

Selectmen's Meeting
Tuesday, June 1, 1999
2nd Floor Meeting Room, Main Street, Ayer, MA

7:00p.m.

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

Chairman Bresnahan called for a motion to accept the minutes of 4-20-99 and 5-3-99. Selectman Sullivan moved to approve the minutes of 4-20 & 5-3-99, 2nd by Selectman Pena, VOTE: unanimous, so moved.

Town Crier:

Chairman Bresnahan announced the following announcements:

1. Ayer High School Graduation –Friday, June 4, 1999
2. Gang Awareness & Violence Program 6-8-99 @7:00pm at the AHS Auditorium, sponsored by Boy Scout Troop 3 and Ayer Explorer Post 911
3. Golden Ager's Bazaar 6-12-99 from 9-3 at the Ayer Town Hall 2nd Floor Hall.
4. Chairman Bresnahan took this opportunity to announce vacancies on various Town Boards & Committees which would be coming up later in the evening urging residents to contact the Selectmen's Office if they are willing to serve on some of these committees.

Agenda Items:

1. Community Development Grant Manager's Report:

The Board met with Shawn Suhoski-Grant Manager. Mr. Suhoski presented to the Board- update re: status of Grant Programs currently being pursued and his recommendation to the Board for the Housing Rehabilitation Specialist position.

1. Community Development Block Grant

1.1 Housing Rehabilitation Specialist Contract Award

Mr. Suhoski recommended the Board award the Housing Rehabilitation Specialists Contract to: Community Opportunities Group (COG) of Boston, MA in an amount not to exceed \$22,950.00 based upon a fee of \$1,350.00 per unit for an estimated seventeen (17) units. Mr. Suhoski gave the Board a brief back ground on COG's past experience with the Town and COG meeting each of the minimum qualifications required in the RFP. Selectman Sullivan based upon the recommendation presented by Mr. Suhoski moved to award the Housing Rehabilitation Specialist position to Community Opportunity Group in an amount not to exceed \$22,950.00, 2nd by Selectman Pena. VOTE: unanimous, so moved.

1.2 FY-99 CDBG Public Hearing

The advised the Board to a Public Hearing being conducted on Wednesday, June 23, 1999 at 7:00pm, at the Town Hall-2nd Floor Meeting Room regarding requirements of the next grant round. Mr. Sushoski urged public participation advising citizens to the program accepting new letters of interest. Program targets single families meeting income guidelines of program and hope of encouraging new enrollments into the Housing Rehabilitation Program.

2. Grant Opportunities Update

2.1 FY00 Municipal Incentive Grant (MIG) Program

Mr. Suhoski recommended to the Board a competitive regional application be prepared for Spring 2000 which would be a follow-up to the Communities Connected by Water Planning Grant which would target zoning, wastewater and watershed issues. Mr. Suhoski advised the Board to Harvard & Shirley concurring to this at the last JBOS. The Board requested Mr. Suhoski contact other successful communities applications currently enrolled in the MIG Program regarding level and success of priorities selected by communities.

2.2 DEM Historic Landscape Preservation Grant Program

Mr. Sushoski advised the Board to this application being submitted on 5-28-99 for grant funding of \$45,000.00 for landscaping of the Town Hall. Mr. Sushoski advised the Board to grant being competitive and would hear late summer if town were successful.

2.3 Self-Help Reimbursement Program

Mr. Sushoski updated the Board to status of land requested by the Conservation Com. for Open space. Mr. Sushoski advised the Board to discussions with owner of identified parcel remain at preliminary stage. Mr. Sushoski advised the Board to Town not being ready to proceed for current grant round but recommended continued negotiations with land owner being as to no deal being struck with the property owner for the purchase of the property at this time. The Board requested Mr. Sushoski keep this matter a priority. Selectman Pena moved Mr. Sushoski and the Conservation Commission work together to update Open Space Plan relative to parcels to be purchased for Conservation and provide a map and description of conservation lands now owned, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

2. Supt. Girouard's Report: see report dated 5-27-99

1. Resignation-Richard Hassett/Town Engineer.

Selectman Sullivan moved the Board accept the resignation of Richard Hassett-Town Engineer Per the recommendation of Supt. Girouard effective 5-14-99, 2nd by Selectman Pena, VOTE: unanimous, so moved.

