

7:00p.m. Open Session

The Board met with Chairman Morrison, Selectman Sullivan, Selectman Conley, Selectman Maxant and Selectman Bresnahan.

Agenda Item #1. Public Input:

1. **Patrick Hughes**-Conservation Commission re: update on Routhier Tire Recycling Enforcement Order advising Board to DEP taking over Enforcement Order given the degree of seriousness of the problem. Mr. Hughes advising the Board to Routhier being very cooperative in terms of long term solution. (drainage still dumping significant amounts of runoff, siltation and debris into this feeder stream to the Spectacle Pond Aquifer.
2. **Patrick Hughes re: Associate Member status/Conservation Commission**-Mr. Hughes updated the Board to State Statute re Associate Member status serving on the Conservation Commission. Mr. Hughes advising the Board to no such position. Selectman Conley requested copy of documentation.
3. **Selectman Morrison**-Chairman Morrison took this opportunity to publicly thank all the churches, associations; individuals involved assisting the community in grief counseling with the recent tragedy in Town over the 4th of July. Thank you's were extended to Father Gosselin-St. Mary's Church. Father Edward Kienzle-St. Andrews Church, Rev. Gary Palmer-New Hope Baptist church, Rev. Brian Loiselle-Ayer Church of God, Keith Turner-Christian Science Church, Rev. Stephen Washburn-Federated Church, Rev. Stephen Well-Apple Valley Baptist Church. Counsel Services-Lipton Center/Fitchburg/Leomister, Lucille DaCosta-Advisor Human Rights-Ayer High School students, Nashoba Tech advisors and Derek Jenkins MVP Northeastern University.
4. **Lise Brody-PACE**-requesting the Selectmen set back this discussion further in meeting to allow for prepared statement to be read into record by party not present at this time.

Agenda Item #2. Minutes- Board moved to approve minutes stating "P. Conley's amendments on upper left hand corner".

5-31-05 Selectman Conley moved the Board approve amended executive session minutes, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

6-7-05 Selectman Conley moved the Board approve the amended minutes, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

6-21-05 Selectman Conley moved the Board approve the amended minutes, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

7-12-05 Selectman Conley moved the Board approve the amended minutes, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

7-12-05 Selectman Conley moved the Board approve the amended executive session minutes, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #3. Public Hearing-Proposed Street Re-naming-Shirley Groton Rd., Mountain view St.
Public Hearing notice read into record by Clerk-Selectman Conley.

Motion to continue Hearing to Tuesday, September 20, 2005 at 7:15p.m. for the proposed street renaming of Shirley Groton Rd., Groton Shirley Rd., Mountain Ave. and Mountain view St., 2nd by Selectman Sullivan, motion passes 3-2.

Agenda Item #4. Public Hearing Mango Grill-Common Victualler's License, Amusement License and Sunday Entertainment License.

Public Hearing notice read into the record by Selectman Conley. Motion to approve Mango Grill's Common Victualler's License, Amusement License and Sunday Entertainment License made by Selectman Sullivan, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #5. Public Hearing-Kane & Jennette d/b/a O'Hanlon's Irish Pub.

Public Hearing notice read into the record by Selectman Conley. Selectman Sullivan recused himself from discussion re Kane & Jennette. The Board heard a request from Kane & Jennette to waive the 2005 Alcohol fees. Selectman Bresnahan moved the Board waive 50% of the Alcohol Fee of \$3K or \$1,500.00, 2nd by

Selectman Maxant, VOTE: Selectman Bresnahan aye, Selectman Maxant aye, Chairman Morrison aye, Selectman Conley no, VOTE: 3 ayes, 1 no, and one abstention.

Agenda Item #6. Fire Station-Winter Street Architects-Change Orders 6&7

The Board approved Change Order #6. Selectman Bresnahan moved the Board approve Change Order #6 in the sum not to exceed \$2,750.00, 2nd by Selectman Conley, and authorize the Chairs signature VOTE: unanimous, so moved.

The Board approved Change Order #7. Selectman Conley moved the Board approve Change Order #7 in the amount not to exceed \$15,600.00, 2nd by Selectman Bresnahan, and authorize the Chairs signature, VOTE: unanimous, so moved.

