

Selectmen's Meeting Minutes

Tuesday, May 18, 2004

Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer

*Amended
Minutes
Page 3 (bot)*

00p.m. Open Session

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

Agenda Item #1. -Public Input-

Chairman Fay requested if there was anyone present wishing to meet with the Board.

1. Rick Gillis re: Town Hall Roof Repair-recommendations were received re: replacement of slate, copper flashing recommending budgeting each year to replace slate, look into solar electric roof/generates electricity for building, hot water savings. Suggested forming a sub-committee regarding volunteer input, would like to be part of such a committee. The Board thanked Mr. Gillis for coming in to meet with the Board and sharing his thoughts and volunteering his services.
2. Faye Morrison-took this opportunity to thank everyone involved with High School's Democracy class-Rock the Vote concert and voter registration held this past Saturday, May 15, 2004 in front of the Ayer Town Hall. Thank you's were extended to: Mr. Radcliff-High School Democracy Class teacher, students, band, Representative Hargraves, Senator Resor for their stopping by and promoting program put on by Ayer High School students, Town Hall staff: Susan Sullivan, Ann Callahan-Town Clerk. The day was a huge success and great community service day. Chairman Bresnahan thanked Selectman Morrison for her part in the project.
3. Pauline Conley-Presented and read into the record an alleged Open Meeting Violation conducted on May 5, 2004 by the Community Preservation Committee members alleging violation of Quorum. Ms. Conley also requested non-reappointment of Mr. Hughes and Ms. Morrison to the CPC. Mr. Hughes and Ms. Morrison denied lack of quorum asserting five members present at all times, and no votes/decision taken or made improperly.

Agenda Item #2. -Reorganization of the Board of Selectmen

Chairman Fay reflected upon his past year as Chair and expressed his thanks to the Board for their support.

Chairman Fay called for nominations for position of Chairman. Selectman Morrison moved the Board elect Paul Bresnahan to the position of Chairman, 2nd by Selectman Maxant, vote: unanimous, so moved.

Chairman Fay called for nominations for Vice-Chair. Selectman Sullivan moved the Board elect Selectman Morrison to the position of Vice-Chair, 2nd by Selectman Bresnahan, Vote: unanimous, so moved.

Chairman Fay called for nominations for Clerk. Selectman Morrison moved the Board elect Selectman Sullivan as Clerk, 2nd by Selectman Bresnahan, Vote: unanimous, so moved. Chairman Bresnahan thanked the Board for their vote of confidence in him and thanked Chairman Fay and Clerk Morrison for their good work the prior year.

Agenda Item #3. -Minutes

Selectman Sullivan moved the Board approve the Minutes of May 4, 2004 and April 20, 2004, 2nd by Selectman Morrison, Vote: unanimous, so moved. Selectman Maxant requesting to elaborate on the Minutes of 5-4-04, re: MBTA discussion, rebutting/clarifying allegations recorded and recounted at this past Thursday's, May 13, 2004, meeting with Mohammed Khan. This was deferred to New Business/Selectmen's Questions.

Agenda Item #4. -Supt. Madigan's Report

The Board met with Supt. Madigan.

1. Sewer Dept. Foreman Appointment- Supt. Madigan updated the Board to his memo dated 5-10-04 re John Loomer has been acting Sewer Dept. Foreman for the past two (2) weeks and doing a good job. Mr. Loomer has been a DPW employee for the past sixteen (16) years working his way up the ladder within the Sewer Dept. having acquired all required licenses. The Sewer Dept Foreman position was posted internally and only one person expressed interest in this position-that being John Loomer. Supt. Madigan recommended John Loomer for the position of Provisional Sewer Dept. Foreman. Selectman Fay based upon Supt. Madigan's recommendation moved the Board appoint John Loomer as the

provisional foreman to the Sewer Division of the DPW, with the finalization of his appointment being conditional upon the Selectmen's decision to reassign the former foreman being upheld in both pending appeal or future arbitration, 2nd by Selectman Morrison, Vote: unanimous, so moved.

2. Tata & Howard Electrical Upgrades to the Spectacle Pond Well Site/Construction Phase Services

Supt. Madigan presented and reviewed with the Board the basic services contract for the performance and construction administration services associated with the electrical upgrades at the Spectacle Pond Well site. Supt. Madigan recommended the Contract be awarded to Tata & Howard at the cost not to exceed the total of \$8,000.00. Selectman Sullivan based upon the recommendation of Supt. Madigan moved the Board award the upgrades to the Spectacle Pond Well Site to Tata & Howard for the total cost not to exceed \$8,000.00, 2nd by Selectman Fay, Vote: unanimous, so moved.

3. Long Pond Dam-Patrick Hughes requested Supt. Madigan status of dam. Supt. Madigan stated he just completed and submitted to the Selectmen's Office earlier today two (2) alternatives re: Long Pond Dam for the Selectmen's review and determination.

