

**Final
Selectmen's Meeting
Tuesday, August 8, 2000
Ayer Police Station-Community Room, Park St., Ayer, MA**

7:00p.m. Open Session

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

The Board set back the Minutes of June 13, 2000, June 20, 2000 and July 5, 2000.

Town Crier Announcements

1. Chairman Sullivan announced the Town's Award of \$30,000 from the Department of Environmental Management (DEM) Historic Landscape Preservation Grant to be put towards landscaping the grounds at the Ayer Town Hall allowing the Town to complete the site, work to begin in the Spring. Chairman Sullivan applauding the efforts of all involved with securing the funding.
2. Chairman Sullivan reminding Ayer residents to the Town Hall moving to Devens the first to mid November for a period of 10+months during the restoration of the inside of Town Hall. The building on Devens easily accessible from Barnum Rd. area of former old commissary-white building in front.
3. Mosquito spray dates for August were announced: 8-7, 8-14, 8-21, 8-28-00. Residents not wanting their homes sprayed are to call the Town Clerk's Office.
4. Chairman Sullivan announced the last date to register to vote in the State Primary being Wednesday, August 30, 2000. Town Clerk's office will be open to 8pm to accommodate residents.

Public Input:

1. William Oelfke, Chairman, Ayer Planning Board. Mr. Oelfke requested to meet with the Board under Public Input this evening rather than his agenda time frame scheduled for 7:25p.m. due to another meeting later this evening. Mr. Oelfke stated he was before the Board this evening re: invoking the Consultant's By-law for Pondview Acres which required the Selectmen's approval. Mr. Oelfke advising to Tata & Howard submitting a contract for this work in the amount of \$3,100.00 which has also been approved by Town Counsel. Selectman Pena moved the Board authorize the Consultant's bylaw for Pondview Acres per the Ayer Planning Board's request for engineering services to be performed by Tata & Howard in the amount not to exceed \$3,100.00, 2nd by Selectman Bresnahan, VOTE: unanimous.
2. The Board met with Donald Anderson, President of the Ayer Sportsmen's Club, on Snakehill Rd., regarding placing a banner over Main Street announcing the Club's Annual Clambake to be conducted on Sunday, August 20th, 2000 from 12:00-6:00pm. Selectman Bresnahan moved to approve the request, 2nd by Selectman Fay, VOTE: Chairman Sullivan aye, Selectman Bresnahan, aye, Selectman Fay, aye, Selectman Witherow no and Selectman Pena no. VOTE: 3-2 motion passes. Selectman Witherow and Pena requesting cost of putting the banner up and removal being borne by petitioner as well as liability-adding Town of Ayer as an additional insured. Mr. Kreidler to research cost associated with banner usage by private parties (Fire Dept. Equipment) and insurance liability to the Town.
3. The Board met with George Carpenter re: Woodland Village's water/sewer permits-68 East Main St., Ayer, MA Mr. Carpenter read into the record a letter dated 7-18-00 seeking a waiver of 1540/gallons per day for 6 units and construction of a septic system for the remaining 5 units. Mr. Carpenter stated his request seeking six (6) w/s permits of then eleven (11) needed for his condominium complex. Mr. Carpenter was updated to the DEP Sewer Bank requirements re: new sewer connections permitted under the Town's Consent Order. The Board continued this matter to their next meeting scheduled for 8-22-00. Selectman Bresnahan moved to take the letter submitted by Mr. Carpenter dated 7-18-00 into consideration at their next scheduled meeting, 2nd by Selectmen Pena, VOTE: unanimous, so moved.

Agenda Items:

1. Town Clerk Ann Callahan, re: Reprecincting Discussion

The Board met with Town Clerk Ann Callahan. Ms. Callahan updated the Board to Secretary of the Commonwealth sending out surveys to assist in successfully meeting the requirement of re-precincting the Town of Ayer based upon the 2000 Census population numbers. Precinct 2 now larger than Precinct 1 by

approximately 200/300 residents. Ms. Callahan advised the Board that she has been in touch with the Local Election Districts Review Committee and has advised them that the Town will re-draw our own precinct lines without the technical assistance of the Secretary of State's Office or M.I.S.E. R. the State's data center. The Town has until August 1, 2001, to complete all re-precincting. The Board moved to take action necessary to assist the Town Clerk with the re-precincting of the Town of Ayer as required. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

2. **Peter Johnston Scout Master Troop 3, re: Eagle Project-Mark Donahy-Waiting Station across from Town Hall.** Chairman Sullivan announced the cancellation of this item from the Agenda per the petitioner.

