

Selectmen's Meeting
Tuesday, May 3, 2005
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

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

Public Interest:

Chairman Bresnahan requested if there was anyone present wishing to speak under Public Input:

1. George Bacon, Chairman, Conservation Commission, re permission to utilize Town Counsel's services re Conservation Commission's negotiations with Sandy Pond III. The Board approved this request not to exceed (2) two hours of Town Counsel services.
2. David Bodurtha-Questioned why there were so many undelivered Spring Town Meeting Warrants by Post Office, and advising residents to come into Town Hall to receive a copy if they did not receive theirs in the mail. Mr. Bodurtha advised to Clerk's Office and Selectmen's Office having undelivered copies from Post Office in their offices.
3. Selectman Maxant- No Turning Sign request from unhappy residents in the Sandy Pond Rd./Westford Rd. area. Residents are requesting warning signs be placed along Rt2A and traffic circle alerting trucks to no turning allowed in these areas of Town, requesting Chief Rizzo's be involved in the process. Selectman Maxant also requested crosswalk painting is done as soon as possible in Town requesting DPW to look into no skid paint (rough surface paint) due to crosswalks being very slippery in wet weather.
4. Selectman Morrison updated the Board to her participation this past Saturday at Gillette Stadium working with Volunteers from the 4th of July Committee in the Boston Common's Stand making pizza and hotdogs for the crowd at the N.E. Soccer Revolution Games. Selectman Morrison advised to the Committee receiving a percentage of the sales during the games toward the Town of Ayer's 4th of July Celebration. Selectman Morrison encouraging others to do same/volunteering their time.
5. Selectman Bresnahan requesting permission to place a sign in front of Town Hall for the 5 mile run through Ayer & 3 mile walk Saturday, May 7, 2005 for the Janis Bresnahan Run for Education first annual event-proceeds to go to the Education Foundation. The Board approved of this request.

Agenda Item #2. Minutes

The Minutes of 4-5-05 were read and accepted. Motion to approve made by Selectman Sullivan 2nd by Selectman Morrison, VOTE: unanimous, so moved. The Minutes of 4-19-05 were read and accepted. Motion to approve made by Selectman Sullivan, 2nd by Selectman Morrison, VOTE: unanimous, so moved. The Executive Session Minutes of 4-19-05 were read and accepted. Motion to approve made by Selectman Sullivan 2nd by Selectman Morrison, VOTE: 4-1. Selectman Conley abstained.

Agenda Item #3 Board of Health-re Appointment

The Board met with Margaret Kidder, Chairman of the Board of Health who advised Board of need to fill vacancy due to Ms. Fritz moving out of Town and Mr. Fredericks retiring from Board and new member Marilyn McMiller elected on April 25th. Ms. Kidder requested Mary Spinner be appointed to serve on the Board of Health until next election (April 2006). Selectman Sullivan requesting if vacancy was posted/advertised? Ms. Kidder reviewed with the Board the timing constraints/vacancies occurring at the same time forcing lack of quorum. Selectman Conley moved the Board appoint Mary Spinner to the Board of Health until the next election April 2006, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #4. Office of Community & Economic Development

1. Spaulding Building

The Board met with Shaun Suhoski and Calvin Moore re the Spaulding Building-Program Amendment and Grant extension. The Board reviewed with Mr. Moore modifications plans for the second floor of the Spaulding Building's restoration plans which reduces the number of residential units from eight to seven units to allow a laundry room and storage areas for the tenants. This amendment would serve to extend the period of performance for the grant to June 30, 2006 in order to complete the estimated ten (10) month

construction phase. Selectman Maxant questioned the TIF Agreement requirements/regulations approved for this project by Town Meeting. Mr. Suhoski reviewed with the Board TIF Regulations prompted by Selectman Morrison requesting to affirm state regulations are being met with this amendment re safety & performance. This being verified by Mr. Suhoski that the project met and enhanced the project and could not identify any negative impacts to the Town or residents as a result of the proposed amendment. Selectman Sullivan moved the program amendment and extension request to the State Dept. of Housing & Community Development, to reduce the scope of work from eight units to seven units, and extend the period of performance to June 30, 2006 and authorize the Chairman to execute the program amendment and extension, 2nd by Selectman Morrison, VOTE: Selectman Morrison aye, Selectman Sullivan aye, Selectman Conley aye, Chairman Bresnahan aye, Selectman Maxant no, 4-1 motion carries.