Agenda Item #5. – Smith Land-Town's Right of First Refusal-Public Meeting

The Board met with Steven Smith, Richard Smith, Beverly Smith and Justin McCarthy-Atty. For the Smith family and Town Counsel Jean McKnight. Chairman Bresnahan requested the Public Notice be read into the record by the Clerk. Selectman Sullivan read the Public Notice published in the Nashoba Publications into the record. Chairman Bresnahan opened the Public Meeting by requesting Ms. Scheipers give brief background of proposal and update Board to the status of the project. Ms. Scheipers updated the public to the Smith Family submitting notice to the Town of Ayer in Jan. 04 re entering into a Purchase & Sales Agreement for the sale of 68 acres of land on Old Groton Rd., Ayer, MA pursuant to M.G.L. C61A's 14 and a 120 statutory period would commence upon receipt of this notice-the first refusal option. Buyers: Calvin Moore & Stephen Gillis plan to develop an active adult condominium development containing 55 unit of which two units will be "affordable", property to have a conservation restriction on 56 acres and Public Access on 10 acres. Selectman Sullivan suggesting a Covenant is established in writing with the Smiths to establish a good faith agreement with Planning Board approvals built in to protect community. Mr. Eliades spoke under Public comments to Land for Public Trust needing to be invited into discussions by Board of Selectmen. Conduct joint meeting with Planning Board, Conservation Commission to protect land. Steven Smith speaking on behalf of the Smith family stated his concern re tone of Selectman Sullivan's proposed Agreement just one more level of requirements. Selectman Sullivan moved the Board not take any action on the Town's Right of First Refusal with the understanding the door is open once the buyer's agreement has been met, no 2nd to this motion. Selectman Bresnahan asked for comments re help from Land for Public Trust. Mr. Steven Smith commented that he and Mr. Eliades spoke with them and the most t hat they would do is help Ayer raise the money. They would not contribute money. Selectman Fay moved the Board vote to not have the Town of Ayer exercise it's right to purchase the property known as the Smith Land, as allowed under MGL Chapter 61 Section 14 or any other applicable section of law, 2nd by Selectman Maxant, VOTE: Selectman Fay aye, Selectman Maxant aye, Selectman Morrison aye, Chairman Bresnahan aye, Selectman Sullivan no 4-1 motion passes.

Agenda Item #6. Community and Economic Development Director's Report

1. **Subordination Request-** The Board met with Tim Hansen, Program Manager re: Subordination

Request of Case #Fy98-96 for 40 Groton School Rd., Ayer, MA Home owner refinancing obtaining new mortgage of \$98,695.00 and home equity line of credit of \$21,647.00, the Town's current lien \$29,376.00, the Town's five year lien is due to expire in 2005. Selectman Morrison based upon the recommendation of Mr. Hansen and approval of Mr. Suhoski moved the Board approve the Chairman's endorsement of the subordination of the Certificate Not To Encumber to new first mortgage in the maximum amount of \$120,612.00, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

2. **Housing Development Support Program Grant-Administrative Budget**

The Board met with Shaun Suhoski. The Board approved Mr. Suhoski's Housing Development Support Program Grant approved by the State for a 10% weekly stipend for the Economic Development Director to train the CDBG staff in implementing the first-ever HDSP Grant in Ayer to provide overall

management of both the project and its finance which reflects estimated four hours per week of time spent on the project. Stipend to reflect \$5,176.10 or 10% of current salary if salary changes to supplement his base salary only during the duration of the grant. Selectman Sullivan moved the Board vote to ratify Mr. Suhoski's HDSP stipend presented in a document dated 5-13-04 to the Board of Selectmen, Selectman Morrison, VOTE: Selectman Sullivan aye, Selectman Morrison aye, Selectman Fay aye, Chairman Bresnahan aye, Selectman Maxant no, 4-1 motion passes.

Agenda Item #7 Town Administrator's Report

Ms. Scheipers presented Eastern General's Contract to the Board, the low bidder, for the fire Station construction for the Board's approval and to authorize the Town Administrator to send a notice to proceed. Motion made by Selectman Morrison, to award the Fire Station Construction contract to Eastern General and authorize the Town Administrator to send Eastern General notice to proceed 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

1. **Treasurer's Request-** Dependent Care Assistance Program-The Board deferred the decision on the discontinuance request effective 6-1-04 submitted by the Treasurer due to lack of understanding of the reason.
2. **Reserve Fund Transfer Request-Veteran's Agent-**The Board approved a Reserve Fund Transfer submitted by Manuel Velez-Veteran's Agent in the amount of \$3,900.00 due to account having four new cases which was not anticipated. Motion to approve made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved. The Board requested the Reserve Fund Transfer be submitted to FinCom for their review.
3. **Town Safety Coordinator-**The Board appointed Town Administrator-Anita Scheipers as the Town's Safety Coordinator mandated by the Town's Insurance Carrier-MIIA for Loss Control Program Credit. Motion to approve made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.
4. **Quiet Zone-**Ms. Scheipers updated the Board to a request being submitted by resident to establish a "Quiet Zone" on Rt 2A vicinity of Hatch St. due to school children urging passing truck drivers to blow their horns per arm signals given by children waiting for school buses. Resident having sleeping disability and urging sign is put up. Chief Rizzo submitting his findings of no regulation prohibiting this activity stating any sign put up would only be advisory not enforceable. Chief Rizzo encouraging MA Highways respond to this, not the Town. The Board requested Chief Rizzo to contact MA Highways on behalf of the Town for permission to erect "Quiet Zone Sign" and have Police Dept. speak to parents of children waiting at the bus stop to discontinue this practice. Motion made by Selectman Maxant, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
5. **Fitchburg Rd.-Speed Zone-Speed Trap** -Selectman Bresnahan advised Board to speed zone set for ¾ mile on Fitchburg Rd. at Airport gate feeling "speed trap" and requesting Chief Rizzo look into and report back to the Board. Motion made by Selectman Morrison, 2nd by Selectman Sullivan, Vote: unanimous, so moved.

