

**Selectmen's Meeting
Tuesday, September 7, 1999
Ayer Public Library, lower level meeting room, East Main Street, Ayer, MA**

7:00p.m. Open Session

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

Public Input:

Chairman Bresnahan requested if there was anyone present wishing to be heard. No one stepped forward.

***Town Crier:* Chairman Bresnahan made the following announcements:**

- 1. Wastewater Treatment Plant meeting Thursday, September 9, 1999 @6:30pm**
- 2. Devens 5 Year Review Com. Meeting 9-8-99 @5:30pm ATH**
- 3. Board of Health Public Hearing 9-8-99 @7pm re: Guilford/Noisome Trades**
- 4. Restoration Advisory Board (RAB) Meeting 9-8-99 @7pm-Devens**
- 5. Procurement Workshop 9-13-99 @7pm ATH**
- 6. Senator Resor meeting with Devens 5 Year Review Com. 9-15-99 7:30pm Devens Conf.Ctr**
- 7. Fy-2000 Tax Classification Hearing 9-20-99 @7pm-1st item on Selectmen's Agenda**
- 8. Planning Board Workshop re: Cluster & Wireless Communications By-laws 9-23 @7pm ATH**

***Minutes:* The Minutes of 8-23-99 were read and accepted. Selectman Sullivan moved to approve 2nd by Selectman Pena, VOTE: unanimous, so moved.**

Chairman Bresnahan called for a motion to approve the Agenda of 8-23-99 Selectman Sullivan moved to approve the Agenda of 8-23-99, 2nd by Selectman Pena, VOTE: unanimous, so moved.

Agenda Items:

#1. WATER DEPT. COMMENDATIONS:

The Board met with Richard Linde, Foreman of the Water Department. Chairman Bresnahan on behalf of the Board of Selectmen took this opportunity to congratulate the Department of Public Works Water Department for receiving a score in the top 20% in the 1999 Public Water System Awards Program. Chairman Bresnahan read into the record the following verbiage: Certificate of Appreciation presented to Richard Linde-All your hard work has resulted in the Town of Ayer Water System scoring in the top 20% of all municipal water supplies rated in Department of Environmental Protection's Drinking Water Program. We are proud of your achievements and we thank you on behalf of the citizens of the Town of Ayer. Chairman Bresnahan also stated certificates were presented to Mr. Linde's subordinates: Paul Curtin, Greg Cormier and David Larose. Mr. Linde thanked and acknowledged the efforts of Townspeople for abiding by the Ban.

#2. ECONOMIC DEVELOPMENT DIRECTOR'S REPORT

The Board met with Shaun Suhoski, Economic Development Director. Lead Paint Testing: The Board re-opened the discussion regarding the MSCP Lead Paint Testing Policy. Selectman Sullivan stated the Office of Economic Development does not fall under any of the agencies required to test for lead under the Code for MA Regulations. Selectman Sullivan also stated Mr. Suhoski had contacted the administrators for this Program which governs the grant and requested if the Selectmen as administrators for this Grant Program 1. Are Required to have a Lead Paint Testing Policy and 2. require testing for lead paint. When asked over the telephone they stated yes, the Town was required to have a policy & also test for lead. Selectman Sullivan requested where in print does the Grant Application mandate the town must test for lead? Selectman Sullivan also requested a copy of Article 2 of the States Mandatory Sanitary Code stating Article 2 does not and it depends on what our policy states. Mr. Kreidler advised the Board that not testing for lead could potentially