Agenda Item #7. Supt. Madigan's Report-

1. **Water Meter Reader Appointment-** The Board per the recommendation of supt. Madigan voted to appoint Derek Schwartz to the Water Meter Reader position at \$15.39/per hour contingent upon Mr. Schwartz obtaining his CDL License within 6/mo. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved. Mr. Schwartz to be paid \$15.29 until CDL License is obtained.
2. **West Main Street Sidewalk Funding-Work done by Job Corps.** The Board moved and approved additional funding of \$1,500.00 from CDBG funds to cover shortfall to complete project. Motion to approve made by Selectman Conley, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
3. **Backflow Testing Contract-Thurber Water Technologies contract.** The Board awarded a two year Backflow Testing Contract to Thurber Water Technologies for the per unit price of \$35.00 per device/test. Motion made by Selectman Sullivan 2nd by Selectman Maxant, VOTE: unanimous, so moved.
4. **Reserve Fund Transfer-**The Board approved a \$17,000.00 Reserve Fund Transfer to the Fy-05 Sewer Fund due to unforeseen increases in utility rates. Motion to approve made by Selectman Sullivan, 2nd by Selectman Maxant, VOTE: Selectman Sullivan aye, Selectman Maxant aye, Selectman Bresnahan aye, Chairman Morrison aye, Selectman Conley no 4-1 motion passes.
5. **Fuel Bid Award-**The Board awarded the Fy-06 Fuel awards as follows
#2 Heating Fuel- Dennis K Burke-Chelsea, MA \$0.1495 per/gallon over Boston Tank Car
Super Unleaded Gasoline-C.W. Fuels, Inc.-Pepperell, MA \$0.0290 per gallon over Boston Tank Car
Low Sulphur Diesel Fuel-C.W. Fuels, Inc.-Pepperell, MA \$0.0290 per gallon over Boston Tank Car
Selectman Sullivan moved to approve per recommendation of Supt. Madigan the above awards, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
6. The Board approved the following Water/Sewer Permits presented by Supt. Madigan:
Water: Volunteers of America-4" domestic and 6" Fire Service
Lot 2 Groton Shirley Rd.-1 inch serv. Lot 4 Groton Shirley Rd.- 1 inch serv.
Lot 1 Groton Shirley Rd.-1 inch serv. Lot 5 Groton Shirley Rd.- 1 inch serv.
Lot 3 Groton Shirley Rd.-1 inch serv. 1 Lilac Lane-1 " copper
3 Lilac Lane- 1 inch copper 5 Lilac Lane-1" copper
6 Lilac Lane- 1 inch copper
Sewer: 8 Rosewood Ave.-4BR 6 Lilac Lane-3BR
5 Lilac Lane- 4BR 3 Lilac Lane-4BR
1 Lilac Lane- 4BR 83 Sandy Pond Rd. 3BR
Motion to approve made by Selectman Sullivan, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
7. Selectman Maxant reminded Supt. Madigan to the Board's request to place safety signs on Snake Hill Rd. by Sandy Pond Beach after first checking with Park Commissioners re location of signs.

Agenda Item #8 Fy-06 Appointments (cont.-from 7-12-05)All Appointments made per document entitled Fy-06 Appointments and associated term expiration dated August 2, 2005.

The Board appointed Carol Duff to the vacant seat on the Fin-Com after meeting and interviewing the two candidates vying for the position Carolyn McCreary and Ms. Duff. Motion to appoint Ms Duff made by Selectman Maxant, 2nd by Selectman Conley, VOTE 3-2 in favor of Ms. McDuff. The Board encouraged Ms. McCreary to look at serving on open positions on the Capital Planning Com., or the Conservation Com.

Community Preservation Committee-The Board heard a written request from Citizen Carol Tillis who was unable to meet with the Board due to illness re serving on the CPC and voted 3-2 against appointing Carol Tillis to this position. The Board also heard a request submitted by present Citizen Gary Luca currently serving in this position to be reappointed, the Board voted 3-2 against Gary Luca on this appointment. The Board to take this appointment up at their next meeting to allow meeting with both candidates to serve as Citizens Representative on the CPC.

Cultural Council-Selectman Bresnahan moved to appoint Paul Fillebrown Jr., Rebecca Gardner, Brenda Heard, Robert Myatt and Julie Thomas to the Ayer Cultural Council with their term to expire on June 20, 2010, 2nd by Selectman Conley, VOTE: unanimous, so moved.

4th of July Selectmen's Rep-the Board appointed Chairman Morrison as the Board's rep to the 4th of July Com.
Cable TV Commission-The Board appointed Charles Commeau.

