

Selectmen's Meeting
Tuesday, February 15, 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 Maxant and Selectman Fay. Selectman Sullivan absent due to prior commitment.

Agenda Item #1. Public Input- Chairman Bresnahan requested if there was anyone present wishing to speak under Public Input:

1. Selectman Maxant re-documentation requested at last Selectmen's Meeting from him re Nuclear Waste Facility-The Board requested this issue to be taken up later in meeting.
2. Chairman Bresnahan took this opportunity to apologize to COA Director Karin Swanfeldt re conception he had cut her off during her meeting with the Board on 2-1-05, stating he moved discussions along due to lateness of meeting and if he left that impression he certainly apologized to Ms. Swanfeldt.

Chairman Bresnahan called for a motion to approve the Agenda. Selectman Morrison moved the Board approve the Agenda as amended of 2-15-04, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #2. Minutes of 1-18-05 and 2-1-05 -The Board requested to set the minutes back due to the absence of the Clerk.

Agenda Item #3. Office of Community & Economic Development-The Board met with Timothy Hansen, CDBG Program Manager.

1. **Fy-05 Community Development Block Grant \$800K, Strategy & review of Commercial Rehabilitation Project Packet-** Mr. Hansen updated the Board to notification of funding sent around to all Town Departments on 11-1-04 and a Public Hearing conducted on 11-22-04. Mr. Hansen stated the Office of Community & Economic Development is sponsoring two programs in this round:
 1. Continuation of the Housing Rehabilitation Program (16) units: \$495,200.00
 2. Continuation of the Downtown sign and façade improvement program: \$177,000.00
 3. General Administration and Program Delivery: \$127,800.00Selectman Morrison moved the Board approve the Fy-05 CDBG Grant Application in the amount of \$800k as presented above by Mr. Hansen, 2nd by Selectman Fay, VOTE: unanimous, so moved.
2. **Single Case Waiver Request-** Owner's match waiver request- Mr. Hansen advised to this request – Case # 04-258 being a moderate-income owner-occupied single family home. The client qualified for a 75% deferred payment loan with a fifteen year recapture lien. Selectman Morrison moved the Board vote to approve a waiver of the owner's match requirement for Housing Rehabilitation Case #04-258 based upon the representation of financial hardship detailed by the client. Said waiver shall be conditioned upon client executing a fifteen recapture lien in accordance with program guidelines, 2nd by Selectman Fay, VOTE: unanimous, so moved.
3. **Devens Disposition Executive Board Planning Assistance Grant-**The Board met with Shaun Suhoski who updated the Board to the House & Senate approving the DDEB Planning and Technical Assistance Grant in the amount of \$390K approved by the Towns of Harvard, Shirley and Ayer. The Town of Ayer being designated as the fiscal agent. Mr. Suhoski advised the Board to meeting with Town Accountant re setting up account. Mr. Suhoski requested the Board's authorization and approval of award of contract under this Grant for the creation of the Web Site to provide information on the DDEB and its subcommittees. Mr. Suhoski recommended the Board to approve the Web site design contract to Worth A. Robbins, Jr. d/b/a The Macoun Group and to authorize the Chairman's signature on the contract. Motion to approve Mr. Suhoski's above recommendation made by Selectman Morrison, 2nd by Selectman Fay, VOTE: Unanimous, so moved.

Agenda Item #4. Supt. Madigan's Report

1. Swap Shed-The Board met with Supt. Michael Madigan

Present for the discussion: Phyllis Palvio, Marjorie Burton, Robert and Maureen Smith, Michael Pattenden, Daniel Peterson and Mr. & Mrs. Dooley. Supt. Madigan reviewed with the Board the background re shed. Swap Shed was a gift from the Moore family ten to fifteen years ago. Shed is currently housed at the Transfer Station in the recycling area. **Supt. Madigan stated** the shed represents a valuable service to Town residents. Supt. Madigan stated his frustrations with shed and abuse of it by local residents i.e public safety concerns with traffic being blocked by cars/trucks from recycling ramp to Groton Harvard Rd. and too many altercations by residents. Supt. Madigan stated problems arising from use/abuse of the swap shed are not new referencing complaints of a year ago which lead to posting policy at shed-advising residents at that time if complaints continued the swap shed would be closed. Supt. Madigan again stated his frustration dealing with squabbling residents requiring employees at the Transfer Station to act as arbitrator/referee/watchdog of the swap shed. Supt. Madigan's stated his recommendation to the Board to close swap shed. **Chairman Bresnahan stated that he thinks there are many residents who consider the Swap Shed a very valuable recycling service.** Chairman Bresnahan stated the Board was not going to take comments this evening but rather suggested policies be developed by organizing a group of 5-7 people to meet with Supt. Madigan i.e. Ruth Rhonemus, John Sullivan, and perhaps a few of the residents present. Selectman Fay volunteered his services to this committee as the Board's liaison. Supt. Madigan to develop list and contact individuals to serve on this committee. The committee/group to come back to the Board with recommendations to policies.

