

Selectmen's Meeting
November 29, 1999
2nd Floor Town Hall Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

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

The Minutes of October 18, 1999 and November 1, 1999 were read and amended as follows: correct spelling of Shawn to Shaun on Page 1. 10-18-99, spelling of differentiate, change Y2K to Fy-2000, on Page two on the Minutes of 10-18-99 and on the minutes of 11-1-99 page 4 remove Town and insert Supt. Under Supt. Girouard's Report add motion under #2 of the Town Administrator's Report-Selectman Sullivan moved to approve the 2000 Alcohol Licenses with the exception of the Fort Club and pending Town Counsel's review of the fees, 2nd by Selectman Pena, VOTE: unanimous, so moved.

Public Input: *Chairman* Bresnahan requested if there was anyone present wishing to speak under public input: 1. William Oelfke, Chairman-Planning Board re: administrative space needs request.
2. Linda Norman, Teacher-Ayer Middle School re: thank you to Chairman Bresnahan for class on Town Government, students Nicole Rende and Shauna Stevens presented Chairman Bresnahan a very large thank you card signed by the entire student body in the Middle School who attended the class. Chairman Bresnahan thanked the students for this surprise visit stating this was his best night yet as a Selectman.

Town Crier: Chairman Bresnahan made the following Town announcements:

1. Reminder to Winter Parking Ban being in effect starting Nov. 15, 1999 through March 31, 2000
2. Council on Aging Xmas Party, Wednesday, Dec. 8, 1999 @12:00noon at the Bull Run-Shirley.
3. Downtown Business alliance Xmas Party -Sunday, December 5, 1999, from 12-3pm @Ayer Town Hall
4. Devens 5-Year Review Public Hearing-Tuesday, Dec. 30, 1999 @ 7pm Ayer Town Hall

AGENDA ITEMS:

1. The Board presented Certificates of Recognition to Town of Ayer Veterans of Foreign Wars-under Operation Recognition, who left school during WW-II and not receiving their High School Diplomas. Chairman Bresnahan acknowledged the work of Veterans Agent-Manuel Velez and Post -139 for their contributions to the ceremony conducted at the Ayer High School on Wednesday, November 10, 1999. Thank you's were also extended for the fine job done by the Ayer School Department: Supt. O'Malley, Charles Jones-Chairman of the School Com. and Don Parker, Principal of the High School. Veterans receiving High School diplomas and certificates of recognition: Robert Carlson, Allyn E. Gardner, Robert O. Gardner, Charles Horgan, and Edward F. Linscott. Present to receive their diplomas was: Robert Carlson, Robert Gardner and Charles Horgan. The Board congratulated the Veterans and acknowledged their admiration and support.
2. The Board met with American Legion members: Douglas Locke, Walter Forest and Robert Carlson. Chairman Bresnahan acknowledged the Selectmen's receipt of the Legions letter from Post -139 seeking a meeting place. Mr. Locke advised the Board to the Legion being restricted by means of civic events by not having a building of its own. The Legion suggested requesting space from Devens. The legion members expressed their desire to be located in the "Ayer" part of Devens to ensure that it is located in Middlesex County. The Board stated their request would be for land formerly part of the Town of Ayer to insure building is included in Middlesex County. The Board asked the Legion to define specifically what they want. Selectman Sullivan moved the Board work with the American Legion to formally request space from MASSDev for suitable space for the legion to meet. 2nd by Selectman Pena, VOTE: unanimous, so moved.
3. The Board met with the Ayer Park Dept re: Transfer of funds for the Park Dept. Concession stand. Present for the discussion: Marvin McMiller-Park Director, Lori Brennan-Chairman of the Park Dept. and Commissioners: Bruce Page, Steve Khourie and Elizabeth Condon. The Commissioners presented the plans for the new concession stand to the Selectmen advising the Board to cost of the concession stand doubling the \$55,000 approved at Town Meeting. The Board questioned why the stand was demolished prior to knowing the accurate cost of the replacement of the building, given the Town had

