

FINAL  
Selectmen's Meeting  
Tuesday, April 25, 2000  
2<sup>nd</sup> Floor Town Hall Meeting Room, Main St., Ayer, MA

7:00p.m. Open Session

Chairman Bresnahan opened the meeting with congratulations to the Town of Ayer's two (2) new Selectmen, C. Jane Witherow and James M. Fay elected to the Board of Selectmen on Monday, April 24<sup>th</sup>'s Annual Town Election.

**Public Input:** Chairman Bresnahan requested if there was anyone present this evening wishing to meet with the Board of Selectmen, no one stepped forward.

Chairman Bresnahan took this opportunity to welcome Representative Robert Hargraves to the Meeting and announced the Representative's Office Hours being conducted this evening urging Town residents to come in to meet with the Representative if they have questions or concerns he could help them with. Representative Hargraves took this opportunity to welcome the new Selectmen to the Board and offered his assistance to them.

**Agenda Items:**

**1. Zelda L. Moore-Dedication of the 1999 Annual Town Report in her honor.**

Chairman Bresnahan called the 1<sup>st</sup> order of business-- welcoming Mrs. Zelda L. Moore to the meeting. Chairman Bresnahan announced the 1999 Annual Town Report was dedicated to Mrs. Moore for her many contributions to the Town of Ayer. Chairman Bresnahan presented Mrs. Moore a corsage on behalf of the Board, which was presented to her son Calvin Moore for pinning. Chairman Bresnahan read into the record the dedication inscribed to her in the 1999 Town Report. The Board paused for a few minutes to have a picture taken with Mrs. Moore and to sign a copy of the 1999 Town Report for presentation to Mrs. Moore.

The Board moved to approve the Minutes of 4-11-00 as presented, the Minutes of 3-28-00 were amended to correct typo on Page 2-Item #3-Camper's Inn --changed stripped to stripe/d/ing in entire section. Motion to approve made by Selectman Pena, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**2. Welcome new Selectmen to the Board and re-organization**

Chairman Bresnahan took this opportunity to again welcome, the two new Selectmen, Jane Witherow and Jim Fay to the Board. Selectman Pena congratulated Chairman Bresnahan--returning to the Board for his 2<sup>nd</sup> term of office, also being successful at the Annual Town Election on the 24th of April. This being the 1<sup>st</sup> time the Town of Ayer has a five- (5) member Board of Selectmen. The Board held off on reorganization of the Board until after the Annual Town Meeting to be scheduled for the 1<sup>st</sup> Selectmen's Meeting after Town Meeting or May 22, 2000. The Board discussed the possibility of rotating every six months in order to give everyone the opportunity to Chair over a three (3) year period, now that Ayer has a five member Board. Selectman Pena moved the Board keep the current Board arrangement until after the Annual Town Meeting scheduled for May 8, 2000, the reasoning for this motion to allow the Board to go into Town Meeting with an experienced Chair and allow for the new members to get a feel for the Board 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**3. John Hanlon, re: O'Hanlon's outside Café-alley way between bank and O'Hanlon's restaurant**

The Board met with John Hanlon owner of O'Hanlon's Restaurant. Mr. O'Hanlon refreshed the Board to there past year's discussion re: this proposal. Mr. Hanlon stated he had met with the Town's ABCC representative Keith Keady regarding this project. Mr. Keady advising him of need to control the area by blocking off the area with chain/fense and having personnel in that area at all times to ensure no alcoholic beverage leaves enclosed area. Mr. Hanlon stated Mr. Keady was in agreement to allow this outside café with restrictions/contingencies i.e. enclosing area, controlling area, only allowing patrons to enter and leave from inside his restaurant, no alcohol beverage to leave enclosure, and to state number of tables/seating allowable. Mr. Hanlon advised to meeting with the Police Chief, Fire Chief, Nashoba Board of Health, and Ayer Board of Health-and receiving their approval of this outside Café. Agreeing it would