Capital Planning Committee-The Board appointed Robert Pena, Faye Morrison, Richard Gilles and Mary Spinner. Motion to appoint above representatives to the 4th of July, Cable Commission and Capital Planning Com. made by Selectman Conley 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. Selectman Bresnahan requesting to defer his appointment to the Capital Planning Committee.

Disabilities Commission-The Board deferred appointment of Alan Bell to the Disabilities Commission due to not being present to meet with the Board re his request to serve on this committee and moved to re-appoint Bruce Page per list received by Vice-Chairs Jim & Carole Williams. Motion to appoint made by Selectman Conley 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Miscellaneous Appointments-The Board appointed Wellman Parker to the position of Emergency Management Director, Peter Johnston-Deputy Emergency Management Director, Gabriel Vellente-Fence Viewer, Scott Hanley-Finance Committee, Lisa Gabree-Finance Computer System Administrator, Wellman Parker, Donald Wallace, William Adamson, Arthur Boisseau, Arthur Pedrazzi, James Pinard, Sean Murphy to the Fire Station Building Committee, Mary spinner, Robert Pena, Jennifer Gibbons, George Bacon, and John Conway to the Fire Station Re-use Committee, George Bacon, Ruth Rhonemus, Robert Pena, Thomas McLain, Julia Alekman and Ida Narparstek member Emerita. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Insurance Advisory Committee-Selectman Conley moved the Board approve the list of recommended individuals as listed on the Treasurer's office list dated 6-6-05, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Montachusett Regional Planning Commission (MRPC) -The Board appointed Elizabeth Hughes-Planning Board rep, Patricia Walsh-Selectmen's rep, Shaun Suhoski-Selectmen's alternate #1, and Tim Hansen-Selectmen's Alternate #2. Motion made by Selectmen Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Registrar of Voters-The Board appointed Ann Callahan and Barbara Wilson to the Registrar of Voters with expiration dates defined per Fy-06 Appointment sheet dated 8-2-05. Motion to appoint made by Selectman Conley, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. The Board appointed to appoint Kopelman & Paige for one year term and requested Town Administrator outlining/documenting their hourly rate/charges/fees schedule per MGL 2nd Selectman Bresnahan VOTE 4-1 Selectman Maxant casting sole no vote.

Zoning Board of Appeals-The Board appointed Dale Taylor, Louis Marino-Alternate #2 and John Canney-Alternate #3, per the ZBA recommended list. The Board set back the ZBA Appointments until their next meeting to verify alternate positions.

Agenda item #9. Town Administrator's Report

1. **Office of Community & Economic Development (OCED)-**Selectman Sullivan moved the Board approve the Program Managers for OCED be approved to sign needed documents for the Registry of Deeds, i.e. amended mortgages, etc., 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Lien Subordination-15 Nashua St. Ayer, MA Selectman Bresnahan moved the Board approve Subordination of the Town's lien conditioned upon a new first mortgage not to exceed \$217K and reduce the period of the lien from ten years to a five year period in accordance with the liens placed during that grant year upon receipt of \$8,912.50 which is 25% of the Town's lien, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

2. **43 Park Street-** Selectman Conley moved the Board instruct Town Administrator to contact David Ross & Assoc. to clarify ownership of Old County Rd. if Ross is unable to make determination Town Administrator is approved to contact Town Counsel for one hour consultation fee, 2nd by Selectman Bresnahan, VOTE: 4-1 motion carries.
 3. **Legal bills-** Selectman Sullivan moved the Board authorize payment to Kopelman & Paige in the amount of \$1,288.00 for the cost associated with response to the PACE letter of concerns, 2nd by Selectman Maxant, VOTE: 4-1 Selectman Conley lone vote of no.
 4. **Ayer Sportsmen's Club-**The Board approved the sign request at the corner of Town Hall Columbia/Main Streets for the Club's Annual Clam Bake from Aug 3rd through August 22, 2005. Motion to approve made by Selectman Conley 2, by Selectman Bresnahan,, VOTE: unanimous, so moved.
 5. **Senior Citizens Housing Fair Sign request-**Selectman Bresnahan moved to approve the sign request for East Main, Park & W. Main Streets, and one at the West Main Street Mall, from 9-15-05 to 10-15-05, 2nd by Selectman Conley, VOTE: unanimous, so moved.
 6. **Fy-07 Schedule** Selectman Sullivan moved the Board open the Fall Town Meeting Warrant effective 8-2-05 and close the Warrant on 9-9-05, 2nd by Selectman Conley, VOTE: unanimous, so moved.
- 10:00p.m. Selectman Bresnahan moved to adjourn the meeting, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.**