Selectmen's Questions/New Business

Selectman Sullivan:

1. Sewer Study Committee -Devens invite SIU's
2. UDAG update by Town Accountant requested-10-15 year projections.

Chairman Bresnahan:

1. Look into Capital Committee-Citizens Advisory formed to assist/critique Capital Articles prior to Town Meeting i.e. purchases of Town equipment suggesting residents such as Mr. Pinard, Richard Gerace, Jack Madigan and Andy Burnham be contacted to serve and work with these residents to develop and implement specifications for purchases and schedule for maintenance.

Selectman Maxant:

1. Town Liquor License Review- how many needed in Town and Esthetic of building/s.
2. Selectman Maxant took this opportunity to state he wished to set record straight re: telephone call from him to Mohammed Khan and subsequent recent meeting last week. Selectman Maxant requested Selectman Morrison who attended last weeks meeting with him to answer to Selectman Maxant's

question to Mohammed Khan at last weeks meeting if Selectman Maxant told him (Mohammed Khan)..... there was opposition in Town to MART Station. Selectman Morrison stated Mohammed Khan stated no he (Selectman Maxant) did not. Selectman Maxant said other charges (5/4 meeting) were imaginary, out of thin air. Their source in completely unreliable.)

Selectman Fay:

1. Urging the Board have Building/Zoning Officer-Gabe Vellante reinforce by-law to have properties clean up in Town, have Gabe make assessment of Town businesses /home per street that need cleaning up and have Mr. Vellante in at the next Selectmen's Meeting on June 1st.
2. Safety problem Hatch Street caused by fence-motorist having to pull out into traffic to see around fence. Have Chief review and report back on his findings/recommendations.

9:25p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 30 Section 23B, Exemption #3 re: contract negotiations to adjourn from Executive Session to re-enter Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Morrison, Vote: Selectman Sullivan aye, Selectman Morrison aye, Selectman Maxant aye, Selectman Fay aye, Chairman Bresnahan aye, so moved.

9:30 p.m. Open Session ended.



DATE: 6-1-04

Cornelius F. Sullivan, Clerk

AYER BOARD OF SELECTMEN

A TRUE COPY, ATTEST



TOWN CLERK

Sullivan stating the consensus of Ayer residents was that a station was needed in Ayer. Selectman Fay stated he takes exception to Selectman Maxant going outside parameters. Selectman Morrison agreeing not being comfortable with Selectman Maxant speaking for Board. Selectman Fay stated his 2nd issue was that of public safety re overgrown bushes on corner of Rosewood/Groton School Rd. requesting property owners be advised to bushes needing trimming by DPW.

Agenda Item #2. Minutes of 5-18-04 and 5-24-04 accept and ratify votes & actions

Selectman Sullivan moved the Minutes of 5-18-04 be accepted as read, 2nd by Selectman Morrison, VOTE unanimous so moved.

Minutes of 5-24-04-Ms Scheipers advised to Meeting posting, posted two hours too ~~early~~^{LATE} and the need to ratify the votes of the Board of Selectmen taken at the 5-24-04 meeting.

Chairman Bresnahan explained the purpose ratifying the Board's votes taken on Monday May 24, 2004.

"Selectman Bresnahan stated the Selectmen's meeting held on Monday, May 24th, 2004 was posted on Friday, May 21st at approximately 10:13a.m. and thus the 48 hour posting time was missed by approximately 2 hours. As such we must now take actions to ratify those votes taken at that meeting."

Chairman Bresnahan called for a motion to ratify the Treasurer's request re the amended Section 125 Plan.

Selectman Morrison moved the Board ratify the May 24th vote to approve and sign the amended Section 125 plan document, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Chairman Bresnahan read the Board's letter to be sent to Ms. Conley re: the Board of Selectmen's review of complaint, documentation obtained and findings of the Board re alleged violation of the Open Meeting Law by the Community Preservation Committee. (see attached copy)

Chairman Bresnahan called for a motion to ratify the Board's vote re: Ms. Conley's complaint against the CPC.

Selectman Sullivan moved the Board ratify the May 24, 2004 vote to accept the following findings of fact relative to Ms. Conley's complaint against the Community Preservation Committee:

1. The CPC did not refuse to be videotaped. The CPC met in open session with a quorum in compliance with the Open Meeting Law. The members in attendance were: Faye Morrison, Pat Walsh, George Bacon, Patrick Hughes and Gary Luca.
2. There was no violation of the Open Meeting Law or the CPC By-laws and therefore neither Mr. Hughes or Ms Morrison, nor any other member of the CPC, acted knowingly and purposely in violation of the Open Meeting Law and CPC Bylaws.
3. It was reasonable for the CPC Chair to make a decision prior to the start of the CPC meeting to have the CPC meeting in the small meeting room, and not in the meeting room where Ms. Conley had set up the video camera, due to the fact that the Park's Commission's 6:30p.m. meeting was still in progress with a large number of people in attendance.