add a nice element to downtown Main Street. Mr. Hanlon advised to meeting with Bank representative Steve Sugar re: this and not receiving to date anything back from the bank pro or con. Mr. Hanlon stated he would present a plan to the bank depicting the layout of tables, flowers, foliage and security he would provide in that area and only, if the bank is agreeable, would he then go forward. Mr. Hanlon provided the Board with a rough plan and stated he would have live foliage and rod iron fencing, his intention to run the outside café as clean and efficient as he runs the restaurant inside. The Board reviewed safety, ADA, security, 3' pedestrian walkway and aesthetics issues with Mr. Hanlon re: the 13 sq. ft of space of which 10' is owned by him, being utilized for this café. Selectman Sullivan complimented Mr. Hanlon on his proposal taking a unused-unsightly area and turning it into a street café making it a real plus for the downtown. Chairman Bresnahan advised he would help Mr. Hanlon get time with Bill Marshall at the bank. Selectman Pena also adding his admiration of the idea but expressing concerns re: the Town's Public Drinking By-law and requesting Town Counsel review and research proposal. Selectman Sullivan moved the Board approve J.P. O'Hanlon's concept -(Exhibit 1-plan presented) of an outside café subject to further approval of North Middlesex Savings Bank and Town Counsel's opinion whether it is permitted under the Town of Ayer's Bylaw, 2<sup>nd</sup> by Selectman Pena. Selectman Witherow requested to amend the motion by requesting in writing approvals from the Ayer Fire Dept, Police Dept and Health Depts., accepted and added to motion-VOTE: unanimous, so moved.

**4. Public Hearing Continuation-Camper's Inn/Class I License:** Chairman Bresnahan announced the cancellation of this item due to engineered plot plan not being ready for presentation. The Board to take up Camper's Inn License extension later in the evening under the Town Administrator's Report.

**5. One Day Beer & Wine License-Autumn Wood Restaurant-Littleton Rd., Ayer, MA**

The Board met with Charles White owner of the Autumn Wood Restaurant and Harvey Flagg of Ayer, MA. Mr. White gave the Board a brief overview of his proposal for a Cruise Night, antique auto show where owners display their vehicles and meet and share information with patrons. Mr. White stated the event will be held only on Monday nights when the restaurant is closed from 6-10pm and he would sell hot-dogs & hamburgers along with beer & wine in an enclosed area on the left side of the building facing the parking lot. Mr. White stated Mr. Keady of the ABCC visited the restaurant re: this proposal, walked the area and advised to alcohol beverages must being purchased and consumed in a designated roped off area. Selectman Pena suggesting Town Counsel research the Town's Public Drinking By-law and advise if conflict. Selectman Sullivan moved the Board approve the request for a One Day Beer & Wine License for Autumn Wood Restaurant for 27 Mondays May-October 2000, for Charles & Barry White to be conducted at 38 Littleton Rd., Ayer, MA with the conditions of the ABCC made part of the approval. Selectman Pena requesting to amend the motion by adding approvals being submitted from the Fire Dept., Police Dept., Board of Health and Town Counsel, motion amended and 2nd by Selectman Witherow. VOTE: Selectman Pena aye, Selectman Sullivan nay, Selectman Witherow aye, Selectman Fay aye, and Chairman Bresnahan aye, 4-1 Motion passes.

**DPW-Issues:**

**1. Street Opening Permit-Boston Gas Co.** Mr. Kreidler requested to set back this item, and updated the Board to an ongoing issue not being resolved at this time.

**2. Sewer Line Extension-Goldsmith, Priest & Ringwall/Winterberry Lane.**-Mr. Kreidler also requesting more time re: this matter again due to an outstanding issue, this item to be taken up at the next Selectmen's Meeting. Issue being impact of this extension to the Town's sewer bank-Tata & Howard still researching this issue.

Association/or SIU's, a representative of a local engineering firm, a member of the Board of Selectmen, and a member of the Planning Board which would narrow the candidates down to three (3) to meet with the Board of Selectmen. Selectman Sullivan stated he felt now that the Board of Selectmen have a five (5) member Board a Screening Committee would not be necessary now having a broader representation. Selectman Fay suggesting the Personnel Board be represented. Selectman Witherow agreed with Selectman Sullivan having the Selectmen screen the applicants. Selectman Pena also suggesting someone from the DPW also be considered. Mr. Kreidler stressing the possibility of losing qualified candidates if you make the candidates applying public. Once you get the process down to three (3) then you may go public with the names of the candidates. Selectman Pena moved the Board use a Screening Committee, provide Mr. Kreidler with criteria and allow him to form the committee, 2<sup>nd</sup> by Selectman Fay. Selectman Witherow requesting the Board amend the motion by distinguishing who will serve on that committee. The Board requested their personal choices of who should serve on the committee: citizen-PK McGuane who expressed interest, outside engineer, Tata & Howard, Mary Spinner citizen, and one person from the industrial association and two Selectmen. The Board agreed not to have more than seven (7) people to serve on this committee and to request Mr. Kreidler to begin the process. Selectman Pena moved to establish a seven (7) member Screening Committee consisting of two (2) Selectmen, Mr. Kreidler, three (3) citizens and Tata & Howard, 2<sup>nd</sup> by Selectman Fay. VOTE Selectman Pena-aye, Selectman Fay-aye, Selectman Witherow-aye, Selectman Sullivan-nay, Chairman Bresnahan aye, 4-1 motion passes.

