and all steps possible to educate the public as to the types and locations of contamination that have been found to present and the due care & precaution that is to be taken by all parties affected.

Option 1-Implementation of Institutional Controls by the Town of Ayer

Option 2-Activity and Use Limitations (AUL)

Option 3-Contractual Agreement

Option 4-Do nothing

Atty. Shamos stated Option #3 is preferable to Mr. Woodle- looking at licensed Agreement so deed is not affected. Selectman Morrison feeling land owner should be held responsible for pollution-Option 3. fair, since Town not involved. Selectman Sullivan felt stigma of AUL could affect property-could be compensated-leaves window open for forced eminent domain taking and even if AUL lifted ...documentation on deed still leaves doubt, **stating this will not set a precedent** Selectman Bresnahan feeling Option 2 good as long as land owner gets compensated and AUL's can be removed when cleanup completed. Selectman Sullivan moved the Board not opt for IC or AUL but request Army to enter into Contractual Agreement to clean up and/or compensate the property owner for any restriction for land use. The Board requested a letter be drafted to EPA re same, 2nd by Selectman Maxant VOTE:

Selectman Maxant aye, Selectman Sullivan aye, Selectman Morrison aye, Chairman Fay aye, Selectman Bresnahan no, 4-1, motion passes.

Agenda Item #5 APAC-Use of Great Hall-Sound System

The Board reviewed the Great Hall Sound System Improvements made by APAC ie sound, lighting, electrical improvements (\$1K) and sub-committees requested additional requirements to the Great Hall to include microphones, cabling, speaker stands, labor-ie engineering, technical, facility, and administration

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totaling \$2,900.00. The town being responsible for facility requirements-to be coordinated through Town Hall custodian – Dan Sherman. Selectman Bresnahan moved the Board approve APAC's request in the amount of \$2,900.00 to be funded by UDAG interest, 2nd by Selectman Sullivan, VOTE: unanimous, so moved. Selectman Bresnahan moved the Board also move to approve the Great Hall Sound System Improvements proposed by APAC, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

The Board set back further discussion re: scheduled use of the Great Hall by APAC, waiving of use of Town Hall fees re this use by APAC, and discussion re local origination connections/contract renegotiations with Comcast-letter to be submitted for the Board's next meeting October 21, 2003.

Agenda Item #6. Town Administrator's Report

1. The Board requested to meet with the Board of Assessors at their next meeting re: space allocation.
2. The Board moved to approve the Planning Board's contract with Tata & Howard for technical review of the Pond View Acres Sub-division for the sum not to exceed \$7K. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
3. The Board approved the Thank you letter drafted by the Town Administrator to Ford Motor Co, thanking Ford for not allowing parking of any of their vehicles on the proposed Guilford auto unloading facility over our aquifer. Motion to approve the letter made by Selectman Bresnahan, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
4. The Board approved the 1" water permit for #4-Lot 2 Shadow Lane recommended by Supt. Madigan. Motion to approve made by Selectman Sullivan 2nd by Selectman Morrison, VOTE: unanimous, so moved.
5. The Board approved the sewer permits from the waiting list grandfathered at the old rates-plus the Sewer Bank allocation fees:
11 Pingrey-\$500 + SBF (\$100 +\$110/BR)
72 Pleasant-\$500 + SBF
164 Central-\$500 + SBF -2BR
Lot 1 Fletcher-\$500 + SBF -4BR
12 Old Sandy Pond Rd-\$500 +SBF -2BR
Lot 1 Shelly Lane-\$500 + SBF -3BR
Lot 2 Shelly Lane-\$500 + SBF -3BR
#5 Winterberry -\$500 +SBF -4BR
#7 Winterberry -\$500 +SBF -4BR
4 Shadow Lane \$1,500 total
Motion to approve made by Selectman Maxant, 2nd by Selectman Morrison, VOTE: Selectman Maxant aye, Selectman Morrison aye, Selectman Bresnahan aye, Chairman Fay aye, Selectman Sullivan no 4-1, motion passes.
6. The Board approved the sewer reimbursement of \$254.65 to Brian Anderson with the understanding the Town will reimburse him the remaining amount when the reimbursement policy is approved. Motion

made by Selectman Sullivan 2nd by Selectman Morrison, VOTE:
unanimous, so moved.

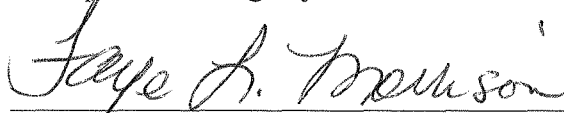
7. The Board approved the Backflow Testing Contract to the low bidder Thurber Water Technologies at per unit price of \$34.00per device for cross connection program services for the proposed two (2) year term and authorized the Chairs **signature**. Motion made by Selectman Sullivan 2nd by Selectman Maxant, VOTE: unanimous, so moved.
8. The Board approved Supt. Madigan's Stratton Homeowners Trust & Maintenance Easement to bind homeowners to maintain the drainage system -labor & cost. Selectman Bresnahan moved the Board approve the document per Town Counsels approval. Selectman Bresnahan moved the motion 2nd by Selectman Morrison, VOTE: unanimous, so moved.
9. The Board approved the Downtown Business Alliance use of the Ayer Town Hall-2nd floor great Hall for the Town Halloween Party at no cost. Motion made by Selectman Morrison, 2nd by Selectman Bresnahan VOTE: **4-0** Selectman Maxant recused himself.
10. The Board approved the Fy-04 Performance Mngt Plans submitted by the Dept. Heads and requested unfinished Fy-03 goals & objectives be added as addendum to them. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
11. **FYP's** -Monitoring Wells update, Regional Mkt. Status Report, & MBTA Proposal update.

Agenda Item #7. New Business/Selectmen's Questions

Selectman Morrison-Updated the Board to MADEV releasing 4.6 acres of land to the Town on behalf of St. Mary's Cemetery. The Board requested a thank you note be sent to William Burke for negotiating this land release.

10:00p.m. Selectman Bresnahan moved the Board adjourn the meeting, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

10:00p.m. Meeting adjourned.



Faye L. Morrison, Clerk

DATE: _____