

Selectmen's Meeting
Tuesday, July 31, 2001
Ayer Public Library-lower level meeting room, E. Main St., Ayer, MA

7:00p.m. Open Meeting

The Board met with Chairman Pena, Selectman Witherow, Selectman Fay, Selectman Bresnahan, and Selectman Sullivan.

Public Input: Chairman Pena requested if there was anyone present wishing to meet with the Board, no one stepped forward. Chairman Pena called for a motion to approve the agenda as presented. Selectman Bresnahan moved the Board approve the Agenda of 7-31-01 as presented 2nd by Selectman Witherow, VOTE: unanimous, so moved.

The Minutes of 7-17-01 were read and accepted. Motion to approve made by Selectman Fay, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Agenda Item #1. Redistricting Discussion-State Representatives Geoff Hall and Robert Hargraves. The Board reviewed with the State Representatives their view of the Town having only 1 precinct. Rep. Hall advised to the Town being re-districted in 1988 and again in 1994 with new 2001 bringing the State into line with the 2000 Federal Census numbers- redistricting maps being projected to be out by the first of November 2001. Representative Hall stated population numbers would determine districts with squeezing going on from the east to west. -495 to Ashby. Selectmen Bresnahan stated from what he's heard from the Townspeople they would prefer one (1) precinct but felt perhaps the Town would be better served with two (2) representatives. Rep. Hall stated the Town would not loose at all should one of the representatives loose Ayer-their heart would always look out for the Town. Representative Hall stated if the Town/Board has a preference it would be helpful to know by the end of August. Rep. Hargraves stated he may loose a district and pick up two, the same applies for Rep. Hall. Representative Hargraves stated when everything is ironed out it will be the best for everyone. Selectman Bresnahan took this opportunity to suggest the Board help Congressman Meehan for all his excellent help & assistance to the region by getting behind the City of Lowell -it would be of great value to preserve the District economically. Selectman Bresnahan suggesting this discussion be placed on the next Selectmen's Agenda re: endorsing Cong. Meehan. Representative Hall stated the Board should prepare two (2) letters one to be sent to Senate President Birmingham and Speaker of the House Finneran re: the Selectmen's endorsement this should be done as soon as possible. The Board thanked both Representative Hall and Representative Hargraves for coming in to meet with the Selectmen.

Agenda Item #2. Community & Economic Development Director's Report.

Chairman Pena opened the discussion by presenting Shaun Suhoski the Community & Economic Development Director a Certificate of Recognition for the successful Grant Application submitted by Mr. Suhoski under the Community Development Block Grant Program and subsequent successful award to the Town of Ayer in the amount of \$585,831.00 the Board congratulated and applauded his efforts.

1. **Town Hall -Change Order #2.** Town Administrator Anita Hegarty requested to hold off on this discussion until later in the meeting after/during Executive Session due to more information being made available earlier today at the pre-construction conference meeting re: the plastering issue as well as the architects 2nd summary coming in late Friday.
2. **West Main Street Improvement Project-Street & Sidewalk Contract.** The Board endorsed the West Main Street & Sidewalk Contract to Newport Construction Corp., 3 Bud Way, Nashua, NH for the award pre-approved on 6-12-01 for \$292,210.00. Mr. Suhoski advised to Town Accountant and Town Counsel signing off their approval re: funding and reviewed to form. Motion to approve the Chairman's endorsement made by Selectman Sullivan 2nd by Selectman Witherow, VOTE: unanimous, so moved. The Board approved a contract for Tata & Howard not to exceed \$14,000.00 to supervise and oversee the West Main St. street & sidewalk project. Motion made by Selectman Fay, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
3. **Ayer Housing Rehabilitation Program-** The Board approved Case #98-187-Subordination Agreement for Donald G. Pike-15 Athernon St., Ayer, MA for the sum not to exceed \$92,000.00 and authorized the Chairman's signature, Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