2nd by Selectman Morrison, VOTE: unanimous, so moved. The Minutes of 5-24-04 were read and accepted.

Motion to approve made by Selectman Maxant, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

Selectman Sullivan moved to clarify this motion by adding the original posted agenda by the Community Preservation Committee was for the CPC meeting to be conducted in the small conference room (Conference Room A). Selectman Maxant stated the Board investigated alleged violation with their best intentions, proof of no wrong doings grounded. Selectman Maxant moved the Board amend the motion and include a thank you to Ms Conley, no 2nd to this motion. Selectman Sullivan stating allegations to CPC destructive, how do you thank someone for those kind of allegations/conduct. Selectman Fay stated she should be held responsible/accountable for her actions/accusations against Town Officials i.e. legal cost involved for merit less accusations. Glen Garber agreeing echoing legal fees attached to this issue, frivolous expenditure of tax payers money. Chairman Bresnahan advising to Board's letter going out to CPC and Attorney General.

Agenda Item #3. Supt. Madigan's Report

1. **Long Pond Dam**-Supt. Madigan appraised the Board to Dam totally out of commission and cost for reconstruction estimated at \$68K provided no homes are built downstream. Supt. Madigan stated a much more substantial dam would then be required estimated over \$208K, of which \$98K has been

Selectmen's Meeting Minutes

Tuesday, May 18, 2004

Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

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

Agenda Item #1. -Public Input-

Chairman Fay requested if there was anyone present wishing to meet with the Board.

1. Rick Gillis re: Town Hall Roof Repair-recommendations were received re: replacement of slate, copper flashing recommending budgeting each year to replace slate, look into solar electric roof/generates electricity for building, hot water savings. Suggested forming a sub-committee regarding volunteer input, would like to be part of such a committee. The Board thanked Mr. Gillis for coming in to meet with the Board and sharing his thoughts and volunteering his services.
2. Faye Morrison-took this opportunity to thank everyone involved with High School's Democracy class-Rock the Vote concert and voter registration held this past Saturday, May 15, 2004 in front of the Ayer Town Hall. Thank you's were extended to: Mr. Radcliff-High School Democracy Class teacher, students, band, Representative Hargraves, Senator Resor for their stopping by and promoting program put on by Ayer High School students, Town Hall staff: Susan Sullivan, Ann Callahan-Town Clerk. The day was a huge success and great community service day. Chairman Bresnahan thanked Selectman Morrison for her part in the project.
3. Pauline Conley-Presented and read into the record an alleged Open Meeting Violation conducted on May 5, 2004 by the Community Preservation Committee members alleging violation of Quorum. Ms. Conley also requested non-reappointment of Mr. Hughes and Ms. Morrison to the CPC. Mr. Hughes and Ms. Morrison denied lack of quorum asserting five members present at all times, and no votes/decision taken or made improperly.

Agenda Item #2. -Reorganization of the Board of Selectmen

Chairman Fay reflected upon his past year as Chair and expressed his thanks to the Board for their support.

Chairman Fay called for nominations for position of Chairman. Selectman Morrison moved the Board elect Paul Bresnahan to the position of Chairman, 2nd by Selectman Maxant, vote: unanimous, so moved.

Chairman Fay called for nominations for Vice-Chair. Selectman Sullivan moved the Board elect Selectman Morrison to the position of Vice-Chair, 2nd by Selectman Bresnahan, Vote: unanimous, so moved.

Chairman Fay called for nominations for Clerk. Selectman Morrison moved the Board elect Selectman Sullivan as Clerk, 2nd by Selectman Bresnahan, Vote: unanimous, so moved. Chairman Bresnahan thanked the Board for their vote of confidence in him and thanked Chairman Fay and Clerk Morrison for their good work the prior year.

Agenda Item #3. -Minutes

Selectman Sullivan moved the Board approve the Minutes of May 4, 2004 and April 20, 2004, 2nd by Selectman Morrison, Vote: unanimous, so moved. Selectman Maxant requesting to elaborate on the Minutes of 5-4-04, re: MBTA discussion, rebutting/clarifying allegations recorded and recounted at this past Thursday's, May 13, 2004, meeting with Mohammed Khan. This was deferred to New Business/Selectmen's Questions.

Agenda Item #4. -Supt. Madigan's Report

The Board met with Supt. Madigan.

1. Sewer Dept. Foreman Appointment- Supt. Madigan updated the Board to his memo dated 5-10-04 re John Loomer has been acting Sewer Dept. Foreman for the past two (2) weeks and doing a good job. Mr. Loomer has been a DPW employee for the past sixteen (16) years working his way up the ladder within the Sewer Dept. having acquired all required licenses. The Sewer Dept Foreman position was posted internally and only one person expressed interest in this position-that being John Loomer. Supt. Madigan recommended John Loomer for the position of Provisional Sewer Dept. Foreman. Selectman Fay based upon Supt. Madigan's recommendation moved the Board appoint John Loomer as the

provisional foreman to the Sewer Division of the DPW, with the finalization of his appointment being conditional upon the Selectmen's decision to reassign the former foreman being upheld in both pending appeal or future arbitration, 2nd by Selectman Morrison, Vote: unanimous, so moved.