- 6. *Economic Development Director's Report:*** Mr. Suhoski advised to having nothing before the Board at this time. Selectman Pena requested Mr. Suhoski update the Board re: the Town Hall Restoration Project. Chairman Bresnahan also advised Mr. Suhoski to Town Hall employees expressing concern re: dust from restoration of the outside creating breathing problems and of Selectmen having a outside consultant test for air quality of building. Mr. Suhoski advised to awaiting report from the industrial hygienist, but he had expressed that on his examination of the building he felt that there would not be an issue. Mr. Kreidler stated as an outcome of this situation a more often and rigorous cleaning schedule has been adopted. Selectman Pena advised to his noticing window sills not being scraped or primed prior to painting. Mr. Suhoski advised to RFP not calling for sanding down surfaces if a more vigorous scraping is required a change order would call for additional cost to contract. Selectman Pena stating if not well-scraped paint will fall off and require new painting within year or two. Selectman Fay advised to an enormous amount of ants in the Selectmen's Office and questioned if this was a result of the construction activity. Chairman Bresnahan concurred with that stating flying ants were all over the office and that Janet was looking into having a pesticide company coming in over the weekend. Mr. Suhoski to look into problem and advise.

**7. *Town Administrator's Report***

1. Mr. Kreidler advised the Board to receipt of a Citizen's Petition submitted by the Planning Board re: requesting the Board of Selectmen place a Zoning By-law Amendment on the May 8, 2000 Annual town Meeting Warrant. Mr. Kreidler advised to the Selectmen's Policy having closed the warrant, being printed and mailed to Town residents and the Board is not obligated to re-open the warrant to add a recently received petitioned article, any such article would be placed on a subsequent warrant, this Town counsel advising would be placed on the next Town Meeting Warrant. Selectman Fay requesting to go on record removing himself and stepping down from all discussion. Selectman Sullivan moved the Board not put the Citizen's Petition, received by the Town Clerk on 4-19-00, on the May 8<sup>th</sup>, 2000 Annual Town Meeting Warrant, 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved. Selectman Sullivan moved to notify the Planning Board, to the position of the Selectmen, that before the Citizen's Petition dated 4-19-00, dealing with the Aquifer Protection District, before it is placed on any future Town Meeting Warrant a Public Hearing be conducted, 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous.
2. Selectman Pena requested the Town Administrator research the Town By-laws to who is responsible for protecting the Town's water supply. Who is the Special Granting Authority (SGA) be reviewed and clarified prior to the next special town meeting re: the aquifer protection district. Selectman Fay advised the Board to Zoning By-laws stating the ZBA or Planning Board being the SGA for the Town.

### **3. Sewer & Water Permits:**

1. **Sewer System connection-Agility Inc. Copeland Dr., Ayer, Ma.** submitted by Consigli Const. 3405 gallons from existing industrial, fees paid and approved by the Town's consulting engineers as being appropriate. Selectman Sullivan moved the Board approve Agility Inc's. sewer system application for a total gallon per day discharge of 3,405 gallons subject to the application being in conformity to the Town of Ayer's Sewer Bank Allocation Policy adopted by the Board of Selectmen, 2nd by Selectman Pena, VOTE: unanimous, so moved.
2. **Single Family Home-13 Wright Rd., Ayer, MA.** approved by Consulting Engineers for Raymond Lynds/3 bedroom home or 330/gallons per day from new construction. Selectman Sullivan moved the Board approve the application for sewer connection at 13 Wright Rd., Ayer, MA for 3 bedroom home subject to conformity to the Town's Sewer Bank Allocation Policy adopted by the Board of Selectmen, 2nd by Selectman Pena. VOTE: unanimous, so moved. Fees waived by Town due to applicant allowing a sewer easement to Town in 1988 to cross his property-one of the conditions was when property developed and tied in the fees would be waived.