4. **CDBG Fy-98 Program Closeout.** Mr. Suhoski presented the closeout agreement for the Town's Fy-98 CDBG Program audit. Selectman Fay moved the Board approve and authorize the Chairman's signature of the Fy-98 CDBG Program Closeout, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Agenda Item #3. Wastewater Treatment Plant Discussion-Devens Exploratory Committee. Present for the discussion: Jack O'Connell/Tata & Howard, Lisa Gabree-Town Accountant, Shaun Suhoski -EOCD Director, George Bacon, John Wareham, Michael Madigan-Supt of Public Works. Ms. Hegarty opened the meeting by updating the Board to what actions have been taken re: the Town's twenty (20) year Agreement with Devens to treat the Town of Ayer's excess wastewater flows per the Consent Order with DEP. Ms. Hegarty referenced documentation submitted from Tata & Howard the Town's Engineers and Mark Reich Town Counsel who summarized the technical and legal issues to update the Town residents to status of the project. Mr. O'Connell reviewed with the Board Background, Ayer's needs, MADev Needs, Schedule advising to the construction of Phase I portion w/Devens WWTP with a capacity of 3.0 million gallons/mgd being nearly complete, testing to begin shortly and start up scheduled to be complete prior to Nov. 2001 as mandated by DEP in the ACO to MADev. MADev estimates Phase II portion of the WWTP w/capacity of 1.65/mgd will not be needed until 2008. Estimates for Ayer's sewer system design of the pump station & force main to begin immediately after construction or after Jan./03. Design of improvements to Ayer's WWTP will begin Jan./02 and completed late 2003. Permits through MEPA may not be necessary a Notice of Project Change may be all that will be required along with a Sewer Extension. Issues discussed was commitment by Ayer to Devens re: future wastewater treatment capacity to Devens WWTP i.e. costs, benefits- Mr. O'Connell advising to DEP's decision important with plans underway to involve them shortly in the discussions. Selectman Hegarty suggested having a working session re: gallonage and projected fee proposal from MADev. Selectman Bresnahan requested when all the information is in schedule this matter for a regular Selectmen's Meeting.

Agenda Item #4. Public Hearing-Verizon & MA Elec.-Pole Petition-Wright Rd., Ayer, MA Chairman Pena opened the Hearing by requesting the legal notice be read into the record by the Clerk. Selectman Fay read the legal notice published the weeks of 7-18 & 7-25-01 in the Nashoba Publications, into the record. Representing Verizon-Stacey Mansfield. Chairman Pena requested if there were abutters present wishing to speak for or against the petition, no one stepped forward. Selectman Bresnahan requesting if property owner was contacted if impacted by pole, Ms. Mansfield stated all abutters were notified. Chairman Pena called for a motion. Selectman Bresnahan moved the Board approve the J.O. Pole Petition, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #5. Public Hearing-Transfer of Liquor License-Jack-O-Lantern of Ayer, Inc. The Board met with Atty. James Cassidy Jr., who was representing petitioners Stephen Gervais & Mark Fermanian. Chairman Pena opened the Hearing by requesting the Legal Notice be read into the record by the Clerk. Selectman Fay read the legal notice published in the Nashoba Publications the weeks of July 20, 2001 & July 25, 2001. Present for the discussion Michael & Richard Rakip, owners of the Jack-O-Lantern of Ayer, Inc., Stephen Gervais and Mark Fermanian. Atty. Cassidy updated the Board to the transfer of the All Alcohol Package Store License to Traffic Circle Liquors LLC d/b/a Jack-O-Lantern. Mr. Cassidy stated the business would be owned 90% by Stephen Gervais and 10% by Mark Fermanian, with Mark Fermanian being the Manager. Mr. Cassidy stated there would be no changes to the layout-same description, property to be well maintained. Selectman Witherow requested training be taken by Mr. Fermanian by a qualified ABCC instructor/class, Selectman Sullivan reiterating same. Mr. Gervais agreed. Chairman Pena called for a motion. Selectman Bresnahan moved the Board approve the Transfer of the License, 2nd by Selectman Witherow, VOTE: unanimous, so moved.

Agenda Item #6. Supt. Madigan's Report: BATG Presentation-Landfill Capping

The Board met with BATG representatives Alan Duncan, Richard Denham and Denis D'Amore. The Board reviewed BATG's proposal: Scope of Work (see attached) as well as providing analytical testing of the soil entering site and paying overseeing services by Tata & Howard the Town's Engineer. The Board approved of Tata & Howard's engineering cost for Consultant/overseeing services for the project up to \$35K. Motion made by Selectman Bresnahan 2nd by Selectman Fay, VOTE: unanimous, so moved. BATG & Jack O'Connor stated there was no direct relationship between two companies. Selectman Sullivan requested where the soil is coming in from: BATG responded MIT & Harvard Universities/Cambridge, MA. BATG advised the Board to DEP monitoring the soil as well. Selectmen questioned the compatibility

of the soil with the liner, winter exposure, and ceiling cap re: engineering services. The Board directed Supt. Madigan to continue working with BATG with the objective of contracting with them. Selectman Bresnahan moved to amend the Board's earlier motion to accept the contract for Tata & Howard's basic services under section 1.3 in the amount of \$7,000.00 and to refine the scope of services for the remainder of the work, 2nd by Selectmen Fay, VOTE: unanimous, so moved.

