

Selectmen's Meeting  
Monday, January 25, 1999  
2<sup>nd</sup> Floor Town Hall Meeting Room, Main Street, Ayer, MA  
7:00p.m. Open Meeting

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

The Minutes of 1-11-99 were set back to the next Selectmen's Meeting.

***Town Crier Announcements:*** Chairman Hamel made the following announcements:

1. The Primary for the State Special Election is March 16, 1999 from 7am to 8:00pm at the Page School-Washington Street, Ayer, MA-the last date to register to vote for this election is Feb. 24, 1999 this is also the last date to change party enrollment before the Primary Election. The Office of the Town Clerk will be open until 8:00pm on February 24, 1999 for voters. The Special Election is April 13, 1999 from 7:00am to 8:00p.m. at the Page School-Washington St. The last day to register to vote before the election is March 24, 1999-the Office of the Town Clerk will be open until 8:00p.m. on the 24<sup>th</sup> for voters.
2. Selectman Hamel stated Lori Nehring requested her to announce the Public Hearing on the Environmental Notification for North American Van Lines is 1-26-99 at the Devens Commerce Ctr. Chairman Hamel urged all interested citizens to attend.

**#1. *Frank Maxant***

The Board met with Frank Maxant regarding the history of the MSCP Housing Rehabilitation Program. Mr. Maxant requested a letter of appreciation be sent to Mr. Avila for originally bringing this program to the Town of Ayer. The Board requested Mr. Kreidler research this matter and advise if the Board should undertake this request. The Board thanked Mr. Maxant for coming in.

**#2. *Janet Kennedy-US Fish & Wildlife-Great Meadows National Refuge-Sudbury, MA***

Ms. Kennedy opened the meeting by presenting to the Board the comprehensive conservation planning which is beginning for Oxbow National Wildlife Refuge-a unit of the Great Meadows National Wildlife Refuge Complex. Ms. Kennedy stated presently all of the refuge land is within the Town of Harvard, but with the closure of Fort Devens, a portion of former Fort Devens land within the Town of Ayer will be transferred to the US Fish & Wildlife Service to be added to Oxbow National Wildlife Refuge. Approximately 836 acres, of which 2/3 of the land will be added to Ayer. Public Use Opportunities realized from Oxbow will be: walking, canoeing, upland game bird and small game bird hunting, wildlife observation, hiking, cross-country skiing, river fishing and nature study. Ms. Kennedy presented the Board with a Map depicting the area of land-formerly fort Devens along with the planning process. Ms. Kennedy stated a Public Meeting is scheduled in March in the Town of Harvard to receive public comment regarding the management of the refuge for the next 10 to 15 years. Ms. Kennedy invited Town of Ayer residents to attend stating public input is critical to the success of the planning process. Selectman Sullivan requested Ms. Kennedy also conduct a Public Meeting in the Town of Ayer whereas 2/3 of the refuge is in the Town of Ayer. Ms. Kennedy to review this request and get back to the Board. The Board thanked Ms. Kennedy for coming in and applauded the work being planned for the Oxbow.

**3. *Fire Chief***

The Board met with the Fire Chief and Town Administrator James Kreidler regarding re-visiting the Fire Station Repair/Build proposal submitted by the Chief at the last Selectmen's Meeting. Mr. Kreidler opened the meeting by stating he and the chief met and reviewed a twenty (20) year projection. Two studies were reviewed. The Chief met with Tony DiLuzio, of KV Assoc. and Mr. Kreidler regarding the process. Process requested of KV Assoc.: what would it take to have the building brought up to best possible state and/or build a new facility along with financial cost of both options.. Mr. DiLuzio and Chief went through

the building and conducted a written analysis. The present building consists of 7,200 sq. ft. To renovate with a full efficiency study is projected at \$185.00 sq. ft. or \$1.3 million dollars. Cost for repairs to unforeseen conditions and upgrading mechanical and electrical systems can only be determined through a more extensive study. The renovations would also incorporate an elevator into the project and access ramps which may not be feasible given site constraints. A Feasibility study does not include reviewing the options for alternate locations or expansion. Mr. Kreidler stated to build a new facility of 16,000 sq. ft., which is the appropriate size would cost somewhere between \$1.9 to \$2.86 million dollars, under MGL this type of feasibility or needs assessment must be advertised and procured under the Designer Selection Process to be provided by a registered architect experienced in public safety facility design. Mr. Kreidler advised and recommended an anticipated budget not to exceed \$20,000.00 with a time frame of 3-4 months for the development of a complete needs assessment. Mr. Kreidler presented a proposed schedule should the board wish to solicit bids for a true feasibility study for the fire station: May 10, 1999-ATM Warrant Article seeking funding for feasibility study, May 11, 1999 if Town Meeting votes yes-advertise bids for feasibility study-May 25, 1999 conduct pre-bid conference and walk through, June 8, 1999 bids due, June 15, 1999 Review applicants, June 22, 1999 interview three finalists, June 29, 1999 select finalist and negotiate price, July 6, 1999 award contract with 6 months to deliver final report, December 6, 1999 report delivered with three months to plan for ATM. The Board thanked and applauded Mr. Kreidler's effort and report.