2. Remaining Unsewered Areas/Town of Ayer

Supt. Madigan reviewed with the Board the 13 areas of Town which remain unsewered advising to none of the areas complaining about septic tank problems or failures recommending that the individual areas be handled as separate Capital Projects and only when there are requests from people living in the individual areas.

Areas identified were: Groton Shirley Rd- 20 houses, Fitchburg Rd. numerous commercial establishments, Washington St.(Old Groton Rd.)-could be serviced by Autumn Ridge Development, Snake Hill Rd., 3-4 houses could be serviced by Ridgeview Development, Barnum Rd. few commercial establishments, Harvard Rd. 4-6 houses, Shaker Rd., 2-3 houses & one commercial building, Littleton Rd could be serviced by Littleton Lyne Apartments, Westford Rd., several houses & commercial establishments, Sandas Point Several houses, Willow Rd-could be serviced by 40-B development and Fitchburg Rd-5-9 homes. The Board took this matter under advisement. Motion made by Selectman Maxant, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Chairman Bresnahan took this opportunity to recognize Representative Hargraves and advise residents to Representative Hargraves conducting Office Hours this evening at the Ayer Town Hall from 7-8pm.

The Board went off the posted Agenda due to being ahead of time and took up Agenda item #6.

Agenda Item #6. Devens Disposition Executive Board Updates/MOU

Chairman Bresnahan reviewed with the Board the process by which the six "stakeholders" develop the final proposal for voting on the decision of disposition (Towns of Ayer, Shirley, Harvard, MDFA, DEC, and Devens residents). Chairman Bresnahan advising to Agreement now being translated into a Memorandum of Understanding-MOU. (Chairman Bresnahan stated for the record that Town Counsel has advised us that this is not a legally binding document). Selectman Fay requesting the last paragraph of the MOU be revised to include the three Towns Board of Selectmen re amendment process of the MOU. Chairman Bresnahan to take back to the DDEB this request for amendment. Chairman Bresnahan called for a vote to approve the MOU with amendment that any future amendment/s need full board approval, not at JBOS. Motion to approve MOU made by Selectman Morrison, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

The Board still being ahead of time took up the Town Administrator's Report

Agenda Item #8. Town Administrator's Report-The Board met with Anita Scheipers

1. **Rescheduled Budget Hearing-**The Board voted to support Ms. Scheipers request to delay the FY-06 Capital & Budget Hearing until March 22, 2005, due to the School not voting their budget until March 21, 2005. Motion to approve made by Selectman Fay, 2nd by Selectman Morrison, VOTE: unanimous, so moved. Selectman Morrison updated the Board to MMA's budget presentation at the Annual Meeting in Boston and advising to MMA willing to come out and conduct a workshop.

It being 7:45p.m. the Board reverted back to Agenda Item #5 to meet with the Conservation Commission.

Agenda Item #5. Conservation Commission-Stratton Hill Conservation Restrictions

The Board met with George Bacon, Chairman, Patrick Hughes, Keith Saxon and David Bodertha. The Commission stated they were before the Board due to impasse between the Town and the National Heritage Assoc re Conservation Restriction with Stratton Hill subdivision's deeding of 130 acres within their development to the Town as Open Space. Mr. Hughes advised to the State raising three questions relative to the language in the document which has held up developer David Moulton's work on the project. Concerns raised by State: 1. Town of Ayer designate a specific parcel of land as the spot for a third possible **water tower site** in the Open Space designation. 2. The Town of Ayer's reserving the right to drill public drinking water wells with this Open Space. Supt. Madigan updated the Board to Tata & Howard finding no suitable well sites there advising the Board to withdraw this option. 3. Water main **easement** through impact area for endangered species, Supt. Madigan urging the Board to keep the Right-of-Way for access to Long Pond Dam to ensure it remains open to give access to dam. The Selectmen voted to withdraw the Town's right to drill public drinking water wells within the Open Space per the recommendation of Tata & Howard due to no suitable wells sites being there and remove the 20" water line in Parcel A but maintain right-of way. Motion to withdraw made by Selectman Morrison 2nd by Selectman Fay, VOTE: unanimous, so moved. The Board requested Supt. Madigan work with the Conservation Commission to settle differences with State.