2. Tata & Howard Electrical Upgrades to the Spectacle Pond Well Site/Construction Phase Services

Supt. Madigan presented and reviewed with the Board the basic services contract for the performance and construction administration services associated with the electrical upgrades at the Spectacle Pond Well site. Supt. Madigan recommended the Contract be awarded to Tata & Howard at the cost not to exceed the total of \$8,000.00. Selectman Sullivan based upon the recommendation of Supt. Madigan moved the Board award the upgrades to the Spectacle Pond Well Site to Tata & Howard for the total cost not to exceed \$8,000.00, 2nd by Selectman Fay, Vote: unanimous, so moved.

3. Long Pond Dam-Patrick Hughes requested Supt. Madigan status of dam. Supt. Madigan stated he just completed and submitted to the Selectmen's Office earlier today two (2) alternatives re: Long Pond Dam for the Selectmen's review and determination.

Agenda Item #5. – Smith Land-Town's Right of First Refusal-Public Meeting

The Board met with Steven Smith, Richard Smith, Beverly Smith and Justin McCarthy-Atty. For the Smith family and Town Counsel Jean McKnight. Chairman Bresnahan requested the Public Notice be read into the record by the Clerk. Selectman Sullivan read the Public Notice published in the Nashoba Publications into the record. Chairman Bresnahan opened the Public Meeting by requesting Ms. Scheipers give brief background of proposal and update Board to the status of the project. Ms. Scheipers updated the public to the Smith Family submitting notice to the Town of Ayer in Jan. 04 re entering into a Purchase & Sales Agreement for the sale of 68 acres of land on Old Groton Rd., Ayer, MA pursuant to M.G.L. C61A s 14 and a 120 statutory period would commence upon receipt of this notice-the first refusal option. Buyers: Calvin Moore & Stephen Gillis plan to develop an active adult condominium development containing 55 unit of which two units will be "affordable", property to have a conservation restriction on 56 acres and Public Access on 10 acres. Selectman Sullivan suggesting a Covenant is established in writing with the Smiths to establish a good faith agreement with Planning Board approvals built in to protect community. Mr. Eliades spoke under Public comments to Land for Public Trust needing to be invited into discussions by Board of Selectmen. Conduct joint meeting with Planning Board, Conservation Commission to protect land. Steven Smith speaking on behalf of the Smith family stated his concern re tone of Selectman Sullivan's proposed Agreement just one more level of requirements. Selectman Sullivan moved the Board not take any action on the Town's Right of First Refusal with the understanding the door is open once the buyer's agreement has been met, no 2nd to this motion. Selectman Bresnahan asked for comments re help from Land for Public Trust. Mr. Steven Smith commented that he and Mr. Eliades spoke with them and the most t hat they would do is help Ayer raise the money. They would not contribute money. Selectman Fay moved the Board vote to not have the Town of Ayer exercise it's right to purchase the property known as the Smith Land, as allowed under MGL Chapter 61 Section 14 or any other applicable section of law, 2nd by Selectman Maxant, VOTE: Selectman Fay aye, Selectman Maxant aye, Selectman Morrison aye, Chairman Bresnahan aye, Selectman Sullivan no 4-1 motion passes.

Agenda Item #6. Community and Economic Development Director's Report

1. **Subordination Request-** The Board met with Tim Hansen, Program Manager re: Subordination Request of Case #Fy98-96 for 40 Groton School Rd., Ayer, MA Home owner refinancing obtaining new mortgage of \$98,695.00 and home equity line of credit of \$21,647.00, the Town's current lien \$29,376.00, the Town's five year lien is due to expire in 2005. Selectman Morrison based upon the recommendation of Mr. Hansen and approval of Mr. Suhoski moved the Board approve the Chairman's endorsement of the subordination of the Certificate Not To Encumber to new first mortgage in the maximum amount of \$120,612.00, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
2. **Housing Development Support Program Grant-Administrative Budget**
The Board met with Shaun Suhoski. The Board approved Mr. Suhoski's Housing Development Support Program Grant approved by the State for a 10% weekly stipend for the Economic Development Director to train the CDBG staff in implementing the first-ever HDSP Grant in Ayer to provide overall

management of both the project and its finance which reflects estimated four hours per week of time spent on the project. Stipend to reflect \$5,176.10 or 10% of current salary if salary changes to supplement his base salary only during the duration of the grant. Selectman Sullivan moved the Board vote to ratify Mr. Suhoski's HDSP stipend presented in a document dated 5-13-04 to the Board of Selectmen, Selectman Morrison, VOTE: Selectman Sullivan aye, Selectman Morrison aye, Selectman Fay aye, Chairman Bresnahan aye, Selectman Maxant no, 4-1 motion passes.