On another matter the Board reviewed with the Chief the diesel fume problem/health hazard and ran through various options to resolve problem with the Board. The Board authorized the Chief to pursue information on these ceramic filters for utilization by the Fire Dept. for installation in the Fire engines/trucks to eliminate possible health hazard in the station.

The Board took this opportunity to recognize three of the Fire Department's men who, on their own time upgraded the level of medical service to the citizens of the Town of Ayer. Chief Fillebrown requested the Board recognize Timothy Taylor, Paul Fillebrown Jr., and Charles Dillon who participated in the Emergency Technician Intermediate Program in co-operation with Deaconess-Nashoba Hospital. Number of hours of class room 60, emergency & operating room 35 hours and field service over 100. The Chief stated the only cost to the Department was to fill a 2 hour shift if a class was on a Tuesday night. The board congratulated each of the firemen/EMT's for their dedication and service to the Town and applauded their individual efforts.

#### **4. Police Chief**

The Board met with the Police Chief and also with the Fire Chief regarding a joint discussion to request the Selectmen allow a RFP (Request for Proposal) be developed for a fiber optic line run between the Fire Station and the Police Station with an additional possibility to continue the line running from the Fire Station and split at Groton Street at Pearl Street to the Page-Hilltop School. The cost of the fiber optic line is approximately \$4.00 to \$5.00 a foot. To run the line as described would cost approximately \$30,000-\$40,000-after the line is installed it belongs to the Town and costs nothing. In the next ten years at the current rates to rent lines from the telephone company the Town would have spent over \$43,000 and in less than ten years the Town would have recouped the cost. Benefits: The current loop lines that the telephone company install are low tech that can only perform one function-the data transfer and other information capabilities of these high tech fiber optic lines are limitless and down the road additional connections could be made to the Town Hall, Public Works, and High School for a small additional cost. But most importantly, this line would bring the dispatching of the Fire Department and Ambulance into the 20<sup>th</sup> century. The Police Dept. would enhance their performance with this line due to it literally keeps track of everyone the department comes in contact with and everything the police department does. Chairman Hamel called for a motion. Selectman Sullivan moved the Board support both the Police Chief and the Fire Chief with their proposal for a RFP for the fiber optic line between the Ayer Police Department and the Ayer Fire Department as well as to tie in other Town Departments, i.e. with the antenna at the School, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved. Selectman Sullivan took this opportunity to commend both the Fire Chief and Police Chief for looking toward the future of Town finances.

On another matter the Police Chief presented the AMG Change Order to the Board in the amount of \$10,000.00 for the sidewalk at the Police Station changed over from bituminous to concrete. Chairman Hamel called for a motion. Selectman Bresnahan moved the Board approve the Change Order for AMG in the amount of \$10,000 for the cost of materials and labor for the sidewalk at the Ayer Police Station, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

Selectman Sullivan took this opportunity to request status of the Town Hall Fire Alarm. The Chief stated a RFP for a full system is necessary due to the Town Hall renovations taking longer than earlier thought. Mr. Kreidler to meet with the Chief and building commissioner and come back to the Board with a proposal.

**5. *Public Hearing-Alcohol License transfer of Capital Stock & Change of Manager-C.R. Pierce d/b/a Bookberry***

The Board met with Atty. Charles Lessa representing C.R. Pierce on behalf of Philip Berry. Chairman Hamel opened the Hearing by requesting the legal notice be read into the minutes. Selectman Paul Bresnahan read the legal notice which ran in the Nashoba Publications the weeks of January 13<sup>th</sup> and 20<sup>th</sup>, 1999. Atty. Lessa opened the discussion by stating Mr. Berry's father has decided to retire and to transfer the business over to his son Philip Berry. Mr. Berry would assume the Manager's position for the store as well. Mr. Berry stated he would run the business same as present with a few minor improvements/changes. Chairman Hamel called for a motion. Selectman Bresnahan moved the Board approve the transfer of capital stock and Change of Manager for C.R. Pierce d/b/a Bookberry 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**6. *Public Hearing-Jack-O-Lantern of Ayer/Pledge of License***