3. **William Oelfke, Chairman of Planning Board**-taken up under Public Input earlier this evening.

4. **Discussion to increase Historical Commission from five members to seven members.**

The Board met with Thomas McLain of the Historical Commission. Selectman Witherow opened the discussion advising the Board to meeting with the Commission and addressing concerns with them. Selectman Witherow stated MGL allows seven members to serve on the Historical Commission and suggested the Town go back to the original seven members originally appointed in 1988. Ms Witherow stated two residents have come forward requesting to serve on the Historical Commission: Zelda Moore has submitted in writing her desire to serve along with Ruth Rhonemus who has personally expressed her desire to serve to Selectman Witherow, stating both of these candidates have a strong background and desire for Historical preservation. Selectman Witherow requesting the Board vote to support increase of membership from five to seven. Selectman Bresnahan expressing his concerns, having always met with the Boards in question and having their recommendation prior to appointing. Chairman Sullivan called for a motion. Selectman Pena moved the Board appoint Ruth Rhonemus and Zelda Moore to the Commission. Ms. Rhonemus for a one year appointment to June 30 2001 and Mrs. Moore for a two year appointment to June 30, 2002, 2nd by Selectman Witherow, VOTE Chairman Sullivan no, Selectman Bresnahan abstained, Selectman Pena aye, Selectman Witherow aye, Selectman Fay aye, Motion passes 3-2.

5. **DPW Issues:** The Board met with Mr. Kreidler.

1. **NPDES Permit #** The Board per the recommendation of Tata & Howard requested to defer the new phosphorous limitation to the EPA until Town has decided treatment alternatives, loading evaluations, and a reduction program. The Board voted to defer this mater until the next Selectmen's Meeting scheduled for 9-5-00.

2. **Moore Drive sewer construction**-The Board approved the Moore Drive design and engineering contract with Tata & Howard for a sum not to exceed \$29,400.00. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: Chairman Sullivan aye, Selectman Bresnahan aye, Selectman Pena aye, Selectman Fay aye, Selectman Witherow abstained, motion passed 4-1.

3. **Aqua Freed Clean Contract:** The Board moved to ratify (void) the previous contract with D.L. Maher and voted to approve the amended contract with D.L. Maher for the Aqua Freed Contract for the rehabilitation of Grove Pond Well #2 for a sum not to exceed \$14,850.00. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Pena VOTE: unanimous, so moved.

4. **SRF Water Application:** The Board moved to approve the submittal of the SRF Application and supporting documentation to DEP for a low interest loan through the Drinking Water State Revolving Fund (SRF) Program be prepared by Tata & Howard for the Town's 12" water main construction project from Pleasant St. to Washington St. (Pleasant St., West St., Lawton St., Nashua St., Cambridge St., Howard St. Groton St. and Washington St.) for a sum not to exceed \$800.00. Motion to approve made by Selectman Fay, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

5. **Ayer Municipal Landfill-Final Closure Design**-The Board moved to approve Tata & Howard filing the NOI (Notice of Intent) for the Ayer Conservation Commission for the Determination of Final Completeness for the Final Closure Design for capping the Municipal Landfill on Groton Harvard Rd. Motion made by Selectmen Pena, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

6. **Water Service Connection Fees:** The Board moved to direct the new Supt. of Public Works develop a policy regarding fees for connecting into the Town's water service. The Board was advised to a particular project –(68 E. Main St. Condominiums) currently before the Water Commissioners requiring the Board's attention/determination whether to charge proponent for one eight inch (8") service connection or for eleven (11) one inch (1") service connections. Mr. Kreidler updating the Board to Town Counsel's opinion re: this project-to charge for only one single eight inch water connection. Selectman Pena moved the Board charge the proponent of 68 E. Main Street the fee of \$12,500.00 for a eight inch (8") water service connection fee which does not include water service connection fees, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
7. **Waste Water Consent Order-Kimball letter** –The Board entered into a lengthy discussion re: the Town's Consent Order which the Selectmen do not want to violate. DEP and the Town are trying to work out an agreement on how many gallons of flow per day are available for new sewer tie-ins. The Board reviewed the amount of backwash from the Grove Pond Water Treatment Plant which could eliminate the remaining gallons of flow per day which DEP believes remains in the Towns sewer bank. The 2nd disagreement concerns the Devenscrest sewer system completed a few years back and flows to be credited for having completed the system a figure of 88,000 gallons per day, opposed to DEP 22,000 based on the 4-1 formula. Mr. Kreidler stating the argument is the Town projects is has 79,000 gallons remaining DEP estimates a total of 12,725 gallons per day. The Moore Drive sewer extension using DEP figures adding the number of gallons per day expected the Town is placed in a dangerous situation. The Board moved to place a temporary hold on all sewer tie-ins. Selectman Pena moved the Board not issue any future permits until the Town has resolution from DEP to what the actual number of gallons are remaining in the Sewer Bank, 2nd by Selectman Witherow, VOTE unanimous, so moved. The Board amended the letter to be sent to Robert Kimball by striking nearly and removing minimum & maximum from #7 172. The Chairman to execute the letter after revision. Selectman Witherow moved Mr. Kreidler set up meeting with Robert Kimball at DEP to resolve issue as soon as possible, 2nd by Selectman Pena, VOTE: unanimous, so moved. The Board to approve only permits from failed septic systems on a individual basis.
8. **Permits:**
The Board approved a sewer permit for a failed septic systems at 54 Pearl St. and 150 Oakridge Dr. The Board met with the owner of 150 Oakridge Dr. who also requested the Board allow him a sewer abatement due to circumstances beyond his control missing the deadline to apply during the sewer construction. Selectman Witherow suggested he meet with the Board of Health re: grant program for low interest payments to hook up to sewer line, suggesting he send a letter to the Sewer Commissioners requesting a reduction in the cost of sewer hook-up