2. Town Hall Roof-The Board met with Rick Gilles representing the Town Hall Roof Committee. Mr. Gilles presented the analysis and recommendation of the Town Hall Roof Committee re the outcome of 4-25-05 Election ballot question and its failing. Mr. Gilles stated it was felt that many of the voters did not understand the question on the ballot regarding the roof replacement, and that the ballot was not clear enough to what was being asked and the third the process lacked a clear explanation and recommendation. An explanation should have been posted near the voters so they could have better understood, and committee members were advised by voters they were left with no option but to vote no. Mr. Gilles stated the Committee developed several courses of action to be presented this evening in the best interest of the Town depicting pro's & con's of each option on handout to Board.

1. Reduce amount of roof replacement project by \$75K with CPA transfer and request 2/3 vote to conduct a Special Election to approve the roof replacement.

PRO

Saves development cost, retains current bid, allows completion this year, reduces tax hit.

CON

Cost of Election, re-voting confusion/anger

2. Ask Town Meeting to choose option of financing roof replacement **A.** Capital Exclusion (1 year 1 time) **B.** Debt Exclusion borrow & payback over 20 years

PRO

Helps maximum number of taxpayers with tax hit

CON -none

3. Reduces scope of roof replacement from slate to asphalt or faux slate and include language of #1.

PRO

Reduces overall tax hit to taxpayers-completed in 1/yr

CON

Cost of election, re-voting confusion, lost of \$70K development cost, faux slate inferior replaced within 5/yr., asphalt will cost \$300-\$400K more over next 100/yr., doesn't meet historic funding requirements and requires re-bidding re revisions of specs.

4. Wait until fall to place on Fall Town Meeting and conduct Special Election.

PRO-noneCON

May not be allowed by law, replacement delayed one year, \$70K lost, additional re-bidding & inflation costs, damage to Town Hall & repair costs

5. Wait one year to re-submit roof replacement to Town in FY-07.

PRO-noneCON

\$70K lost, replacement delayed one year, re-bidding/inflation additional costs, damage & repair additional costs to Town Hall

Mr. Gilles reviewed lowering cost of contingencies of \$50K could also be considered to be removed from architects proposal i.e. historic pattern and lightning protection system. Mary Spinner advising to Page School roof costing Town \$600K in 1996 and Middle School costing town \$775K stating Town Hall Roof cost is not outrageous. Selectman Conley requesting bond counsel's recommendation be considered prior to vote re Town Counsel's recommended amendment language, which was placed in the form of a motion, 2nd for discussion, the Board feeling that Bond Counsel advice was received by Town Counsel. VOTE: 4-1 motion fails. Mr. Gilles advising to the Town Hall Roof Committee's recommendation of Option 1A. Chairman Bresnahan read into the record Town Counsel's amendment language to be read prior to Article 17 should amendment fail then board to revert back to original article 17. language. The Town appropriate \$525K to complete the Town Hall Roof replacement and necessary repairs to the Town Hall Roof, and that

to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum pursuant to GL c44 s 7 or 8, or any other applicable statutory authority; provided, however, that the borrowing authorized under this article shall be contingent upon passage of a Proposition 2 ½ debt exclusion referendum question in accordance with GL c59 s21C(k). Selectman Conley moved the Board approve the recommendation of Town Counsel and Town Hall Roof Committee by reducing the Town Hall Roof Replacement appropriation by \$75K in CPC funds and should Article 17 pass request the Town Clerk to hold Special Election before 6-30-05 to re-vote roof replacement & repair, 2nd by Selectman Maxant, VOTE: unanimous, so moved

Agenda Item #5. Devens Disposition Evaluation Criteria - The Board voted to approve the finalized Devens Disposition Criteria with the understanding any further changes resulting from the various sub-committees working on aspects of the disposition will be forwarded to the Ayer Board of Selectmen and to advise the Devens Disposition Executive Board to two (2) areas they wish to review further those being North Post-Air Field, and environmental protection of land in Ayer. Selectman Maxant moved to propose changes to Scenerio One, Completion of the Reuse Plan, Block five on page one regarding McPherson Rd., no second. Mr. Suhoski recommended changes to Scenerio One, completion of the Reuse Plan, Block one on page one regarding north post as outlined in his May 28, 2005 memo to the Board. Selectman Morrison requested stronger language that Ayer wants jurisdiction of the former Moore Air Field portion of the North Post returned to the Town subject to any proposals no matter which disposition is decided upon, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Selectman Sullivan moved the Board invite Patrick Hughes to the next meeting to meet with the Board re any negative impacts of development on Devens and include in the criteria Conservation Restriction developed by the Ayer Conservation Commission, 2nd by Selectman Morrison, VOTE: unanimous, so moved. Selectman Conley proposed stronger language than the word "use" in Scenerio One, Open Space and Recreation, Block One on page 5, indicating she will try to come up with something for the next discussion. Mr. Suhoski presented the Board the Devens Disposition Executive Board's Grant Break out prepared by VHB for the Grant funding not to exceed \$175K and expenses not to exceed \$10,300.00. Motion to approve the fee breakout as presented made by Selectman Morrison, 2nd by Selectman Sullivan, VOTE: Selectman Morrison aye, Selectman Sullivan aye, Chairman Bresnahan aye, Selectman Conley abstained, Selectman Maxant no, motion passes with 3 ayes, 1 abstention, and 1 no.