approved not to exceed \$55,000.00. The Commissioners advised to sanitary & safety violations and space need for the new construction. Chairman Bresnahan stated with the cost factor doubling this would now be a capital planning item and requested the Park Dept. to schedule a meeting with the Capital Planning Com. as soon as possible. Mary Spinner, of the Capital Planning Committee was invited to sit in on the discussion. Ms. Spinner stated the Town has many, many priorities presently before the Committee i.e. wastewater regionalization, the possibility of a new fire station, town hall restoration, capping the landfill, etc. each one a major capital expense-all equally or more pressing. Ms. Spinner stating her dismay with the Park Dept.'s planning process. The Park Commissioners warned the Board to delaying the funding request would also delay the use of the stand for spring start up programs at the park as well as 4th of July activities. The Commissioners advised to need for additional funding being necessitated due to toilets and water/sewer tie-ins not being built into the original plans. The Board stated this large request must be referred to the Capital Planning Com. with worst scenario being the use of portable toilets and a mobile lunch stand. The Selectman advised the Commissioners to the first meeting of the Capital Planning Committee being scheduled for Thursday, Dec. 2, 1999 at 10:00 at the Town Hall. Ms. Condon stated her frustration this evening presenting the plans for the building which would serve as a model facility for other Towns as well as meeting then needs of the youth in the community and very disappointed with another delay. The Board again stated their concern with the funding request and need to be run by the Capital Planning Com.

4. The Board met with Police Chief Richard Rizzo, owners and staff of the Fort Corp. This discussion prompted by the Police Chief after meeting with the Selectmen re: the Annual Alcohol Re-newals earlier this month and his concern with the Fort Club License due to the A.G. report and Police intervention at the Club over the past few months. Present for the discussion were: Stanley and Virginia McNiff. The Board stated their concern re: violations recorded with the Attorney General's Office naming the Fort Corp having numerous citations issued to motorist for drunk driving and listing the Fort Club as the last place served. Ms. McNiff's daughter explained to the Board steps the Club has in place to prevent such incidents. i.e. cameras at entrance/exit, alcohol training classes taken by the staff. Chief Rizzo advised the Board to staff always making the call for assistance when a problem occurs at the establishment. Which he obviously does not want this to stop due to this meeting with the Board. Selectman Sullivan expressed his concern with the alcohol related incidents and re-emphasized the need to call for assistance when needed this meeting in no way was to be misinterpreted and not notify the Police in fear of action taken by the Selectmen. The Selectmen after meeting with the owners & staff voted to re-new the Fort Club's All Alcohol License for 2000. Motion made by Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous, so moved. The Police Chief to work with the McNiffs re: alcohol related issues.

5. The Board met with Senator Pamela Resor. The Board welcomed Senator Resor to the Meeting. Senator Resor advised the Board to this meeting being the first of regular conferences she has planned with all the 14 communities in her district. Senator Resor updated the Board to her new district office in Marlborough. Senator Resor discussed with the Board the MBTA Assessment hoping the assessment can be tied into a rating of service provided by the MBTA to the communities, and being assessed accordingly. Selectman Sullivan thanking Senator Resor for her involvement with the Guilford proposal and requested her assistance with securing Sewer Relief Funds for the Town advising her to difficulties of Town applicants securing these funds and to also help the Town with the funding to demolish the house located within the Ayer Court House Parking Lot for additional parking space. Selectman Pena requested the Senators assistance with the purchase of conservation land. Senator Resor advised the Board to the Community Preservation Act being finalized. Senator Resor told the Selectman she looked forward to working with them on these matters and others and thanked the Board for this opportunity to meet with them. The Selectmen echoed there thanks to her for coming in this evening.

6. **Economic Development Director's Report:** The Board met with Shaun Suhoski, Econ. Dev. Director.
 1. Freedom's Way Heritage Corridor: the Board met with Mildred Chandler one of the founders of Freedom Way and Zelda Moore liaison from Ayer. Ms.Chandler gave the Board a brief presentation

regarding the Associations goal, which is before the U.S. Congress, to receive a National Heritage designation. The Board unanimously voted to support the foundation in its effort to designate the corridor from Ayer to Gardner, MA as Freedom's Way Heritage Corridor by writing a letter of support
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Motion made by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

2. Mr. Suhoski advised the Board to the Public Hearing conducted on Nov. 1, 1999 at 6:30pm re: the MSCP Housing Rehabilitation Program. Issues addressed were: raising the maximum level of CDBG assistance per unit to \$20,000.00 per unit without a waiver and Lead Paint abatement increased from \$15,000.00 to \$20,000.00 (additional \$5,000.00). Mr. Suhoski advised the Board to no objections raising the level of assistance in both of these areas, stating comments were generally favorable, due to limits not being adjusted since Fy-91. General comments on the operation of the programs in Fy-98 & Fy-99 indicated approval of the general guidelines established. The Board based upon the recommendation of Mr. Suhoski and comments received from the Public Hearing of 11-1-99 moved to endorse revision of the Fy-98 and Fy-99 CDBG Housing Rehabilitation Program guidelines by increasing the maximum level of CDBG assistance from \$15,000.00 per unit to \$20,000.00 per unit without a waiver. Such program amendment subject to approval by the State Department of Housing & Community Development. Motion made by Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous, so moved.