George Carpenter on behalf of 7 C's requested why he had been past over on the Agenda regarding his sewer permit request for 68 East Main St., Ayer, MA. The Board advised Mr. Carpenter to no sewer permits being issued at this time until the dispute with DEP over the remaining number of gallons in the Sewer Bank has been resolved.

TOWN ADMINISTRATOR'S REPORT

1. **Call Firefighters 3/% raise.** The Board moved to approve the 3% raise for the call firefighters. Selectman Bresnahan moved to approve, 2nd by Selectman Pena, VOTE: unanimous.
2. **Personnel Board Appointment:** The Board based upon the recommendation of the Ayer Personnel Board moved to appoint Chief Richard Rizzo to the Personnel Board. Motion to Approve made by Selectman Pena, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
3. **Devens Housing Update:** The Board was advised of need to have a meeting re: the Devens Housing in the near future.
4. **Alcohol Serving Training Program**–The Board approved of a training seminar to be conducted at J.P. O'Hanlon's Restaurant, Main St. Ayer, MA for all Town of Ayer Alcohol establishments licensed to pour Beer, wine or liquor. Motion to Approve made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

5. **Communications Committee:** Town Crier news program. Selectman Pena on behalf of the Communications Committee announced the start up of a new "Town Crier News Program" to be hosted by Mary Spinner to help free up the Selectmen's Agenda. The program will be aired fifteen minutes prior to the Selectmen's Meeting. Town's people wishing to announce local programs and events are encouraged to contact Mary through the Selectmen's Office.
6. **Selectmen's Policies & Procedures:** Mr. Kreidler deferred this item to the next Selectmen's Meeting due to the lateness of the meeting.

New Business:

1. The Board approved the CDBG Housing Rehabilitation Services Grant to Communities Opportunities Group (COG) Contract. Selectman Bresnahan moved the Board approve the amendment under Professional Services to \$23,600.00, 2nd by Selectman Pena, VOTE: unanimous, so moved.
2. The Board approved of the Department Assistant Job Description for the Town Treasurer/Accountant, DPW and Fire Dept. Selectman Bresnahan moved approval, 2nd by Selectman Witherow, VOTE: unanimous. The Board requested the last sentence under General Function be stricken (The Town uses MUNIS Software).
3. The Board appointed William Taylor of Westford Rd. to the Zoning Board of Appeals per the recommendation of Manuel Velez, Chairman. Motion made by Selectmen Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

Selectmen's Questions

Mr. Kreidler updated the Board to Post Office planting arborvitae trees along E. Main St. bridge.

Chairman Sullivan also addressed the arborvitae trees in front of Town Hall being an eyesore with residents complaining about them and requesting trees be trimmed or removed.

Selectman Witherow requesting status of Camper's Inn License. Mr. Kreidler advised to Selectmen meeting on 8-22-00 to consider possible revocation of license due to license expiring on 6-30-00 and conditions not met.

Selectman Witherow also advising to E-Mail received from resident requesting Aquifer information.

10:45p.m. Selectman Pena moved the Board adjourn from Open Session to meet in Executive Session pursuant to MGL Chapter 39 Section 23b Exemption #3 to adjourn from this Executive Session to re-enter Open Session for the sole purpose of adjourning the meeting.


Robert J. Pena, Clerk

AYER BOARD OF SELECTMEN

DATE Nov 20, 2000

approved 10/17/00