

FINAL Selectmen's Meeting
June 13, 2000
2nd Floor Town Hall Meeting Room, Main St., Ayer, MA

7:00p.m. The Board met with Vice-Chairman Paul Bresnahan, Selectman Pena, Selectman Witherow and Selectman Fay.

The edited Minutes of May 16, 2000 were read and accepted-motion made by Selectman Pena, 2nd by Selectman Fay, VOTE: unanimous, so moved.. The Minutes of May 30, 2000 were read and accepted. Motion made by Selectman Pena, 2nd by Selectman Witherow, VOTE: unanimous, so moved.

Selectman Bresnahan read the Agenda of 6-13-00's Town Crier announcements into the record, announcing the AHS Girls Varsity Softball Team winning the Central Massachusetts District's Division 3 Championship offering the Board's congratulations to the team. Selectman Fay announced the 4th of July's Father's Day basket drawing to be held on Saturday, June 17th at 12:00 noon in front of North Middlesex Savings Bank. The basket consist of a wheelbarrow donated by Aubuchon's , toolbelt & hammer from Moore's, tool kit from NAPA, tackle box from Blue Northern Trading Post, men's slippers from Fletchers, Father's Day tie from PN Laggis, tee-shirt & mug from JP O'Hanlons, baseball cap from Carlin's, oil change from Jiffy Lube, motor oil from Exxon. Selectman Fay thanked all the merchants for contributing to the raffle on behalf of the 4th of July Committee.

Selectman Bresnahan also took this opportunity to announce Representative Hargraves is present this evening at the Ayer Town Hall to conduct office hours welcoming viewing Ayer residents to come in to meet with him this evening from 7-8pm if they have questions or concerns to address.

Public Input: Selectman Bresnahan requested if there was anyone present wishing to meet with the Board for a five-minute period. Selectman Fay confirming the five minute fixed/maximum period for public input.

Chief Fillebrown: Reserve Fund Transfer
Phylis Palvio: Zoning Enforcement
Carlton Curtis: Wright Rd. erosion

Selectman Bresnahan called for a motion to approve the agenda of 6-13-00 as amended. Selectman Pena moved to approve the amended agenda so stated, 2nd by Selectman Fay, VOTE: unanimous, so moved.

The Board met with Chief Fillebrown who stated he was before the Board this evening to request a Reserve fund Transfer in the amount of \$32,000.00 due to an extraordinary and unforeseen increase in fire and medical calls, mandated training and overtime/response time for call back and call firefighters/EMT's. Selectman Pena moved to approve the Reserve Fund Transfer, 2nd by Selectman Witherow, VOTE: unanimous, so moved.

The Board met with Phylis Palvio of 1 Hatch St., Ayer,MA. Ms. Palvio stated she was before the Board this evening re: enforcement of Town By-laws Article VI, Section 5, concerning parking by the Church of God members for the past two years between their building and her property line. Ms. Palvio stated she has met with the Fire & Police Chief's who referred her to the Building Inspector who only enforced one portion of the by-law and not all of it. Mr. Kreidler suggested she go to the Zoning Board of Appeals, which she did paying \$165.00 for a Hearing. The ZBA issued her a letter today stating Zoning Enforcement is not within the jurisdiction of the ZBA stating this matter may be resolved sooner by contacting the Zoning Enforcement Officer or the Board of Selectmen. Ms. Palvio stated this problem has been going on for 2 years and she paid \$165.00 to find out the issue is here and they should not really be hearing this.---. Chairman Pena asked "they took your money before they told you this?", Ms. Palvio stated yes. Ms. Palvio stated the ZBA scheduled a Hearing and has to pay. Selectman Bresnahan read the letter into the record dated 6-6-00 from the ZBA. Mr. Kreidler updated the Board to his discussion with Ms. Palvio prior to a Selectmen's meeting if she was not satisfied by the Building Inspector's decision she could appeal it to the ZBA. Selectman Witherow requested Mr. Kreidler speak

with the Building Inspector and Chairman of the Zoning Board of Appeals re: submitting a history of matter to clear this issue up prior to that Hearing so that if it does not require Hearing they can refund her money, 2nd by Selectman Pena, VOTE: unanimous, so moved.

The Board met with Carlton Curtis of 60 Wright Rd. who shares beach rights with 6 families on the street. Eight years ago the Town put in sewerage/water system & paved the road. The paving of the road created erosion problems, the Town did not put in the proper drainage & runoffs creating an unsafe level of water. The Street is Mountainview Ave., at the bottom. Selectman Fay moved the Board have Mr. Kreidler look into this matter and get back to Mr. Curtis, 2nd by Selectman Witherow, VOTE: unanimous, so moved.