very well jeopardize the Town's next grant application. In a competitive round of grants if you give an indication to something that it understood commonwealth-wide to be a standard practice, to something that you might not be interested in doing- someone who is giving consideration to the grant application-in a competitive mode may factor that in. Mr. Kreidler cautioning the Board to this happening. Selectman Sullivan requested the Board remember what the main issue is whether or not the property owner retains the right to request a lead paint test as opposed to be forced to do so under the grant program. Selectman Pena stated the Board would agree lead paint is publicly bad and bad for children under the age of 6. Selectman Sullivan stated it can be bad publicly depending upon the age of the resident living in the home and condition of the home. Chairman Bresnahan requested if the Board agreed with Selectman Sullivan re: three elements addressed: 1. Requirement from Code of MA Regulations our Housing Rehab Program test for lead 2. The Board defer a decision on a lead paint testing policy until we hear from the state agency which funds/governs the rehab program that it is/is not required and if it is required where is the written reference in the law that requires this lead test, 3-to see a copy of Article 2 of the State Sanitary Code and if the Board does adopt the policy we provide 1. Educational materials to owners of properties applying for grants, that states requirements/dangers of lead paint, etc. 2. program guidelines to ensure the homeowner who has positively tested for lead get the necessary funds they will need to abate and 3. program guideline to address architectural significance interior and exterior of the house that those items are not gutted or entirely removed for the sake of clearing up lead paint. Selectman Sullivan requested of Mr. Suhoski as a Program Director is he willing to pay the full amount required for lead abatement. Mr. Suhoski stated pass the policy and if the Board is willing to spend more money to get rid of the lead-lets do it. Selectman Pena moved the Board approve the Lead Paint Testing Policy and re-word to state what triggers inspection in each of these cases, also clear indication to the applicant that they are going to be subject to lead paint testing, create educational material for the applicant and investigate what can be done to increase funding if lead is present. Selectman Sullivan requested architectural significance also is added to the policy. Selectman Pena reviewed his motion with the Board to approve the re-wording of the policy to state educational materials will be provided to the applicant, notification to the applicant when they apply to the program, that they will be subject to lead paint testing-whatever triggers this inspection, investigate increased funding and architectural preservation/significance be incorporated. Selectman Sullivan questioned approving the policy without seeing the amendments first stating he would not approve otherwise, Chairman Bresnahan stepped down to 2nd the motion made by Selectman Pena, VOTE: Chairman Bresnahan aye, Selectman Pena aye, Selectman Sullivan no, motion passes 2-1.

2. Goals & Objectives: Mr. Suhoski met with the Board regarding his Economic Development Goals & Objectives. See attached report dated 9-3-99

Mr. Suhoski reviewed with the Board the following Economic Initiatives:

1. Continue to work with Business District Revitalization
 1. Work with Ayer Business Alliance & Downtown Stakeholders
 2. Consolidate & complete analysis of Downtown Parking conditions
2. Support Retention and Expansion of Existing Industrial Businesses
 1. Re-initiate/Co-ordinate Development Review Group
 2. Complete "Doing Business in Ayer" manual
 3. Co-ordinate Town's UDAG Program
3. Provide Ancillary Support and Information for Business Retention
 1. Maintain open communication with business and economic development entities
 2. Update Industrial space inventory
 3. Co-ordinate economic development incentive Program
 4. Catch All – Business retention, Communications, space inventory, revisit Ayer works on yearly basis, Business to Devens funding, State re-investment.

The Board thanked Mr. Suhoski for his report and took this under advisement.

New Business: Mr. Suhoski updated the Board to the Town Hall Exterior Restoration Project Bid Opening on Wednesday, September 1, 1999. Mr. Suhoski stated four (4) bids were received. Low Bid ranged from \$579,520 to high bid of \$697,750. Mr. Suhoski recommended the Board reject all bids due to them all exceeding available funds. Mr. Suhoski advised the Board to architect coming back with revised schedule for Spring 2000. Mr. Suhoski stated increase in materials cost, shortage of skilled labor, price increase due to the time of year and shortened schedule for construction and finally certain items in the specs had increased. All of this contributing to the high bids coming in. Selectman Sullivan moved the Board accept the recommendation by Mr. Suhoski and vote to reject the bids for the Town Hall exterior Restoration Project, 2nd by Selectman Pena, VOTE: unanimous, so moved.

Mr. Suhoski updated the Board to the Park Dept. Concession Stand proposal for architectural services. The Board was advised to Haynes, Lieneck & Smith of Ashby being selected for the design work and of David Ross & Assoc. assisting with the Engineering. The Board requested Mr. Suhoski submit in writing a statement concerning his assistance serving as a consultant to this project.