Lead Paint Abatement: The Board moved to approve the increase of \$5,000.00 for lead paint abatement from \$5,000.00 per unit to \$10,000.00 per unit. Motion made by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

3. The Board met with Ice House Partners-Grady Research re: redevelopment of long-time vacant and abandoned brownfield site-the old ice house property located on Rt.2a in Ayer-West Main Street Gateway to Ayer. Present for the discussion: Keith Simons-Project Manager, Liisa Dowd and Mike Owens. Mr. Suhoski updated the Board to Grady Research being present this evening to meet with the Board re: requesting a ten (10) year Tax Increment Financing Agreement for the redevelopment of 323 West Main St., Ayer, MA. The project proposal includes the renovation of the 1906 Fitchburg/Leominster Railway Power House to include restoration of the hydroelectric generating capabilities which would produce 500HP of electricity from two new turbines. The main focus for the project will be the construction of a new 15,000 sq. ft. facility for the manufacturing of medical devices. Significant impacts upon the successful completion of the project would be: ***Job Creation***-30/40 new jobs beginning in 2001 and phasing in over a 3-5 year period, located at the ***Entrance to the West Main St., Target Area***/entrance to the West Main St. corridor- the aesthetics of its classic mill history will be brought back with the restoration, ***Fuel Contamination:*** DEP has been given a Tier IC Permit for the clean-up-the elimination of a possible Nashua River contamination source will benefit the Town of Ayer, ***Recreational Access:*** A recreational access plan to access the river for canoeing, fishing, bird watching etc. is being looked into, ***Mini-Hydro/Clean Power***-looking to fully power the new proposed facility with electricity generated from the Nashua River. Mr. Suhoski stated based upon these benefits to the Town and surrounding communities as well as the substantial investment in a previously vacant and blighted area they are very interested in pursuing a ten year partnership with the Town and State. The Board moved to endorse the project and authorized Mr. Sushoski to begin negotiating the TIF Agreement with Ice House Properties Inc./Grady Research, Inc. and to prepare a package re: the incremental increases re: the tax payment schedule. The Board requested this matter be brought back before the Selectmen at their next meeting scheduled for December 13, 1999. Motion made by Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous, so moved.
4. The Board moved of the Downtown Business Alliance work with the Ayer Planning Board to make Main St. & West Main St. (from the railroad overpass to the railroad overpass) into a separate historic downtown district with its own zoning district by-laws different from our traditional historic downtown district requesting Mr. Suhoski to assist with this effort. Mr. Oelfke Chairman of the Planning Board stated the Planning Board would be willing to discuss bylaw changes and Mr. Suhoski assistance would be more than welcome.

7. *Supt. Girouard's Report: (see report dated 11-26-99)*

ACTON ITEMS:

1. The Board met with Ron DesRochiers of Campbell Assoc. re: the traffic light on Central Ave. re: Alternatives/options available to the Board re: light illumination-annoying resident on Groton Harvard Rd. The Board reviewed with Mr. DesRochiers the possibility of moving the angle of the light so that BOSMIN11-29-99/PG.4

the light is fixed not free. Mr. DesRochier explained to the Board moving the light on a fixed location would deteriorate/defeat the light performance/radiance for traffic safety at the intersection. One option discussed was imposing an optical program lens limiting visibility of the red light, the cost of this between \$3,500-\$5,000 After a lengthy discussion the Board voted to take no action at this time.

The Board met with Jack O'Connell of Tata & Howard re: suitable soils found near the Towns Wastewater Treatment Plant for accepting up to 700,000 gallons of effluent from the Treatment Plant daily & filtering of that cleansed water into the groundwater. Mr. O'Connell outlined the steps in the process starting with obtaining & viewing the capabilities through a computer model on Devens developed by Earthtect to check what might happen in that area. The area investigated is just beyond the Zone 2 delineation for Deven's McPherson's Well. Mr. O'Connell advised the Board in the event that Devens wishes to increase the flows licensed from that well then the zone 2 would be widened, the Town would face concerns at that time-should the Town rely on its own wastewater treatment needs in the future. The Board requested Supt. Girouard look into obtaining the model from Devens.

