

Selectmen's Meeting
Monday, September 14, 1998
2nd Floor Town Hall Meeting Room, Main St., Ayer, MA

7:10 Open Session

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

The Minutes of August 17, 1998 were read and accepted.

The Board approved the Sunday Entertainment License Renewals for Carlin's Restaurant, Depot Sq., Ayer, MA. for 1999--Juke Box & Pool Tables. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan. VOTE: unanimous, so moved.

Public Input: Chairman Hamel requested if there was anyone present wishing to meet with the Board. Thomas McLain requested to speak re: Guilford Railroad update and Maura Feller re: school bus issue.

Chairman Hamel took this opportunity to request the Board amend the Agenda of 9-14-98 by taking up the first Executive Session scheduled for 9:10p.m. directly after the Economic Development Director's Report as Ms Sullivan would be sitting in on this matter. The Board approved this request. Selectman Bresnahan moved to approve this request 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

The Board met with Thomas McLain. Mr. McLain updated the Board to the trains idling in Depot Sq. stating a significant change has occurred with train idling in Depot Sq. stating little or no activity has been detected and a remarkable turn around happening with only two new minimal occurrences. Mr. McLain advised the Board to State and Federal regulatory provisions re: trains idling and for the need to develop a Town bylaw regulating the discontinuance of trains idling in downtown Ayer.

The Board met with Maura Feller re: concerned residents residing at Bennetts Brook-Littleton Rd., Ayer, MA with School Bus stop located on 2A and for safety of children boarding and exiting school buses. The Board advised Ms. Feller to this being a School Dept. issue and should not be coming to this level re: disposition. Ms. Feller stated she has contacted the School Dept. about having the buses come into the sub-division to pick up the students and told that the buses could not enter onto a unaccepted road for liability reasons. The Board requested Mr. Kreidler to contact the School Dept. stating the issue of picking up school children on a unaccepted street being inappropriate for not picking up the students in this development.

The Board met with the Ayer Conservation Commission and Gerald Smith of Aquatic Control Tech. re: Pond Management-Weed Harvester vs. Chemical Treatment.

Present for the discussion: Robert Eldredge, Chairman of the Conservation Commission, Thomas Poole, Co-Chairman and Donna Torress member of the Conservation Commission and Gerry Smith of Aquatic Control Technology (ACT). Mr. Smith submitted a prepared analyses of the Town's present pond management/treatment and expenditures re: weed control to Town of Ayer ponds: Flannagan, Pine Meadow, Sandy Pond and Nuttings Grove. The Board reviewed with Mr. Smith the Chemical Treatment Cost for years 1996 through 1999. Selectman Sullivan stated the use of a harvester was brought to his attention by residents concerned with the use of herbicides to treat the ponds and his concern being the oxidizing of all of the Town ponds to the Town of Ayer Wells. Mr. Smith gave a brief overview of Mechanical cutting/Harvesting through direct purchase & operation, contracting out services, maintenance, repairs, loading, trucking and disposal impacts and costs associated with mechanical cutting. Mr. Poole of the Ayer Conservation Commission reviewed problematic concerns with the use of a harvester: no public launch at Flannigan Pond, steep embankments-impossible to launch or dump/load weeds for disposal.

Mr. Eldredge stated the Town's past performance with a harvester back in the 70's not able to treat shoreline and limitation of harvesting Town ponds due to shallow depths i.e. Flannigan 2-4' depth utilizing the harvester would cause the plants to re-grow between 14-28. Selectman Sullivan stated he had read through the documentation and requested if the bug (weeval) could be used. Mr. Smith stated he was very familiar with this bug and it would create another problem treating the bug in a few years. Mr. Poole stated the Commissions success with the Chemical treatment "Sonor" over the past four years, and moreover, what is needed is educating residents living along the ponds those especially with septic systems to tie into Town sewer and to restrict use of fertilizers, composting and detergents to reduce weed growth. Mr. Smith went on to state "sonor" provided good control over the submersed vegetation, unfortunately partial pond treatments using sonor are not effective and re-growth of the invasive fanwort and milfoil weed now needs re-treatment. In the past few years the floating leaf waterlilies have also been thinned out in front of houses and shoreline to maintain the "open water". "Sonor" is very carefully monitored by permit from DEP and as such he only utilizes 1/5 of the allowable base formula permissible. Selectman Bresnahan suggested the Selectmen work together with the Conservation Commission re: promoting the necessary information re: funding necessary to continue the Pond Management Program in Town at the next Annual Town Meeting. The Board thanked Mr. Smith and the Ayer Conservation Commission for coming in to meet with the Board re: the Town's Pond Management/Maintenance Program.