2. Sludge Landfill Closure Plan Contract –Supt. Girouard advised the Board to Western & Sampson conducting the Bid Opening on 5-3-99 for the Sludge Landfill Closure Plan and of three (3) low bidders presented to the Board by Weston & Sampson. Accordingly Weston & Sampson recommended the Town award the Contract to Bull Environmental Contracting for the bid award of \$368,291.00. Supt. Girouard advised the Board to history of performance and workmanship along with bank and bonding references. Selectman Sullivan moved the Board award the Sludge Landfill Closure Plan Contract to Bull Environmental Contracting, Inc. of Framingham, MA for the bid award of \$368,291.00, contingent upon Town Counsel's review and approval 2nd by Selectman Pena, VOTE: unanimous, so moved.

3. Paving Contract – The Board awarded the Street Paving Contract to the low bidder P.J. Keating for the bid award of \$204,650.00, subject to availability of Chapter 90 Funding, motion made by Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous, so moved. Selectman Sullivan requested Plan of Work from Supt. Girouard delineating street breakdown for paving this year.

4. Permits: The Board approved Water Permits for Lot 38-34 Pingry Way and Lot 27-31 Pingry Way, and 51 Littleton Rd.-(emergency well that dried up). The Board approved Water Permits for Lot 24 Calvin St. Motion made by Selectman Sullivan 2nd by Selectman Pena VOTE: unanimous, so moved. Selectman Sullivan advising that these approvals do not necessarily mean that sewer permits will not be automatically approved due to the Sewer Allocation Policy. The Board requested Calvin St. be held regarding co-ordinating/Recording by the Building Commissioner to ensure the town's new by-law "Rate of Development" procedures are in place for accurate record keeping (6 permits per developer) processing.

The Board met with Robert Prescott re: entering into an Agreement with Thomas & Cathy Casey of Norwood Ave., Ayer, MA tying in lot 100 & 103 Norwood Ave. into their existing manhole. The Board requested Mr. Prescott revise the Agreement by inserting: The maintenance and upkeep of these lines which will run from the house of lots 100 & 102 to a manhole yet to be constructed, to a forced main which then connects to the Casey's gravity manhole to the existing pipe that runs out to Washington St. shall be the responsibility of North Shirley Realty Trust. This relinquishes the Casey's from maintenance or upkeep of the manhole and pipe running to Washington St. that they currently own. Upon the sale of lots 100 & 102 to be constructed the responsibility of the repair/maintenance of these lines will be the new owners and their successors and/or assigns responsibility. This agreement will be included in the deeds to the homes to be built on Lots 100 & 102. The Casey's will not be responsible for any problem that could occur from the tie-in. Cleanouts will be added to the existing and yet to be built manholes. The Board requested Mr. Prescott re-write the Agreement and have North Shirley Realty Trust & homeowners submit separate letters. Mr. Kreidler & Mr. Prescott to develop language/letter.

The Board awarded the Town's General Engineering Service Agreement to Tata & Howard of Westborough, MA., for the Agreement amount not to exceed \$2,000.00, motion made by Selectman Selectman Sullivan 2nd by Selectman Pena, VOTE: unanimous, so moved.

The Board approved of the Change Order for Tata & Howard to refurbish the Spectacle Pond Wells 1&2 with D.L. Maher contractor for Spectacle Pond Wells REPAIRS: Spectacle Pond Well # 1- Pump Repairs- 2-10 x 1 ½ stainless steel line shafts, motor repairs. Spectacle Pond Well 2: Pump Repairs- 35'-8' column pipe & motor repairs. Change Order increase of \$9,895.00. Motion to approve the Change Order made by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

Supt. Girouard presented to the Board suggested letters to be submitted to the State re: Chapter 90 roadway funds.