AGENDA ITEMS

1. Tony DiLuzio KVAssociates, re: Fire Station Contract.

The Board met with Tony DiLuzio and Fire Chief Paul Fillebrown. The Board reviewed with Mr. DiLuzio & the Chief, the Phase II Program Development Schedule proposal presented by KVAssociates for the Ayer Fire Station's scope of services looking into potential land issues, testing issues, providing the management services required, and Terms of Agreement for \$28,000.00. Mr. DiLuzio presented three original contracts reviewed by Town Counsel. The Board questioned whether or not this project must be bid. Mr. DiLuzio stated right now you don't have a qualified project i.e. site, it does not have to be bid. Mr. Kreidler advised the Board to Town having qualified staff capable of doing some of this work, ie referenced Mr. Suhoski who is currently managing Town Hall exterior/interior restoration. Selectman Witherow questioning overseeing contamination of the site. Selectman Pena stating he would like to see Tata & Howard, as Town Engineers overseeing the land mitigation issues as well as hiring Shaun's assistant and handling this in house. The Fire Chief expressing his concern re: hiring assistant and bringing this person up to speed for Shaun will delay project for Town Meeting in October. Selectman Pena advising to project's next few months is going to be in site exploration/mitigation which are engineering issues which would not involve Mr. Suhoski which would give us a couple of months to bring someone up to speed. Mr. DiLuzio advised the Board the next step would be to get proposals from land/site professionals, testing agents ie. Ross Assoc recommended for surveying working with Town Counsel to get onto property and managing those people to perform services within timetable set, budget & best interest of Town. Selectman Bresnahan stating it would be a question whether to hire Tony or Tata & Howard for this particular part of the project. Selectman Pena moved the Board use the Town Engineer- Tata & Howard as the Project overseers for the site selection/mitigation/remediation and request they submit a proposal for the project at Park & West Main St., 2nd by Selectman Witherow, VOTE: unanimous, so moved.. Selectman Witherow requesting Mr. DiLuzio clarify his proposal and resubmit back to the Board for further review. The Fire Chief requesting to be included with Tata & Howard overseeing the project. Selectman Bresnahan assuring the Chief of significant reporting to be made to the Chief & Building Committee.

2. Department of Public Works

2-1 Tata & Howard Wellhead Protection Grant Scope. Mr. Kreidler updated the Board to need of having Tata & Howard be more specific re: scope of service and Mr. O'Connell advising Mr. Kreidler that Tata & Howard would have to submit a competitive application for this program which would require between 20-30 hours of technical data information, coordinating existing data, aquifer protection data, zone II data, outside technical work checking Littleton groundwater flow, modeling & provide all of this to Shaun so that he could submit the grant application. Does the Selectmen feel 20-30 hours, could be as little as 7-10 hours of technical time is necessary for the \$2,200.00. Mr. Suhoski stated having the technical aspects addressed in the application lends a lot of creditability to the application and makes us more competitive. Selectman Witherow questioning timeframe to submit deadline being June 30th. Mr. Suhoski advising it being doable if information from consultant is timely.

2-2. NPDES Permit Mr. Kreidler advising Board to information in packet not relevant to discussion this evening. The issue before the Board is a letter dated May 30, 2000 from EPA. Discharge waste permit into the Nashua River. Ms. Honeywell commented on Tata & Howard's draft comments re: permit. Two main issues re: new main issues on permit 1. Phosphorous limit in place, 2. Fee NOE. Chronic

toxins testing, Ms. Honeywell suggested the Board write a letter and attach our comments requesting EPA not add the Phosphorus as a new requirement. Ms. Honeywell stated at this time we just want to get the comments in and discuss it later in full detail. Selectman Pena moved the Board request Tata & Howard write this letter on behalf of Town and authorize the Chairman to sign in the interim, 2nd by Selectman Fay, VOTE: unanimous, so moved.. Ms. Honeywell added the Draft of the Consumer Confidence Report for 1999 re: water quality information to be published in the local papers which will be published in the paper by July 1, 2000.

2-3. Position Descriptions Office Manager & Part-time secretary

The Board was advised to position job descriptions approved by the Personnel Board held in abeyance until the Selectmen reviewed the changes. Mr. Kreidler advised the Board to meeting conducted by him with the former Dept. head and staff prior to his departure. Selectman Witherow moved the Board put a "Freeze" on all new re-classifications coming before the Board from this point forward until unanswered questions re: job performance reviews are looked into, requesting a committee be formed to review this matter to work with the Personnel Board and Selectmen to straighten this procedure out. The Committee to come back with their recommendations within three months, 2nd by Selectman Pena. Selectman Witherow requested to be on this committee the Board approved this request. Selectman Fay also requesting to be on this Committee, this request also approved by the Board. Selectman Witherow moved the two DPW positions presented this evening for reclassification, if approved by the new Superintendent and Study Committee, be retro-active to July 1, 2000.