Economic Development Director's Report

The Board met with Diane Sullivan. Ms. Sullivan presented two (2) lien sub-ordinations for the Board's approval. The Board approved the two lien subordination's.

1. Case #116 for property 45 Pleasant Street, Ayer, MA for \$25,000.00
2. Case # 70 for property 50 Shirley Street, Ayer, MA for \$15,000.00

Selectman Bresnahan moved to approve the two lien sub-ordinations, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

The Board set back the close-out Agreement for the Com. of MA-Massachusetts Community Development Block Grant for clarification of status of final audit provisions.

The Board met with Ms. Sullivan re: the Department of Environmental Management's (DEM) maintenance Agreement of the Rail Trail between the Town and DEM for the Clivus composting toilets and the trail head parking lot. Selectman Sullivan requested where the clivus toilets would be located and what they would look like. Requesting a plan/sketch of the proposed layout. Ms. Sullivan stated she would have that information made available to Mr. Sullivan. Chairman Hamel stated her objection to the Trail being called the Nashua River Rail Trail stating it has always been called the Ayer to Hollis/Pepperell Rail Trail from inception and suggested a letter be sent to DEM changing the name back to the original name. Ms. Sullivan stated the need to have the Agreement expedited and endorsed by the Board in order to meet DEM's September 1998 Advertising date. Selectman Sullivan objected to the 11th hour Agreement being placed before the Board and expecting the Board approve of an Agreement with out reviewing the plans. Selectman Bresnahan moved the Board of Selectmen approve the Agreement as presented contingent upon plans being made available for the Board's review and approval, and subject to amendment if not acceptable by the Board, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Ms. Sullivan took this opportunity to advise the Board and the viewing public to the Town of Ayer being awarded a \$100,000.00 matching grant by the Massachusetts Historical Commission for renovations to the Ayer Town Hall these renovations for the maintenance of the outside of the building i.e. windows, roof, etc. The Board approved of Ms. Sullivan contacting the Town Hall Architect -J.Stewart Roberts to determine what could be done with the award -having been reduced down from the original request of \$300,000.00. Ms. Sullivan advised the Board to the Pleasant Street School not making this round for

funding round but requested the Selectmen's permission to re-submit a new grant application for the final round of Grant Awards. Selectman Bresnahan suggested the Board request the Ayer Historical Commission to meet with the Board re: the deposition of the building prior to re-submitting the application. The Board set October 13, 1998 to: meet with the Historical Commission re: custody of the building. The Grant Awards final cut off date for submission being October 16, 1998 by the Mass. Historical Commission. The Board reviewed the \$35,000.00 roof repair approval for the Pleasant Street School/the stop-gap measure due to the roofs deteriorating condition. That issue taken under advisement until meeting with the Historical Commission.

8:35p.m. Selectman Bresnahan moved the Board adjourn from Open Session pursuant to M.G.L. Chapter 39, Section 23b, Exemption #6, re: Real Estate, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

8:55p.m. The Selectmen re-entered into Open Session.

FireChief, re: Brush Truck: See Report dated 8-11-98

The Board met with Fire Chief Paul Fillebrown re: conversion of the 1985, 4 x4 diesel pick-up truck he obtained from the Department of Environmental Management (DEM). The Fire Chief stated there was no cost to the Town for the truck. Fire Chief Fillebrown stated he was before the Board this evening requesting to convert the vehicle to a brush truck. Chief Fillebrown stated he does not have the money in his FY-99 budget to convert the truck and presented to the Board two (2) options:

1. full response brush truck requiring the following features: tires-\$600.00, Hose & Fittings-\$1,450, skid tank 200-gallon pump-\$12,950, and painting the truck-\$2,450. Total cost: \$17,450.00
2. Pick-up truck for department: tires-\$600.00, paint the truck-\$2,450. Total cost \$3,050.00

The Fire Chief recommended #2. for \$3,050.00. The Board took this under advisement pending the Chief requesting a Reserve Fund Transfer from the Advisory Board.

Supt. Girouard's Report: See report dated 9-10-98

The Board met with John Deline, Town Engineer in the absence of Supt. Girouard who is attending night classes at the Univ. of MA-Amherst for Public Administration .