#### **3. Water Permits-**

1. Agility Inc.-4 Copeland Dr., Ayer, MA-2 Permits
  1. Two-inch domestic water service 3405 gallons per day, submitted by Consigli Construction.
  2. Six inch Fire suppression main. Selectman Sullivan moved the Board approve the water permits for Agility Inc.4 Copeland Dr. for a two inch domestic water service/3405 gallons per day, 2nd by Selectman Pena, VOTE: unanimous, so moved. Selectman Sullivan moved the Board approve a six-inch Fire suppression main for Agility Inc./3405 gallons per day, 2nd by Selectman Pena, VOTE: unanimous, so moved.
2. Single Family Home 4 bedrooms/440 gallons per day/ one inch service for 7 Oak Grove Street, Ayer, MA submitted by North Shirley Realty Trust, Shirley, MA Selectman Sullivan moved the Board approve the water permit for 7 Oak Grove St. Ayer, MA for a one inch service/440 gallons per day, owned by North Shirley Realty Trust, 2nd by Selectman Pena, VOTE: unanimous, so moved.

4. **Wastewater Issues:** Mr. Kreidler updated the Board to receiving an update from Tata & Howard re: status of groundwater discharge project and having successfully completed the construction of a model based on data received from Devens. Based upon the model the water line discharge is highly feasible. Mr. Kreidler advised to Tata & Howard wishing to come to the next Selectmen's Meeting to report on how this fits in with the other four options, and where the other four options stand to date. The Board set Tuesday, May 2, 2000 at 7pm to conduct a work-shop regarding the format for presentation of the wastewater alternatives for the May 8<sup>th</sup>, 2000 Annual Town Meeting. Selectman Sullivan suggesting Tata & Howard be prepared to answer the following questions:

1. If the Town's three (3) SIU's (EPIC, CPF & Cains-approximately 300,000/gpd) did pipe their waste to Devens what would be the percentage freed up and available for the Town.
2. Cost of the various options/alternatives.
3. Chairman Bresnahan also suggesting Selectmen contact Mr. Kreidler with their questions or concerns they may have as well prior to the 2<sup>nd</sup>.

The Board met with a Mr. Lawrence a resident of Snakehill Rd. re: presenting the Selectmen with a petition re: sidewalk on bridge. Mr. Lawrence requested the Selectmen, Fire Chief, Police Chief and Planning Board meet at the bridge on Snakehill Rd. to review the plans and sidewalk proposal. The Board requested the Planning Board research the plan approved by the Board re: this sidewalk proposed for the bridge. The Board requested the Planning Board meet with the neighbors in that area re: need for the sidewalk. Chairman Bresnahan stating the silt fences becoming somewhat of an embarrassment due to the deteriorating condition of the fencing.

Mr. Kreidler updated the Board to the status of the Supt. of Public Works position advising the Board to position being advertised in the Globe and local newspapers and of resumes being received. Mr. Kreidler requested whether the Board wishes to establish a Screening Committee to review the applications. Mr. Kreidler reviewed with the Board past practice re: hiring a Supt. and having a Screening Committee which consisted of the following people: Town Administrator, a citizen at large, a member of the Industrial

3. Mr. Kreidler advised the Board to DEP notifying the Town to the Grant application submitted under Lakes & Ponds by the Spectacle Pond Assoc. being successful and funded for \$5,000.00 for study on weed control of Spectacle Pond. The Grant award for \$20,000.00 of which \$5,000.00 was funded by the Town of Littleton and Ayer and matched by DEP for \$10,000.00.
4. Mr. Kreidler advised the Board to Town of Ayer mailing going out to all residents regarding the Annual Town Meeting Warrant and Ayer Times Newsletter in time for both the election and Town Meeting. Selectman Sullivan requesting adding Article one of the Warrant being included in the Future (Town Election Warrant). The Board gave a big thank you to Kim Becker for all her work preparing the Ayer Times Newsletter.
5. The Board moved to extend Camper's Inn Class I License for thirty (30) days or May 25, 2000. Motion made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.
6. The Board approved a unpaid leave of absence for three (3) months for Michael Mauro an employee of the DPW. Selectman Sullivan moved to approve the leave of absence, 2<sup>nd</sup> by Selectman Fay, U Unanimous, so moved. The Board approved a part-time employee be hired to fill Mr. Mauro's position during this three month leave of absence.
7. The Board was advised to Wright Rd. sewer pipe situation questioning if sufficiently sized to handle existing residents and new development being proposed.
8. The Board was advised to DPW issue -dam remediation status and beavers flooding area on Wright Rd. being a serious problem.

9:30P.M. Selectman Sullivan moved the Board adjourn the meeting, 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.

  
Robert J. Pena, Clerk

DATE 5-16-00

**AYER BOARD OF SELECTMEN**