#3. Supt. Girouard's Report: see report dated 9-3-99

1. Action Items:

1. The Board approved of the following Street Openings:

1. Pleasant St.-Boston Gas Co.
2. Tiny's Restaurant -6" sewer drain
3. 3-5 Park St.-Boston Gas Co.
4. 11 Scully Rd.-Caleb Butler Lodge-Boston Gas

Motion to approve the Street Openings/Driveway/Accessway Permits made by Selectman Pena 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

2. The Board voted to accept the recommendation of Supt. Girouard and appointed Michael Mauro of Townsend, MA to the full-time seasonal employee's general laborer's position at the DPW. Supt. Girouard to meet with the Board again to present his recommendations re: job description & duties. Motion to approve made by Selectman Pena, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
3. The Board award the bid for #2 Fuel Oil to C.W. Lorden for the Bid award of .029 per gallon over the Boston Tank Car Price. Motion to approve made by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
4. The Board approved the bid award for Rock Salt for the Bid award of \$27.48/per ton delivered. Motion made by Selectman Sullivan 2nd by Selectman Pena, Vote Unanimous, so moved. On this item the Board requested Supt. Girouard look into Chelmsford's pre-application winter program.

2. Information Issues:

1. The Board moved to install a sidewalk on Sandy Pond Rd. from Town Beach to the School House condos and to continue to work with Mr. Harrison of 80 Sandy Pond Rd. to attempt to address the problem regarding this sidewalk installation grade on the northerly side of Sandy Pond Rd. and any impact it may have on his pre-existing driveway problem. Motion made by Selectman Pena m 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
2. The Board moved to install a sidewalk on the westerly side of Groton-Harvard Rd. Selectman Pena 2nd this motion for discussion requesting the Board amend this motion to include removal of snow/shoveling of sidewalks in this area so as to not impact residents, create hardship. No 2nd to this request. Chairman Bresnahan stepped down to 2nd Selectman Sullivan's original motion. VOTE: Chairman Bresnahan aye, Selectman Sullivan aye, Selectman Pena NO, motion passes 2-1.
3. The Board was updated to David Larose of the Water Dept. submitting his resignation. Mr. Larose moving to Tennessee and of this position being posted & advertised.
4. The Board reviewed the DPW's organizational chart.
5. The Board was updated to the problems with the SCADA system at the Water Dept.

NEW BUSINESS: Chairman Bresnahan requested the Town Engineer's position be brought up for discussion at the next Selectmen's Meeting.

Town Administrator's Report:

1. Mr. Kreidler announced the closing of the Town's Fy-2000 SHAVE Program with nineteen (19) applicants applying and accepted into the program. Mr. Kreidler requested Special Municipal Exemptions for Ruth Coke and Phyllis Greeno as they are both members of the Council on Aging and working under the SHAVE Program for Fy-2000. Selectman Sullivan moved to approve the Special Municipal Exemptions for Ruth Coke and Phyllis Greeno, 2nd by Selectman Pena, VOTE: unanimous.
2. Mr. Kreidler updated the Board to all of the former Police Study Committee Members agreeing to participate on the Fire Dept. Needs Assessment Com. Confirmations for: Arthur Boisseau, Donald Wallace, William Adamson, Wellman Parker and Robert Donell were accepted with the three Volunteers: James Pinard, Arthur Pedrazzi and Sean Murphy. The Board requested Mr. Kreidler clearly state what the Board is looking for and to explore all alternatives.
3. The Board approved of Mr. Kreidler's recommendation to make the following cuts to the Selectmen's Fy-99 Budget of \$6,150.00: Overtime for Secretary: \$1,650.00, vacation replacement for secretary: \$1,650.00, Mileage for Mr. Kreidler: \$1,200.00, MMA conferences: \$1,650.00. Mr. Kreidler took this opportunity to advise the Board to meeting with Janet and Janet's concern being that she would not be held responsible for late/missing documentation/signatures. Chairman Bresnahan suggesting the Board tries this for a few weeks and see how it works out. Selectman Sullivan requesting all funding for the MMA Meeting be cut wishing to utilize additional funding for the copier. Chairman Bresnahan called for a motion to accept Mr. Kreidler's recommendation. Selectman Pena moved to approve the \$6,150.00 budget cuts recommended by Mr. Kreidler, no 2nd to this motion, Chairman Bresnahan stepped down to 2nd the motion, VOTE: Selectman Pena aye, Selectman Sullivan no, Chairman Bresnahan aye, Motion passes 2-1.
4. Mr. Kreidler updated the Board to the sixty (60) day appeal period starting on September 3, 1999 to file an appeal with the Superior Court to appeal the 36 conditions the Planning Board imposed on Guilford or to appeal the site plan itself. Mr. Kreidler advised of the court case being lengthy and potentially costly. Mr. Kreidler stated another alternative would be to work with the Board of Health closely, while the Board of Health is pursuing noisome trade which could place stringent regulations and/or denial for Guilford. The Board requested Mr. Kreidler have Town Counsel work out the exact date for the conclusion of the sixty (60) day appeal period. Selectman also requested this item be placed on the next Selectmen's Agenda. Chairman Bresnahan reminding everyone to the Board of Health's Public Hearing tomorrow evening here at the Town Hall starting at 7:00p.m.
5. The Board reviewed the Telecommunication Installation Site Lease Request for Proposals presented By Mr. Kreidler re: renting antenna space on top of the Town's water storage tanks. Mr. Kreidler advised the Board to three companies interested in this agreement and of one company wishing to lease space rather than constructing its own tower. Other areas of consideration were: possibility of antennas being moved should another water storage tank be built in a more easterly area of Town, limiting access/maintenance time on towers, no advertisement on dishes, camouflage/color blend w/tower. The Board approved the RFP subject to Town Counsel approval and a majority of Selectmen approving the alternate site language..
6. The Board appointed Mary Spinner to the Capital Planning Committee. Motion made by Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous, so moved. The Board approved the committee not exceeding five (5) members. The Board urged Mr. Kreidler to get more aggressive with recruiting new members to this Committee and the Town Government Study Com. and to place the Town Gov. Study Com. on the next Selectmen's Agenda.
7. The Board requested Supt. Girouard work out an amicable solution to a request for a sewer abatement for 147 Sandy Pond Rd., Ayer, MA.
8. Selectmen heard complaints from a resident of Sandy Pond Rd. re: truck traffic. Mr. Farrah gave the Board a background history of efforts made in the past to discourage truck traffic in this area. The Board reviewed documentation supplied by chief Rizzo regarding this traffic. The Board requested The Chief meet with the Board at their next meeting to review this documentation and if necessary

Have the Chief contact Town Counsel re: this issue. Mr. Kreidler suggesting a conference call be Conducted with the chief, himself and Town Counsel.

New Business:

Mr. Kreider updated the Board to MART re-establishing a bus route for the Ayer, Devens, Harvard & Shirley area and seeking a letter of support from the Selectmen. Mr. Kreidler explained the reasoning behind this being to recruit employees to work in Devens, Ayer & Shirley stating there is a big need for workers Devens is seeking to re-establish the bus route to assist in attracting workers from Leominster/Fitchburg area. Selectman Sullivan requesting to ensure this is for the benefit of Ayer residents and to be sure Town of Ayer residents receive benefit and not going outside and take job opportunities from town. Selectman Pena suggesting perhaps the focus should be on train service to Fitchburg to Ayer .

The Board accepted the resignation from Susan McAndrews on the Zoning Board of Appeals with regrets and appointed Paul Kouyoumjian of 35 Grove Street, Ayer, MA to this vacant position. Motion Made by Selectman Pena 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

The Board was updated on the receipt of a letter from the Historical Commission advising to the Ayer Masonic Association no longer providing utility service to the Pleasant Street School to include water & sewer effective November 1, 1999. The Board requested Town Counsel review the lease agreement termination date with the Historical Com. & Ayer Masonic Assoc.

Selectman Sullivan moved the Board adjourn the meeting 2nd by Selectmen Pena, VOTE: unanimous, so moved.

9:57pm Open Meeting adjourned.