Town Administrator's Report:

1. Ms. Hegarty presented the Deven's LIP Agreement for the Board's endorsement advising the Board to Town of Harvard signing off their approval. Ms. Hegarty updated the Board to no new changes to the proposal earlier approved by the Board. The Board endorsed the Devens LIP Agreement.
2. The Board approved the MA Electric easement to place the electrical connection for the Ayer Town Hall on Town land. Selectman Bresnahan moved the Board approve the easement and have the Town Administrator use her best judgement to where the easement would be located, 2nd by Selectman Witherow, VOTE: unanimous, so moved.
3. The Board was updated to the Fire Station Construction Com. moving along with the RFP's for the Project Manager and Architect. The Committees wishing to meet with the Selectmen on 8-28-01 re: approval to advertise.
4. Ms. Hegarty presented the Fire Chief's, Police Chief's and Supt. of Public Works recommendations re: the left hand turn issued at Groton Harvard Rd., and E. Main St. the Board to review and get back to either the Chiefs or Ms. Hegarty re: their comments.
5. The Board moved to accept Chief Rizzo's recommendation and appointed Donald May Animal Control Officer for the Fiscal year ending June 30, 2002, and evaluate this position next year. Motion to approve made by Selectman Witherow, 2nd by Selectman Fay, VOTE: unanimous, so moved.
6. The Board moved to approve the Police Chiefs policy and implement for handling dog complaints as presented. Motion made by Selectman Bresnahan, 2nd Selectman Fay, VOTE: unanimous, so moved.
7. The Board moved and seconded to pay Hoyle Tanner & Assoc. the amount of \$5,950.00 for the completed Phase II Facilities Plan Report which evaluated various alternatives for the collection, treatment, and disposal of the Town's wastewater in accordance with the ACO between the Town & DEP. Selectman Bresnahan moved the Board approve the payment, 2nd by Selectman Fay, VOTE: unanimous, so moved.
8. Ms. Hegarty presented the policy re: use of a Selectmen's Signature Stamp. The Board requested the following be inserted: approval by all the Selectmen prior to use, remove Chairman's approval, delete disciplinary action. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: unanimous, so moved.
9. Ms. Hegarty updated the Board to Volunteers of America requesting to meet with the Board on 8-14-01 re: their proposal to use the old Ayer Hospital as a low income assisted living housing project and seek Tax Incentive Financing (TIF) for this proposal. The Board stated their views re: TIF financing and suggested the Town Administrator advise them to seek other grant opportunities through private Federal & State Government sources. The Board to get their issues/concerns to the Town Administrator prior to 8-14-01.
10. Ms. Hegarty updated the Board to Mr. Williams appealing the Building Inspector's non-enforcement of his ADA complaint for 131 Barnum Rd. to the Devens Enterprise Commission as well as informing the Board to the Town requesting a time variance with the Architectural Access Board. The Town has a formal hearing scheduled in August, Ms. Hegarty and Gabriel Vellante, Building Inspector to attend for the Town.
11. The Board requested the Town Administrator to attend the forum sponsored by the Nashoba Valley Chamber of Commerce re: the potential elimination of the 5th Congressional District. The Board moved Ms. Hegarty inform the Chamber the Town of Ayer strongly supports saving the 5th. Motion made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: unanimous, so moved.
12. The Board moved to approve the Lease Agreement for the new Postage Meter with Pitney Bowes for the State & Local Government Term Rental Agreement for: 1st 3 months at \$197.01 and 33 months at \$247.31, motion to approve made by Selectman Bresnahan, 2nd by Selectman Witherow, VOTE: unanimous, so moved.

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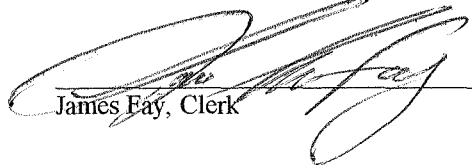
Agenda Item #8: New Business

Chairman Sullivan took this opportunity to thank Supt. Madigan for the excellent work done by the DPW re: weeds, grass & removal of dead trees along Main St.

Agenda Item #9: Selectmen's questions- none

9:40 Chairman Pena called for a motion to close Open Session to adjourn into Executive Session. Selectman Bresnahan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b-Exemption #3 to adjourn from that Executive Session to re-enter into another Executive Session pursuant to MGL Chapter 39 Section 23b-Exemption #6 to adjourn from that Executive Session and enter into another Executive Session pursuant to MGL Chapter 39 Section 23b-Exemption #6 re: potential Town Hall issues, to adjourn from that Executive Session to re-enter Open Session for the sole purpose of adjourning the meeting 2nd by Selectman Witherow, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Chairman Pena aye, Selectman Witherow aye and Selectman Fay aye, unanimous so moved.

9:40p.m. Open Session ended.

 _____ Date: 8/14/01

James Fay, Clerk