The Board was advised to Park Dept. request re: proposed construction of the new concession stand being expanded upon and of i.e. tear down present structure, haul debris to Leominster, excavate for footing/foundation, excavate/install water & sewer. Supt. Girouard advised the Board to time commitment necessary to complete requests. The Board suggested the Park Dept. consider hiring a contractor for this project.

3. Public Hearing-Earth Removal Permit-F&P Willows Trust

The Board met with Paul Routhier. Selectmen Sullivan read the legal notice into the record which ran 5-19-99, & 5-26-99 in the Nashoba Publications Newspaper. Chairman Bresnahan requested if there was anyone present wishing to speak for or against the permit, no one stepped forward. Mr. Routhier requested the amount of fill/clay be amended to 30,000 yards of material from 3,000 as in past renewals. The Board approved of the Earth Renewal Permit contingent upon the amount of fill to be removed being verified with past renewals.

4. Public Hearing-Anu Bhagat-DHANLAXMI d/b/a Ayer Exxon Transfer of Beer & Wine License Continuation of 5-3-99. The Board met with Anu Bhagat, Seth Cohen and Georges Badran. Chairman Bresnahan requested if there was anyone present wishing to speak for or against petition (abutters), no one stepped forward. James Kreidler-Town Administrator advised the Board to violation of Ms. Bhagat's Alcohol License-hiring of a twenty-year old male employee advising Board to stipulation of license being no one under the age of twenty one would be employed at establishment. Mr. Kreidler requested Chief Rizzo report on this matter. Chief Rizzo advised the Board to the arrest of a twenty year old male who reported that he was employed at the Ayer Exxon Tiger Mart. Ms. Bhagat apologized to the Board stating she was unaware of problem until the 5-3-99 meeting. She took his word re: his age and background check came back ok. Chairman Bresnahan requested the eight (8) restrictions to the Alcohol License be read to Mr. Badran and into the record. The Board moved to accept the apology of Anu Bhagat and requested a ninth (9) restriction be added to the license: No employees to be hired without written proof of age, and citizenship or work permit; copies of which are to be filed and provided to the Board of Selectmen's Office prior to employment. Selectman Sullivan gave Mr. Badran a firm warning that the Selectmen would not tolerate another infraction of the license and with that said moved to approve the transfer of Ayer Exxon Tiger Mart's Beer & Wine License to Georges Badran of Stoughton, MA-AM/PM Gas with the nine restrictions, 2nd by Selectman Pena, VOTE: unanimous, so moved.

5 Public Hearing-All Alcohol License-Autumn Wood/Charles & Barry White Littleton Rd., Ayer, MA. The Board met with Atty. Francis Burke, Charles & Barry White. Chairman Bresnahan requested the Legal Notice be read into the record. Selectman Sullivan read the Notice into the record which ran in the Nashoba Publications newspaper the weeks of May 12th & 19th, 1999. Chairman Bresnahan requested if there was anyone present wishing to speak for or against the petition (abutters). No one stepped forward. Atty. Burke gave the Board a overview of the application and background of Charles & Barry White who had operated an establishment in Berlin-The Train Stop for over twenty (20) years. Atty. Burke presented a letter from the Berlin Chief of Police. The Board requested if Mr. White has held a liquor license prior to

this application, Mr. White stated he had one in Berlin-The Train Stop and never had an infraction of this license. The Board reviewed the renovation plans of the former bank building. Mr. White presented the Board a copy of the plans for the layout of the restaurant -2 levels, with a proposed opening date of late July/August 1999. The Board reviewed the application with Barry & Charles White and requested a copy of the Lease Agreement re: the building they are leasing. Chairman Bresnahan called for a motion. Selectman Sullivan moved the Board approve the All Alcohol License for Autumn Wood contingent upon the receipt of the lease agreement, 2nd by Selectman Pena, VOTE: unanimous, so moved.