The Board met with Atty. Charles Lessa also representing Richard Rakip for the Jack-O-Lantern of Ayer. Chairman Hamel requested the Legal Notice be read into the record. Selectman Bresnahan read the legal notice into the record. Atty. Lessa stated this matter before the Board this evening being part of the original petition placed before the Selectmen in November of 1998 and to tighten up assurances with the lease and pledge of the license as required by the Alcohol Beverage Control Commission (ABCC). Chairman Hamel called for a motion. Selectman Bresnahan moved the Board approve the Pledge of capital stock of the Jack-O-Lantern of Ayer, the Pledge in the form of a Standby Collateral Agreement and copies of Promissory Notes filed herewith, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**7. *William Oelfke, Chairman-Ayer Planning Board and Steve Mullaney of Ross Associates, re: Grant Proposal for reconstruction of Snake Hill Road.***

The Board met with William Oelfke and Steve Mullaney re: a proposed grant application for Federal and/or State funding for the reconstruction of Snake Hill Rd. between Littleton Road and Boston & Maine Railroad. Mr. Oelfke stated Crabtree Dev. Corp. filed a Preliminary sub-division plan for Snake Hill Ridge with the Ayer Planning Board on June 30, 1998 which was granted by the Planning Board on August 6, 1998. Mr. Oelfke stated the Planning Board feels that the Snakehill Rd./Rte. 110 Rte 2A intersection is hazardous brought his concerns forward at the MRPC Meeting of Jan. 99 concerning this new sub-division being proposed Snake Hill Ridge and of his concern the developer may not make proper improvements to Snakehill Rd-- and for this reason the Planning Board supports this grant proposal. Mr. Mullaney stated MRPC is responsible for prioritizing the distribution of Federal and State transportation funds within its region and subsequently passed a resolution not to support the Environmental Impact Report waiver unless the Town and developer come to a mutual agreement. Since then Crabtree's legal counsel researched the legality of the Planning Board's request that Crabtree Dev. Corp. improve Snake Hill Rd.-this review indicated that the Planning Board could not impose off-site improvements and could not deny a sub-division plan on off site conditions. On January 7, 1999 Mr. Walantis, President of Crabtree Dev. Corp. appeared before the Planning Board re: a mutually agreeable solution to this intersection. The Planning Board agreed to support Mrs. Diane Sullivan and Gary Girouard pursuing grant funding on behalf of the Town of Ayer. Selectman Sullivan stated this project is currently under MEPA review and aren't we jumping the gun. Selectman Bresnahan requested more time to re-visit/review the plan as well as having a independent consultant review the plan under the Planning Board's Consultant By-law. Selectman Bresnahan requested the Board take this proposal under advisement pending a review and assessment from

the Department of Public Works if this plan meets the Town's criteria. Mr. Kreidler to contact Town Counsel re: MGL C82 S15&15 that if a Town does not construct a road as ordered by the Middlesex County Commissioners in the early 80's the Commissioners have the authority to build the road themselves and assess the cost against the Town. The question is now that the Mass. Legislature abolished the Middlesex County Commissioners effective 7/1/97 which department, if any, assumed the responsibilities of the Middlesex County Commissioners re: such an order.

**8. Supt. Girouard's Report**-see report dated 1-22-99

**Action Items:**

1. The Board endorsed the amended Sewer Bank Policy of 1-11-99 as presented to the Board by supt. Girouard.
2. The Board requested letters be sent to Representative Hall & Hargraves re: Chapter 90 funding be continued as it is a critical component of the Town's infrastructure and equipment funding and leasing.
3. Selectman Bresnahan requested not to reduce salt on streets if it would decrease safety-this being prompted by residents calling from Oakridge Dr. stating severe icing on roads in cul-de-sac. Supt. Girouard stated that he will keep public safety first while trying not to use as much salt in neighborhoods nearest to town ponds. The Board requested Supt. Girouard look toward Collaborative Funding re: new de-icing chemical being used by local municipalities, which is environmentally safe and more effective fighting ice, due to trucks having to be outfitted with special compartment for application to the roads.
4. Supt. Girouard advised the Board to 137 homes/businesses in town still not connected to sewer.
5. The Board endorsed Administrative Consent Orders to be mailed to local companies for various issues of non-compliance to their sewer discharge limits. All consent orders having been approved by Town Counsel.
6. The Board approved of the 1<sup>st</sup> Sewer Bank Allocation for 14 Pineridge Dr. a pre-existing residential home for 330 gallons per day. Leaving a balance of 15,070 gallons in that category..