Agenda Item #6. Reserve Fund Transfer-Veteran's Agent-Manuel Velez (the Board went off the posted Agenda to take up the Veterans Reserve Fund Transfer per Selectman Sullivan's request).

Mr. Velez requested a Reserve Fund Transfer in the amount of \$1,200.00 for salaries, flags for Memorial Day, and office supplies through Fy-05 due to unexpected and unforeseen purchases during the year which were not taken into consideration when changes were made to funding Veterans Services. Selectman Conley questioned the balance depicted on the request form remaining in his account \$1,306.82 and need for transfer. Town Accountant Lisa Gabree present for the discussion explained to the Board that Mr. Velez has only \$10.00 in his account to date and need of transfer to cover additional purchases necessary. Selectman Conley suggested the Board cross out the amount of \$1,306.82 on Reserve Fund Request depicted as present balance in budget presented by Mr. Velez and insert the amount of \$10.00 as stated by the Town Accountant. Motion to approve the Reserve Fund Transfer in the amount not to exceed \$1,200.00 for Veterans Services made by Selectman Conley 2nd by Selectman Maxant VOTE: unanimous, so moved.

Agenda Item #5. Supt. Madigan's Report-The Board met with Supt. Michael Madigan. Supt. Madigan's first order of business was to congratulate Selectman Pauline Conley to the Board of Selectmen.

1. **Slow Children's Sign-Grosvenor Street**- The Board approved the Slow Children's Sign and associated cost for placing a "Watch Children at Play" sign at Grosvenor St. recommended by Chief Rizzo for total cost of \$90.00 per sign. Selectman Conley moved the Board approve \$180.00 from the DPW budget, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
2. **Stratton Hills Water Tank Siting** - Supt. Madigan updated the Board to background re Town's 3rd water tank proposed siting north of Wright Rd. as part of the Stratton Hill development. The Board reviewed plan of land presented by Supt. Madigan, sitting in for the discussion Patrick Hughes of the ConCom who gave the Board ConCom's review and decision re area, buffer, conservation NHESP permit restrictions, erosion, storm water management plan, stabilization of site, donated properties subject to Article 97 of MGL, deed and permit

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restrictions for the proposed third tank being sited at the highest ground elevation approximately 410.0 feet for the 1.5MG/tank. Proposed tank would be 32 feet high and 90 feet in diameter. Supt. Madigan stated for the record it is his recommendation the Town of Ayer designate Wright Rd. for the proposed location for a future water storage tank. Selectman Sullivan moved the Board request the Conservation Commission be invited to meet with the Board re the Commission's proposal. Selectman Conley requested information be submitted by the ConCom at least a week before prior to the meeting for review by the Board and Supt. Madigan to discuss best location for water tower and access road and return to Board of Selectmen for approval. 2nd by Selectman Morrison, VOTE: unanimous, so moved.

3. Willows Development-40B/Willows Rd. the Board met with Mark O'Hagen re Water Tower expansion plans at Ridge View Heights. Mr. O'Hagen reviewed with the Board preliminary meetings (2) held with Supt. Madigan, Ms Scheipers and developer Mr. Roper to develop a mutually agreeable solution to increase the Water Tank from one million gallon (1MG) to one million and half gallons (1.5MG) estimated at \$250K cost. Mr. O'Hagen advised the Board to 25% of the homes to be sold at affordable/reduced prices, and Zoning Board has requested an additional roadway within the project and advised by the DPW that inspection fees will be increased for work. Mr. O'Hagen requested relief explaining connection fees (\$1,500per unit) water and sewer (\$1,400) per unit) for a total of \$2,900/per unit or \$272K for project. Mr. O'Hagen requested the Board waive the fees for one half of the homes (47 units) this would provide sufficient funds (approximately \$136K) for connection fees and would save the Town a substantial amount securing the additional water tower capacity it seeks. Willows would pay \$125K of direct expenses for the tower. Selectman Sullivan offered if affordable/market sales sell the units for \$50K-\$60K more, Town of Ayer would recoup back fees, if worse market value occurs Willows would get waiver. Mr. O'Hagen challenged that Town would get benefit of 1.5 MG tank Selectman Sullivan offered share risks/share portion of sale. Selectman Conley requested Mr. O'Hagen explain that the Town automatically receives any profit over 20%. Chairman Bresnahan requested the Board get their thoughts to Anita and reschedule this matter for two weeks which will give the Board time to review with the ZBA and think about alternate solutions. The Board took this matter under advisement.