6. Public Hearing – Common Victualler’s License-John Hanlon (J.P. O’Hanlon’s) 9 Main St. Ayer

The Board met with John Hanlon of Maynard, MA. Chairman Bresnahan requested the legal notice be read into the record. Selectman Sullivan read the notice into the record. Chairman Bresnahan requested if there was anyone present wishing to speak for or against the petition, (abutters) no one stepped forward. The Board were advised to Alcohol License being approved by the ABCC earlier today 6-1-99. Mr. Hanlon advised to restaurant opening with a few renovations the end of June/1st of July 1999. The Board wished Mr. Hanlon success. Chairman Bresnahan called for a motion. Selectman Sullivan moved the Board approve the Common Victualler’s License, 2nd by Selectman Pena, VOTE: unanimous, so moved.

7. Town Administrator’s Report

1. The Board voted to appoint Clark W. Paige Sr. and Phyllis Greeno to the Ayer Council on Aging per the recommendation of Chairman Julia McKinney. Motion made by Selectman Sullivan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
2. The Board voted to appoint Andrew Grant to the Communication Committee per the recommendation of Kim Becker on behalf of the Communications Committee. Motion made by Selectman Pena, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
3. Chairman Bresnahan announced the formation of a new Town Government Study Com. and requested interested residents to come into or submit a letter of interest to the Selectmen’s Office.
4. The Board approved of a RFP to advertise for Labor Counsel services.
5. The Board reviewed the Town’s FY-2000 Annual appointments. Mr. Kreidler to verify the list with appointees for the next Selectmen’s Meeting.
6. The Board reviewed the Personnel Board’s revision re: Time Sheets to be submitted by all Town Employees. Selectman Sullivan moved to accept the Personnel Board’s revision, 2nd by Selectman Pena, VOTE: unanimous, so moved.
7. Chairman Bresnahan announced vacancies on the following Boards/Committees and Commissions: Cable TV, Advisory Board, Capital Planning Committee, Nashua River Watershed and Town Government Study Committee requesting again for town residents to come forward to fill these vacant seats by submitting letters of interest to the Selectmen’s Office or coming into the office.
8. The Board moved not to expend more than \$3,000.00 for the publishing of the 1998 town Report due To the report not coming in on time and lack of quality of the report. Motion made by Selectman Pena 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
9. Mr. Kreidler to submit the Draft Water Master Plan to the Board for the next Selectmen’s Meeting or Sooner if they desire-plan must be copies for distribution only 1 report was made available.
10. The Board approved of Reserve fund Transfer for: ZBA: \$700.00

Veteran’s Office: \$1,500.00

Motion made by Selectmen Sullivan 2nd by Selectman Pena, VOTE: unanimous, so moved.

11. The Board endorsed and approved the final draft the Selectmen’s General Policies & Office Policies.

12. The Board was advised to Calvin Moore announcing the expansion of Moore’s Lumber to Devens. Not Moving just expanding.

NEW BUSINESS:

1. The Board requested status of Main St. banner. Mr. Kreidler to check with DPW.to have Tata & Howard give cost estimate.
2. The Board was advised to \$30,000.00 being release to FDIC re: escrow account of Planning Boards.
3. Selectman Sullivan expressed his concern re: mosquito spraying near the Aquifer Protection Area and to have zone delineated.

4. Selectman Sullivan addressed a memo in his file re: truck traffic on Sandy Pd. Rd. and questioned why Planning Board referred this matter to Selectmen. Selectman Sullivan advised to past Board's attempt to remove trucks from using Sandy Pond Rd. as short cut re: safety of children/pedestrians
5. The Board requested Mr. Kreidler submit a letter to MEPA/DEP re: Guilford being put through the : Federal Permit Process & State process as well as to request Guilford make a written presentation of their proposal to review potential impacts on the Town listing specific state and Federal permits that will be required.

10:30p.m. The Board moved to adjourn from Open Session to enter into Executive Session pursuant to MGL chapter 39 Section 23b Exemption #3 to adjourn and re-enter into another Executive Session pursuant to MGL chapter 39, Section 23b Exemption #3 to adjourn and re-enter into Open Session for the sole purpose of adjourning the meeting. Motion made by Selectman Sullivan 2nd by Selectmen Pena, VOTE: unanimous, so moved.

DATE _____
Cornelius F. Sullivan, Clerk.