Agenda Item #7 Town Administrator's Report

Ms. Scheipers presented Eastern General's Contract to the Board, the low bidder, for the fire Station construction for the Board's approval and to authorize the Town Administrator to send a notice to proceed. Motion made by Selectman Morrison, to award the Fire Station Construction contract to Eastern General and authorize the Town Administrator to send Eastern General notice to proceed 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

1. **Treasurer's Request-** Dependent Care Assistance Program-The Board deferred the decision on the discontinuance request effective 6-1-04 submitted by the Treasurer due to lack of understanding of the reason.
2. **Reserve Fund Transfer Request-Veteran's Agent-**The Board approved a Reserve Fund Transfer submitted by Manuel Velez-Veteran's Agent in the amount of \$3,900.00 due to account having four new cases which was not anticipated. Motion to approve made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved. The Board requested the Reserve Fund Transfer be submitted to FinCom for their review.
3. **Town Safety Coordinator-**The Board appointed Town Administrator-Anita Scheipers as the Town's Safety Coordinator mandated by the Town's Insurance Carrier-MIAA for Loss Control Program Credit. Motion to approve made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.
4. **Quiet Zone-**Ms. Scheipers updated the Board to a request being submitted by resident to establish a "Quiet Zone" on Rt 2A vicinity of Hatch St. due to school children urging passing truck drivers to blow their horns per arm signals given by children waiting for school buses. Resident having sleeping disability and urging sign is put up. Chief Rizzo submitting his findings of no regulation prohibiting this activity stating any sign put up would only be advisory not enforceable. Chief Rizzo encouraging MA Highways respond to this, not the Town. The Board requested Chief Rizzo to contact MA Highways on behalf of the Town for permission to erect "Quiet Zone Sign" and have Police Dept. speak to parents of children waiting at the bus stop to discontinue this practice. Motion made by Selectman Maxant, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
5. **Fitchburg Rd.-Speed Zone-Speed Trap** -Selectman Bresnahan advised Board to speed zone set for 3/4 mile on Fitchburg Rd. at Airport gate feeling "speed trap" and requesting Chief Rizzo look into and report back to the Board. Motion made by Selectman Morrison, 2nd by Selectman Sullivan, Vote: unanimous, so moved.

Selectmen's Questions/New Business

Selectman Sullivan:

1. Sewer Study Committee -Devens invite SIU's
2. UDAG update by Town Accountant requested-10-15 year projections.

Chairman Bresnahan:

1. Look into Capital Committee-Citizens Advisory formed to assist/critique Capital Articles prior to Town Meeting i.e. purchases of Town equipment suggesting residents such as Mr. Pinard, Richard Gerace, Jack Madigan and Andy Burnham be contacted to serve and work with these residents to develop and implement specifications for purchases and schedule for maintenance.

Selectman Maxant:

1. Town Liquor License Review- how many needed in Town and Esthetic of building/s
2. Selectman Maxant took this opportunity to state he wished to set record straight re. telephone call from him to Mohammed Khan and subsequent recent meeting last week. Selectman Maxant requested Selectman Morrison who attended last weeks meeting with him to answer to Selectman Maxant's

Selectmen's Meeting Minutes
Tuesday, May 18, 2004
Ayer Town Hall, 1st Floor Meeting Room, Main Street

*Original
Minutes*

7:00p.m. Open Session

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

Agenda Item #1. -Public Input-

Chairman Fay requested if there was anyone present wishing to meet with the Board.

1. Rick Gillis re: Town Hall Roof Repair-recommendations were received re: replacement of slate, copper flashing recommending budgeting each year to replace slate, look into solar electric roof/generates electricity for building, hot water savings. Suggested forming a sub-committee regarding volunteer input, would like to be part of such a committee. The Board thanked Mr. Gillis for coming in to meet with the Board and sharing his thoughts and volunteering his services.
2. Faye Morrison-took this opportunity to thank everyone involved with High School's Democracy class-Rock the Vote concert and voter registration held this past Saturday, May 15, 2004 in front of the Ayer Town Hall. Thank you's were extended to: Mr. Radcliff-High School Democracy Class teacher, students, band, Representative Hargraves, Senator Resor for their stopping by and promoting program put on by Ayer High School students, Town Hall staff: Susan Sullivan, Ann Callahan-Town Clerk. The day was a huge success and great community service day. Chairman Bresnahan thanked Selectman Morrison for her part in the project.
3. Pauline Conley-Presented and read into the record an alleged Open Meeting Violation conducted on May 5, 2004 by the Community Preservation Committee members alleging violation of Quorum. Ms. Conley also requested non-reappointment of Mr. Hughes and Ms. Morrison to the CPC. Mr. Hughes and Ms. Morrison denied lack of quorum asserting five members present at all times, and no votes/decision taken or made improperly.

Agenda Item #2. -Reorganization of the Board of Selectmen

Chairman Fay reflected upon his past year as Chair and expressed his thanks to the Board for their support. Chairman Fay called for nominations for position of Chairman. Selectman Morrison moved the Board elect Paul Bresnahan to the position of Chairman, 2nd by Selectman Maxant, vote: unanimous, so moved. Chairman Fay called for nominations for Vice-Chair. Selectman Sullivan moved the Board elect Selectman Morrison to the position of Vice-Chair, 2nd by Selectman Bresnahan, Vote: unanimous, so moved. Chairman Fay called for nominations for Clerk. Selectman Morrison moved the Board elect Selectman Sullivan as Clerk, 2nd by Selectman Bresnahan, Vote: unanimous, so moved. Chairman Bresnahan thanked the Board for their vote of confidence in him and thanked Chairman Fay and Clerk Morrison for their good work the prior year.