2-4 Street Opening Permits:

1. Brian Waite of 11 Lincoln St, Boston Gas Co. street opening. Selectman Pena moved to approve 11 Lincoln St. Street Opening Permit, 2nd. Selectman Fay, VOTE: unanimous, so moved.
2. West Main St. /Sherman Ave. street Opening Pole 56 & 57 Motion to approve made by Selectman Fay, 2nd by Selectman Pena, VOTE: unanimous, so moved
3. 23 Mulberry Circle street opening for driveway. Motion to approve made by Selectman Witherow contingent upon DIG Safe approval, 2nd by Selectman Pena, VOTE: unanimous, so moved.
4. Sewer Extension Permit-Winterberry Lane 7 units pump station required Selectman Pena moved the Board approve the permit with a letter from the board clarifying the Boards procedures & policy 2nd by Selectman Witherow, VOTE: unanimous, so moved. .
5. Miscellaneous Signs still being worked on i.e water ban, St. Andrews signs put up and taken down due to being incorrectly installed and lettered, they are currently being re-worked.
6. Selectman advised the Board to letter being received from Ruth Maxant re: Building inspector's letter to her to clean up yard on Taft St. re: caretaker making a mess of the yard. Selectman Bresnahan stating citizens complaining to him re: this individual getting junk from Transfer Station. And possibly prohibiting him from using transfer station/shed

3. TOWN ADMINISTRATOR'S REPORT:

3-1. Guilford Update: Mr. Kreidler updated the Board to Zoning Enforcement Violation re: use of parcel of East side of Willow Rd. for the storage of automobiles. Mr. Vellante issued a Cease & Decease Order citing a Site Plan Approval on record for that site the conditions to which are not being obeyed. Mr. Vellante's deadline of 6-13-00 for removal which was being enforced by Guilford personnel who advised him to extension until Friday 6-16-00. Federal Court Hearing held yesterday, 6-12-00, in Boston. Mr. Kreidler advised the viewing public to the Board of Selectmen, Board of Health and Planning Board to a position that the use of that site (East side of Willow Rd.) was inappropriate action taken by Guilford, when issues re the Town's aquifer & Blanding Turtle have still not being resolved. The Town filed a temporary restraining order, seeking an injunction against Guilford prohibiting them from using that parcel in filing in Federal Court first and then taking it up in State Court second. The Federal Court Judge suggested the Town file issued a contempt order and required Guilford to remove the vehicles by Friday, June 15, 2000

3-2 The Board reviewed DPW Director's interview schedule & process. Selectman Fay moved the Board begin the process to start interviewing candidates per criteria to be supplied by Town Administer re: questions packet 2nd by Selectman Pena. Selectman Pena moved the Board interview the top three candidates available, 2nd by Selectman Witherow. The Town Administrator requested to check references of top three candidates.

BOSMIN6-13-00/PG.4

3-3 FY-01 Appointments the Board was advised to Appointments being scaled for yearly turnarounds per approval of the Town Clerk and of appointment list being sent letters or called re: their continued interest on serving on the various Boards/Commissions/Committees. The Board was advised to

Individual seeking the Veterans Agent's position and Board requesting local veterans association being contacted re: their recommendations/comments

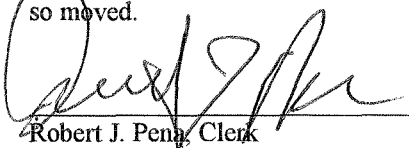
3-4 The Board was presented a draft re: changes to the Selectmen's Policy & Procedures. Mr. Kreidler advising to new language being worked on for presentation for Selectmen's next meeting. Selectman Witherow taking this opportunity to congratulate the Fire Chief for submitting his monthly report advising the Board to his activities and requesting Mr. Kreidler prepare a monthly report as well.

3-5 The Board approved of a Certificate of Appreciation be prepared for Kate Dempsey, District Director for Congressman Martin Meehan for the farewell ceremony at the Harly House, Lunenburg On Thursday, June 15, 2000 at 5:30p.m. Selectman Pena also requesting a Certificate of Appreciation be prepared for James Williams for his ten years of service on the Planning Board.

3-6 New Business

1. The Board was advised to Water Quality Report submitted by DEP.
2. The Board set their next Selectmen's Meeting for 6-22-00 due to conflicts with other meeting schedules contingent upon Chairman Sullivan's availability.
3. Selectman Pena requested Mr. Kreidler look into Hotel/Motel tax implementation re: pros & cons.'s.
4. Selectman Fay requested cash receipts be turned in on a timely basis re: internal controls/turn around time re: memo he received re:Building Dept. holding checks for long period of time before submitting to Town Treasurer's Office.

10:00p.m. Selectman Pena moved the Board adjourn the meeting, 2nd by Selectmen Fay. VOTE: unanimous, so moved.


Robert J. Pena, Clerk

AYER BOARD OF SELECTMEN

DATE: 