2. The Board requested Supt. Girouard submit past performance water/sewer bills for 31 Williams St. re: abatement request and to take this request up at their next meeting.
 3. The Board also requested the abatement request for 21 High St. also be taken up at the next Selectmen's Meeting and for Supt. Girouard to submit past performance billing for this location.
 4. The Board awarded the bid for the security system for the DPW office to Renaud Elec. for the installation and associated monitoring of a security system to be installed at the Ayer Dept. of Public Works to the low bidder Renaud Elec. for the bid award of \$1,525.00 and the 1st year monitoring cost of \$480.00 for a sum not to exceed \$2,005.00, Motion made by Selectman Pena, 2nd by Selectman Sullivan VOTE: unanimous, so moved.
 5. The Board awarded the bid for the installation of a smoke detector/fire alarm system to the low bidder, Advanced Security Systems to be installed at the Ayer Department of Public Works for a total not to exceed \$7,821.00 to be to be paid from the Reserve Fund, Motion made by Selectman Pena 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
 6. The Board approved a road opening permit for Boston Gas for the installation of a new gas service for 58 East Main St. (5'x5' road cut) Motion made by Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous so moved.
 7. The Board awarded the Sludge Landfill contract to Weston & Sampson Engineering for a bid award not to exceed \$29,000.00 to be funded from the existing sludge landfill closure account, motion made by Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous, so moved.
 8. The Board requested Supt. Girouard research the associated costs to increase the hours of part-time transfer station attendant Laurie Milan to twenty hours to include associated union-(AFSCME) benefits.
 9. The Board voted to re-establish the Ayer Recycling Committee in order to provide new energy & fresh support to the Town of Ayer's Recycling efforts. Motion made by Selectman Pena, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
 10. The Board approved the change order submitted by D.H. Maher and recommended by Tata & Howard for the cleaning of Spectacle Pond Wells not to exceed \$1,766.24 to be funded from the DPW Operating budge. Motion made by Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous, so moved.
2. INFORMATIONAL ISSUES:

1. Crabtree Booster Pump: The Board was updated on the timeframe for completion of the booster pump. The bid to go out in the middle of December/99, award mid January/00, 6-8 weeks to order equipment, construction to take 4-5 weeks and completed b June/00.
2. The Board was advised to dispute with the contractor re: the sidewalk on the new Snakehill Bridge and awaiting Planning Board's recommendation.
3. PERMITS:
 1. The Board approved a Water Permit for Lot 55, 2 Robbins Road, Ayer, MA for 330/gpd for North Shirley Realty Trust for a single-family house.
 2. The Board approved a Sewer Permit for D&J Construction for Nemco Way Garage/110gpd
3. The Board approved a Sewer Permit for Lot 54, 4 Robbins Rd, Ayer, MA for 330/gpd for North Shirley Realty Trust for a single-family house.
4. The Board approved a Sewer Permit for Lot 55 #2 Robbins Rd., Ayer, MA for 330/gpd for North Shirley Realty Trust for a single-family house.

8. Town Administrator's Report:

1. The Board approved the following Licenses for 2000:

Common Victualler's License: BAP-Ram d/b/a Roux's Market, Tiny's Donut Treat, Nashoba Restaurant, J.P. O'Hanlon's, Parthenon Pizza, the Fort Club, Archer's Mobil, Carlin's Restaurant, Kentucky Fried Chicken, Deven's Pizza & Deli, McDonalds, Wendy's, Pauline's Variety, Woo Jung Restaurant, LaSita Inc., Ahgin Wong's Restaurant, Verona Pizza, Duncan Donuts, Temptations, Ayer Gun & Sportsmen's Club, Dan's Place, AM/PM Gas d/b/a Ayer Exxon, Shaker Hills Golf Club, and Amy's Candies.

Amusement License: Parthenon Pizza, Carlin's Restaurant, Tiny's Donut Treat, and the Fort Club.

Sunday Entertainment License: The Fort Club

Class I License: Gervais Ford, Trailer Home Sales and Camper's Inn.

Class II License: Kenwood Auto Sales, J.C. Madigan, Vehicles Unlimited, Nu-Kar Auto Sales, Goldstar Motors, Rt. 2A Auto Sales, Partridges Auto Sales, Peter LaMountain, Denis Finnerty, Hylan Group-Todd Walantis.

Class III: Harry Schwartz & Sons

The Board voted not to renew the Class II & Class III for Richard's Auto on W. Main St., Ayer, MA Motion made to approve the 2000 License Renewals by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

2. Mr. Kreidler presented to the Board per the Fire Chief's recommendation the Consultant's contract to Carell Group for the Fire Station Assessment. The Board was advised to the Committee meeting on Nov. 10, 1999, advising to interviews being conducted with consultants. The Committee recommended the Board award the contract to Carell Group of Hopkington, MA to provide the town a Fire Departments Needs Assessment for the contract award of \$15,000.00 based on the criteria set forth and as described in the request for proposals dated 10-12-99. Motion to approve made by Selectman Pena 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
3. The Board was advised to the Town Accountant's Y2K update.

9:05p.m. Selectman Sullivan moved the Board adjourn the meeting, 2nd by Selectman Pena, Vote: unanimous, so moved.

9:05pm Meeting adjourned.

DATE: _____
Cornelius F. Sullivan, Clerk