Agenda Item #3. -Minutes

Selectman Sullivan moved the Board approve the Minutes of May 4, 2004 and April 20, 2004, 2nd by Selectman Morrison, Vote: unanimous, so moved. Selectman Maxant requesting to elaborate on the Minutes of 5-4-04, re: MBTA discussion, rebutting/clarifying allegations recorded and recounted at this past Thursday's, May 13, 2004, meeting with Mohammed Khan. This was deferred to New Business/Selectmen's Questions.

Agenda Item #4. -Supt. Madigan's Report

The Board met with Supt. Madigan.

1. Sewer Dept. Foreman Appointment- Supt. Madigan updated the Board to his memo dated 5-10-04 re John Loomer has been acting Sewer Dept. Foreman for the past two (2) weeks and doing a good job. Mr. Loomer has been a DPW employee for the past sixteen (16) years working his way up the ladder within the Sewer Dept. having acquired all required licenses. The Sewer Dept Foreman position was posted internally and only one person expressed interest in this position-that being John Loomer. Supt. Madigan recommended John Loomer for the position of Provisional Sewer Dept. Foreman. Selectman Fay based upon Supt. Madigan's recommendation moved the Board appoint John Loomer as the

provisional foreman to the Sewer Division of the DPW, with the finalization of his appointment being conditional upon the Selectmen's decision to reassign the former foreman being upheld in both pending appeal or future arbitration, 2nd by Selectman Morrison, Vote: unanimous, so moved.

2. **Tata & Howard Electrical Upgrades to the Spectacle Pond Well Site/Construction Phase Services**
Supt. Madigan presented and reviewed with the Board the basic services contract for the performance and construction administration services associated with the electrical upgrades at the Spectacle Pond Well site. Supt. Madigan recommended the Contract be awarded to Tata & Howard at the cost not to exceed the total of \$8,000.00. Selectman Sullivan based upon the recommendation of Supt. Madigan moved the Board award the upgrades to the Spectacle Pond Well Site to Tata & Howard for the total cost not to exceed \$8,000.00, 2nd by Selectman Fay, Vote: unanimous, so moved.
3. Long Pond Dam-Patrick Hughes requested Supt. Madigan status of dam. Supt. Madigan stated he just completed and submitted to the Selectmen's Office earlier today two (2) alternatives re: Long Pond Dam for the Selectmen's review and determination.

Agenda Item #5. – Smith Land-Town's Right of First Refusal-Public Meeting

The Board met with Steven Smith, Richard Smith, Beverly Smith and Justin McCarthy-Atty. For the Smith family and Town Counsel Jean McKnight. Chairman Bresnahan requested the Public Notice be read into the record by the Clerk. Selectman Sullivan read the Public Notice published in the Nashoba Publications into the record. Chairman Bresnahan opened the Public Meeting by requesting Ms. Scheipers give brief background of proposal and update Board to the status of the project. Ms. Scheipers updated the public to the Smith Family submitting notice to the Town of Ayer in Jan. 04 re entering into a Purchase & Sales Agreement for the sale of 68 acres of land on Old Groton Rd., Ayer, MA pursuant to M.G.L. C61A s 14 and a 120 statutory period would commence upon receipt of this notice-the first refusal option. Buyers: Calvin Moore & Stephen Gillis plan to develop an active adult condominium development containing 55 unit of which two units will be "affordable", property to have a conservation restriction on 56 acres and Public Access on 10 acres. Selectman Sullivan suggesting a Covenant is established in writing with the Smiths to establish a good faith agreement with Planning Board approvals built in to protect community. Mr. Eliades spoke under Public comments to Land for Public Trust needing to be invited into discussions by Board of Selectmen. Conduct joint meeting with Planning Board, Conservation Commission to protect land. Steven Smith speaking on behalf of the Smith family stated his concern re tone of Selectman Sullivan's proposed Agreement just one more level of requirements. Selectman Sullivan moved the Board not take any action on the Town's Right of First Refusal with the understanding the door is open once the buyer's agreement has been met, no 2nd to this motion. Selectman Bresnahan asked for comments re help from Land for Public Trust. Mr. Steven Smith commented that he and Mr. Eliades spoke with them and the most t hat they would do is help Ayer raise the money. They would not contribute money. Selectman Fay moved the Board vote to not have the Town of Ayer exercise it's right to purchase the property known as the Smith Land, as allowed under MGL Chapter 61 Section 14 or any other applicable section of law, 2nd by Selectman Maxant, VOTE: Selectman Fay aye, Selectman Maxant aye, Selectman Morrison aye, Chairman Bresnahan aye, Selectman Sullivan no 4-1 motion passes.