Agenda Item #7. Fire Station UDAG Funding Request- The Board met with Chief Fillebrown and Wellman Parker, Chairman of the Building Committee. Ms. Scheipers updated the Board to status of Fire Station Project. Ms. Scheipers advising the Board to cash flow concerns prompting request for \$300K in UDAG funding. Ms. Scheipers advising to UDAG funds being replenished with money tied up in litigation re Performance Bonds from Eastern General and other companies not upholding their contracts as well as with assessments from firms associated with remediation at Fire Station site. Wellman Parker advising to \$178K in commitments is anticipated from performance bonds. Ms Scheipers stating funds are also expected from businesses formerly occupying land that added to contamination of site. Ms. Scheipers advising the Board to this request comes before the Board not from overspending the budget but due to money needed now to keep the project moving ahead. Selectman Morrison stating she could not commit UDAG funds until analysis is done of how much money has been spent to date and how the project is moving ahead. Selectman Maxant stating his feeling that he had no confidence the Town will get the money back requesting the Town stop the project to reevaluate. Chairman Bresnahan stated his concerns stopping the project now will ultimately cost the Town more. Selectman Fay urging a full Board's action on this issue requesting a working session be scheduled. The Board scheduled tentative meeting dates for the following week to meet with the Committee and KVAssociates. Date to be announced when confirmed.

Agenda Item #8-Town Administrator's Report (cont.)

2. Ms Scheipers suggested the Board in the future allow a new process be established re: Liquor License Hearing to expediate the documentation so that the Hearing before the Board flows quicker. Ms. Scheipers requested the Board allow her to meet with the applicants, review all necessary paper work so that when they appear before the Board re licensing/restrictions process would not hold up the Agenda as in the past. **The Board agreed that this pre-work would help.**

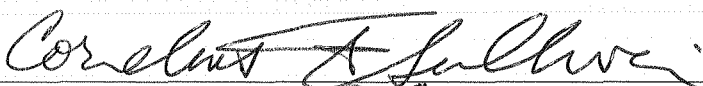
3. The Board approved the 2005 mileage reimbursement presented by Ms Scheipers which reflects sthe new IRS rate for CY-05 as \$0.405/per mile. Motion to approve made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.
4. The Board reviewed the Town Accountant's draft Water & Sewer Rates proposal for Fy-06 reflecting a 6% increase and use of UDAG funds to offset estimated 12% increase. The Board scheduled the Water & Sewer Rate Hearing for March 15, 2005 at 7pm.

Agenda Item #10 Seleccmen's Questions/New Business

Selectman Maxant-Presented documentation to the Board re: his request to be scheduled on the 2-16-05 JBOS Meeting re MADEV harboring plans to allow a low level nuclear waste dump to be constructed at the former Moore Airfield. Selectman Fay stated Mr. Maxant's case presented on paper had no credibility, Selectman Morrison agreeing and stating she appreciates Mr. Maxant's concern but it does not rise to the level of concern to bring before the JBOS. Chairman Bresnahan referenced letters/documents indicating that such a siting could not be made i.e. excerpts from DEC By-laws reflecting land use restrictions preventing such a use, ACEC prevents such a siting within its borders, and MA Envir. Protection Act processed exclusions from ACEC. **Chairman Bresnahan also added that he gave no credibility to Mr. Maxant's accusations.**

Selectman Fay- advising the Board to Red Sox Trophy visiting MA cities & towns and requesting the Board's permission to request Town of Ayer be scheduled on this tour. **Selectman Fay proposed that he would make an effort to get the trophy scheduled for a visit to Ayer.** Selectman Fay moved to support this request, 2nd by Maxant VOTE: unanimous, so moved.

9:00p.m. Selectman Fay moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 30 Section 23B Exemption #3 re: Contracts and litigation, 2nd by Selectman Morrison VOTE: Selectman Fay aye, Selectman Morrison aye, Selectman Maxant aye, Chairman Bresnahan aye, unanimous, so moved.

 DATE: 3-15-05
James M. Fay, Acting Clerk *Connie*
AYER BOARD OF SELECTMEN