Action Items:

1. The Selectmen approved the Chapter 90 reimbursement of \$180,666.00.
2. The Selectmen approved of the Road maintenance/paving for the following streets: Washington, Mechanic St. and Groton Street. The Board voted to hold off on the proposed guardrail installation.
3. The Selectmen approved HTA's and Tyree Organization Phase I Site Investigation at the Brook Street-Public Works/soil monitoring well funding not to exceed \$13,700.00.
4. The Board adopted a Recycled Product Procurement Policy submitted by Supt. Girouard to be distributed to all Town Boards, Departments re: the purchase of recycled products in recognition of the need to make more efficient use of our natural resources i.e copying paper, stationary, envelopes, etc.
5. The Board approved Tater & Howards contract for the solid waste landfill monitoring not to exceed \$29,100.00.
6. The Board approved of Hoyle Tanner & Assoc. Infiltration and Inflow (I/I) Agreement funding not to exceed \$270,000.00.
7. The Board reviewed and approved of Ogden Martin's proposal for solid waste \$66.35/ton.
8. The Board approved and endorsed the sewer connection request for Grover Baker/Jack Madigan/Richard Paakki pending the receipt of acceptable engineering drawings of the proposed connection on Littleton Rd./Route 2A with the permission from the state to excavate.
9. The Board approved of the following Water/Sewer Permits: **Water:** Lot 5 Sandy Pond Rd., Lot 3 Sandy Pond Rd., Lot 4 Sandy Pond Rd., Lot 1 Sandy Pond Rd., Lot 2 Sandy Pond Rd., 26 Robins Rd., Lot 17 Calvin St., **Sewer:** Lot 5 Sandy Pond Rd., Lot 3 Sandy Pond Rd., Lot 4 Sandy Pond Rd., Lot 1 Sandy Pond Rd., Lot 2 Sandy Pond Rd., 21 Pineridge Dr., Lot 17 Calvin St.
18. The Board denied a abatement request for water for a swimming pool filled during the water ban.

The Board extended their regrets upon receiving John Deline's resignation and extended their thanks to him for his professional manner and his work competence and knowledge. The Board requested to meet with Mr. Deline prior to his departure. Mr. Kreidler advised the Board to search for a new Town Engineer started with advertisements running this week and weekend and of closing date for applications being October 5, 1998.

Town Administrator's Report:

Action Items:


1. The Board approved of Anne Garber being appointed to the Communication Study Committee.
2. The Board was advised to Harvard hosting the next JBOS Meeting at the Hildredth House on Wednesday, September 16, 1998 at 7:00p.m. and of the Open Space and Recreation Meeting being scheduled for Tuesday, September 29, 1998 at 5:30p.m. at the Devens Commerce Ctr.
3. The Board approved of the Selectmen's Meeting dates as submitted with the addition of 10-13-98- Historical Commission Meeting and of December 14, 1998 being the last date for Fy-98 with the exception being need for emergency meeting, the Board to resume after the first of the year.
4. Selectman Sullivan updated the Board to the latest developments regarding the Shepley Landfill reported at the RAB Meeting of 9-10-98.
5. Mr. Kreidler took this opportunity to advise the residents of Ayer to the Selectmen placing the Regional Wastewater Treatment Plant on the top burner stating meetings with consultants, businesses and Mass Development officials have been and are still ongoing.. Ayer officials looking at going it alone or joining a regional system. A Public Hearing will be in the works for Public Comment.

New Business:

1. Mr. Kreidler advised the Board to a mutual agreement being made with the Park Dept. and the Economic Development Office for a move to each other's office space. Mr. Kreidler advised the Board to the arrangement being necessitated by need for handicap accessibility for the Park Dept. and space by the Economic Development Office. Needed would be rugs and paint for the 3rd floor which could be funded through the Town Hall Maintenance Budget. The Board approved of the move.
2. The Board endorsed a letter authorizing John Horgan, Treasurer as the Town's primary contact regarding Minuteman Nashoba Health Group the town's Health care provider network.

The Board took this opportunity to congratulate Chief Rizzo on the Citizen's Police Academy which recently held its first graduation ceremony. Selectmen Hamel and Sullivan reflecting on classes conducted by Police Officers ranging from crime watch to volunteering on community out reach programs, i.e DARE & Loaves & Fishes.

10:30p.m. Selectman Bresnahan moved the Board adjourn from Open Session to enter into Executive Session pursuant to M.G.L. Chapter 39, Section 23b, Exemption #3 to adjourn to enter into another Executive Session pursuant to M.G.L. Chapter 39 section 23b, Exemption #3, to adjourn to enter into another Executive Session, pursuant to M.G.L. Chapter 39 Section 23b, Exemption #3 to adjourn to enter into another Executive Session pursuant to M.G.L. Chapter 39 Section 23b, Exemption #3, to adjourn to re-enter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

 DATE: 10/5/98
Paul D. Bresnahan, Clerk
AYER BOARD OF SELECTMEN