Agenda Item #6. Community and Economic Development Director's Report

1. **Subordination Request-** The Board met with Tim Hansen, Program Manager re: Subordination Request of Case #Fy98-96 for 40 Groton School Rd., Ayer, MA Home owner refinancing obtaining new mortgage of \$98,695.00 and home equity line of credit of \$21,647.00, the Town's current lien \$29,376.00, the Town's five year lien is due to expire in 2005. Selectman Morrison based upon the recommendation of Mr. Hansen and approval of Mr. Suhoski moved the Board approve the Chairman's endorsement of the subordination of the Certificate Not To Encumber to new first mortgage in the maximum amount of \$120,612.00, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
2. **Housing Development Support Program Grant-Administrative Budget**
The Board met with Shaun Suhoski. The Board approved Mr. Suhoski's Housing Development Support Program Grant approved by the State for a 10% weekly stipend for the Economic Development Director to train the CDBG staff in implementing the first-ever HDSP Grant in Ayer to provide overall

management of both the project and its finance which reflects estimated four hours per week of time spent on the project. Stipend to reflect \$5,176.10 or 10% of current salary if salary changes to supplement his base salary only during the duration of the grant. Selectman Sullivan moved the Board vote to ratify Mr. Suhoski's HDSP stipend presented in a document dated 5-13-04 to the Board of Selectmen, Selectman Morrison, VOTE: Selectman Sullivan aye, Selectman Morrison aye, Selectman Fay aye, Chairman Bresnahan aye, Selectman Maxant no, 4-1 motion passes.

Agenda Item #7 Town Administrator's Report

1. **Treasurer's Request-** Dependent Care Assistance Program-The Board deferred the decision on the discontinuance request effective 6-1-04 submitted by the Treasurer due to lack of understanding of the reason.
2. **Reserve Fund Transfer Request-Veteran's Agent-**The Board approved a Reserve Fund Transfer submitted by Manuel Velez-Veteran's Agent in the amount of \$3,900.00 due to account having four new cases which was not anticipated. Motion to approve made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved. The Board requested the Reserve Fund Transfer be submitted to FinCom for their review.
3. **Town Safety Coordinator-**The Board appointed Town Administrator-Anita Scheipers as the Town's Safety Coordinator mandated by the Town's Insurance Carrier-MIIA for Loss Control Program Credit. Motion to approve made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.
4. **Quiet Zone-**Ms. Scheipers updated the Board to a request being submitted by resident to establish a "Quiet Zone" on Rt 2A vicinity of Hatch St. due to school children urging passing truck drivers to blow their horns per arm signals given by children waiting for school buses. Resident having sleeping disability and urging sign is put up. Chief Rizzo submitting his findings of no regulation prohibiting this activity stating any sign put up would only be advisory not enforceable. Chief Rizzo encouraging MA Highways respond to this, not the Town. The Board requested Chief Rizzo to contact MA Highways on behalf of the Town for permission to erect "Quiet Zone Sign" and have Police Dept. speak to parents of children waiting at the bus stop to discontinue this practice. Motion made by Selectman Maxant, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
5. **Fitchburg Rd.-Speed Zone-Speed Trap** -Selectman Bresnahan advised Board to speed zone set for 3/4 mile on Fitchburg Rd. at Airport gate feeling "speed trap" and requesting Chief Rizzo look into and report back to the Board. Motion made by Selectman Morrison, 2nd by Selectman Sullivan, Vote: unanimous, so moved.

Selectmen's Questions/New Business

Selectman Sullivan:

1. Sewer Study **Committee** -Devens invite SIU's
2. UDAG update by Town Accountant requested-10-15 year projections.

Chairman Bresnahan:

1. Look into Capital Committee-Citizens Advisory formed to assist/critique Capital Articles prior to Town Meeting i.e. purchases of Town equipment suggesting residents such as Mr. Pinard, Richard Gerace, Jack Madigan and Andy Burnham be contacted to serve and work with these residents to develop and implement specifications for purchases and schedule for maintenance.

Selectman Maxant:

1. Town Liquor License Review- how many needed in Town and Esthetic of building/s.
2. Selectman Maxant took this opportunity to state he wished to set record straight re: telephone call from him to Mohammed Khan and subsequent recent meeting last week. Selectman Maxant requested Selectman Morrison who attended last weeks meeting with him to answer to Selectman Maxant's question to Mohammed Khan at last weeks meeting if Selectman Maxant told him (Mohammed Khan) there was opposition in Town to MART Station. Selectman Morrison stated Mohammed Khan stated no he (Selectman Maxant) did not. Selectman Maxant said other charges (5/4 meeting) were imaginary, out of thin air. Their source is completely unreliable.)

Selectman Fay:

1. Urging the Board have Building/Zoning Officer-Gabe Vellante reinforce by-law to have properties clean up in Town, have Gabe make assessment of Town businesses /home per street that need cleaning up and have Mr. Vellante in at the next Selectmen's Meeting on June 1st.
2. Safety problem Hatch Street caused by fence-motorist having to pull out into traffic to see around fence. Have Chief review and report back on his findings/recommendations.

9:25p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 30 Section 23B, Exemption #3 re: contract negotiations to adjourn from Executive Session to re-enter Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Morrison, Vote: Selectman Sullivan aye, Selectman Morrison aye, Selectman Maxant aye, Selectman Fay aye, Chairman Bresnahan aye, so moved.

9:30 p.m. Open Session ended.

DATE: _____

Cornelius F. Sullivan, Clerk
AYER BOARD OF SELECTMEN