Sewer Permits Supt. Madigan recommended the Board's approval for two (2) sewer permits for the Board's review and approval:

1. 99 Sandy Pond Rd.-Single family house advising the Board to applicant current with water and taxes. Selectman Morrison moved the Board approve the sewer permit for 99 Sandy Pond Rd., and authorize the Chairs endorsement, 2nd by Selectman Sullivan VOTE: unanimous, so moved.
2. 12 Jonathan Drive-Title V failure. Selectman Sullivan moved the Board approve the sewer permit for 12 Jonathan Drive based upon Title V failure and recommendation of Supt. Madigan, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

Agenda Item #7. Reserve Fund Transfer-Fire Department

The Board met with Chief Fillebrown re Reserve Fund Transfer for Ambulance Service present for the discussion Lisa Gabree Town Accountant who concurred with need for transfer. Chief Fillebrown advised to need of transfer from the Reserve Fund in the amount of \$7, 101.14 due to unforeseen expenses (medical supplies)/increase in billing fees and EMT Licenses by the Dept. of Public Health and medical transport services. Motion to approve the transfer made by Selectman Conley, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

Agenda Item #8. Spring Town Meeting Warrant Motions

The Board reviewed the Spring Town Meeting Warrant motions stating all the articles will have to amended on the floor per Town Counsel's edits/review. (insert after verbage I move that the Town **(add VOTE TO) AND . UNDER ARTICLES 44-46 ALONG WITH VOTE TO ADD OR OTHER SOURCE)**. The Board voted to amend Articles: 17 add amendment language I move that the Town appropriate the sum of \$600K to complete the roof replacement and necessary repairs to the Town Hall roof, and that to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, be authorized to borrow said sum pursuant to G.L. c44, S7 or 8, or any other applicable statutory authority; provided, however, that the borrowing authorized under this article shall be contingent upon passage of a Proposition 2 ½ Debt Exclusion referendum question in accordance with G.L. c59, s 21C(k). If this motion fails revert back to the original motion.

Article 18, add **to the Fire Station Construction Account** after from the Reserve for a Special borrowing Account. Article 29-change to Selectman Conley to present

Article 30-change to Selectman Maxant to present

Article 32-change to Chief Rizzo to present

Article 34-William Oelfke , Chairman of Planning Board to present

Article 35-George Bacon, Chairman of Conservation Commission to present

Article 36-William Oelfke, Chairman of Planning Board to present

Article 37-George Bacon, Chairman of Historical Commission to present

Article 38-Citizen Petition-Michael Pattenton to present

Article 39-Citizen Petition-Jay Veasie to present

Article 40-Citizen Petition-Maureen Parlon to present

Article 41-Citizen Petition-James Williams to present

Articles 42-46-CPC to present

Agenda Item #9-New Business/Old Business

Article 97-The Board to review documentation presented and take up at their next meeting.

Agenda Item #10 Selectmen's Questions

Chairman Bresnahan announced the meting of the MADEV Board of Directors Meeting postponed earlier rescheduled for May 7, 2005 at 7pm at MADEV.

Chairman Bresnahan also requesting table of contents be corrected in downtown planning proposal.

Selectman Sullivan –Crosswalk painting and street sweeping begin as soon as possible by DPW.

Selectman Conley-Advised the Board to her not accepting Selectmen's stipend and inviting all to do same, feeling Selectmen should not receive stipend especially now with budget constraints.

9:50p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b re Exemption #6 only canceling Exemption #3 Contract Negotiations, 2nd by

Selectman Maxant, VOTE: Selectman Maxant aye, Selectman Sullivan aye, Selectman Morrison aye, Selectman Conley aye, Chairman Bresnahan aye, unanimous, so moved.

9:50p.m. Open Session ended

DATE: _____

Cornelius F. Sullivan, Clerk

AYER BOARD OF SELECTMEN