**9 Town Administrator's Report**

**Action Items:**

1. Mr. Kreidler presented to the Board Town Meeting Calendars depicting Fy-2000 Budget Time Lines from distribution to budget meetings with departments through public hearings to Warrant preparation and posting. The Board requested if School Department would be requesting Over Ride Funds. Mr. Kreidler stated he has not received anything to date from the School Dept. and is still awaiting Net School Spending information from DOE. Selectman Sullivan requesting if Aquifer Protection Article and other zoning By-law amendments requested by the Board have been compiled. Mr. Kreidler stated they had.
2. The Board took the Personnel Policy under advisement to the next Selectmen's Meeting.
3. Mr. Kreidler advised the Board to Selectman Sullivan submitting his own comments re: the ENF for Snake Hill Ridge to the MEPA Office.
4. The Board approved of Mr. Kreidler's recommendation not to approve HTA's Change Order in the amount of \$13,500 due to change order not being approved in advance of the work being done re: fixed price for Ayer as a member of the RWWTP by the Board as written in the contract. The Board approved of Mr. Kreidler's request to pay the Change Order to HTA in the amount of \$3,400 due to this work being outside the scope of contract for RWWTP Study.
5. Mr. Kreidler advised the Board of Earth Tech's Proposal being prepared for next Selectmen's Meeting.
6. Mr. Kreidler advised of need of Town Hall Janitorial Service due to DPW not being able to provide this service recently due to department experiencing shortage of full-time help due to illness or injury. Mr. Kreidler provided the Board with three (3) companies he had contacted re: providing this Service: Ace Cleaning of Pepperell, MA- Mrs. T's of Devens MA- and All-Pro of Shrewsbury, MA After a brief discussion re: services and cost. The Board voted to approve the Town Administrator's recommendation and awarded All-Pro the Town Hall Cleaning Contract for the cost of \$100.00/wk to be cleaned twice a week. Funding to be paid from the Town Hall Maintenance Budget. Contract to run until June 30, 1999 with a thirty day cancellation clause

7. The Board was advised of a meeting being scheduled with the presiding judge at the court House, Park Dept., Library Director and Mr. Kreidler to address use of Town parking lots for Court House Parking.
8. The Board was advised re: the clean up process of Class II Dealership whose license was issued conditionally upon 3 written conditions to be complied with by Jan. 22, 1999. Mr. Kreidler advised after inspecting the property on 1-22 it was apparent a great deal had been done but fell short of the conditions listed in the letter of 12-22-98. The Board voted to extend the deadline for the clean-up of the property under the terms of the 12-22-98 letter to the close of business on April 1, 1999. On Friday, April 2, 1999, the Town will inspect the property for compliance with the conditions, if at that time the conditions have not been met the license will be revoked.
9. The Board approved of William Oelfke being appointed to serve on MRPC and to invite in Mrs. Harriett Maxant to a Selectmen's Meeting and thank her for her many years of service attending the meetings at MRPC as well as writing her a letter of appreciation.
10. The Board was advised of Town Counsel reviewing the Town's By-law re: snow removal from sidewalks and recommending Police Regulation #5 is the governing by-law.

**10 Economic Development Director's Report**

The Board met with Diane Sullivan. Ms. Sullivan advised the Board to the Town Hall Restoration Committee recommending J. Stewart Roberts be retained as the architect for the restoration of the Town Hall for the contract award of \$23,923.00, this funding to be paid out from Article #26 of the MAY 11, 1998 ATM. The Board voted to approve Ms. Sullivan's and the Town Hall Restoration Committees recommendation and award J. Stewart Roberts the architect contract in the amount of \$23,923.00. The Board requested Ms. Sullivan have Mr. Roberts appear before the Board to detail what exactly will be restored to the outside of the building i.e. windows, roof, etc. due to the Mass. Historic Funding falling short of the Grant Request.

10:45p.m. Selectman Bresnahan Moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39, Section 23b Exemption #3 to adjourn to re-enter into another Executive Session pursuant to MGL Chapter 39 Section 23b, Exemption #6 to adjourn from that Executive Session and enter into Open Session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

 DATE: 5/18/1999  
Paul D. Bresnahan, Clerk

*Done on April 26/99*