

Selectmen's Meeting
Tuesday, January 4, 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 Fay and Selectman Maxant.

Public Input

Chairman Bresnahan opened the meeting by expressing the Board's condolences to Chief Fillebrown and the Fillebrown family on the death of his mother Leah Fillebrown who passed away on January 1, 2005.

1. Rob Hartz re Trust for Public Lands
2. Patrick Hughes re appointment request to JBOS Open Space and Recreation Committee.

Chairman Bresnahan called for a motion to approve the Agenda of 1-4-05 as amended.

Selectman Maxant to accept agenda with Public Input items of Rob Hartz re Trust for Public Lands meeting and Patrick Hughes regarding appointment to the JBOS open space committee, 2nd by Selectman Sullivan, Vote unanimous, so moved.

Agenda Item #1. Public Input

1. Rob Hartz and Carolyn McCreary of the Coalition for Aquifer Protection explained to the Board that they will be meeting with the Boston based Trust for Public Lands to determine that agency's level of interest in assisting the Coalition and the Towns of Ayer and Littleton in purchasing sensitive water resource lands. Selectman Fay moved to strongly endorse the Coalition for Aquifer Protection in working with TPL toward acquisitions of sensitive lands, 2nd by Selectman Maxant. Vote unanimous, so moved.
2. Patrick Hughes requested appointment to the JBOS Opens Space Committee. Selectman Morrison moved to appoint Patrick Hughes to the JBOS Open Space and Recreation Committee, 2nd by Selectman Maxant, Vote unanimous, so moved.

Agenda Item #2. Minutes of 12-7-04 and 12-21-04

Selectman Sullivan moved to approve the minutes of 12/7/04, 2nd by Selectman Morrison, VOTE: unanimous, so moved. Selectman Sullivan moved the Board approve the Minutes of 12-7-04 Executive Session, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Selectman Sullivan moved the Board approve the minutes of 12/21/04, 2nd by Selectman Morrison, VOTE: unanimous, so moved. Selectman Sullivan moved the Board approve the Executive Session Minutes of 12-21-04, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

Agenda Item #3. Downtown Planning – Chairman Bresnahan announced the Jan 11 7pm downtown planning workshop to be held in the Town Hall. Selectman Bresnahan briefly described the scope of the work of the consultant (The Cecil Group of Boston) assisting the Town with that event.

Agenda Item #4. Historical Commission- Pleasant Street School (PSS) Present from the HisCom was George Bacon, Robert Pena, Julia Alekman, Thomas McLane, Ruth Rhonemus to discuss their intent to bring the same proposal for development of the PSS into residential housing back to the Spring Town Meeting. They announced they will be holding public meetings in advance of the ATM and are ready to discuss with the private citizen group any ideas that body may develop for other options for the structure. They stated the Housing Authority has also requested a meeting with the HisCom on the PSS use.

The Board went off the posted Agenda due to being ahead of schedule and took up the Devens Disposition Updates.

Agenda Item #7. Devens Disposition

Chairman Bresnahan reviewed the draft MOU and Evaluation Criteria with the Board and announced the January meeting with the MassDev Board of Directors has been postponed to late Feb/early March. Date TBD.

The Board moved back to Agenda Item #5.

Agenda Item #5 Police Chief-Jake Brake By-law

Chief Rizzo presented his report regarding the bylaw stating he feels we should contact Town Counsel relative to the Atty. General's concern of liability of enforcement of the bylaw as voted. He also stated he will move ahead with seeking approval of MA Highways as needed for the state numbered routes if directed by the Board. Discussion of BoS took place regarding whether an exemption of use of the engine brake should be allowed in emergency situations, and if so, should that be stated on the sign. Audience member Mr. Jerry Wood stated the signs should be kept as simple as possible or drivers will not be able to read them.

Selectman Maxant moved to authorize Chief Rizzo to apply to MH for permission to erect the signs on state highways in Town and to send a note to Mr. Woods regarding what action we will be taking., 2nd by Selectman Fay, Vote: unanimous, so moved.

Agenda Item #6. Fire Station Construction – The Board met with Wellman Parker invited Board members to contact the Fire Dept if they wish to tour the site. Mr. Parker provided handout of updated statistics of the project costs. Selectman Maxant requested at next update that the committee explain the % of the construction contract amount already spent vs the dollar amount of project complete for public info. The Board delayed Change Order #2 until the Jan 18th mtg.

The Board awarded the Ambulance Bid. Selectman Maxant moved to award the bid of the new ambulance to Greenwood Fire Apparatus Inc. who represents Horton Emergency Vehicles of Columbus Ohio for one (1) 2005 Type III, Class One Emergency Medical Vehicle at the bid award not to exceed \$119,175.00, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #8 ACEC Action-Selectman Maxant's concerns for uses of Airport.

Selectman Maxant stated that the Board of Selectmen as Water Commissioners need to be concerned about the protection of the aquifer on North Post and not delay action of contacting the other towns and entities regarding working with Ayer to close the donut hole of ACEC protection in that area. Chairman Bresnahan asked Selectman Maxant if he wants to drop the accusation of MassDev intentions to site a low level nuclear waste dump on the north post as he stated at the JBOS mtg. Selectman Maxant stated it was not the key issue at this time. Selectman Maxant moved to have staff send out the ACEC letter by end of day Thursday. No second was made. Selectman Fay stated he was not in support of any letter, and preferred calling the entities. Selectman Morrison stated she also felt the same. Chairman Bresnahan stated Patrick Hughes said that any request to the ACEC Stewardship Group would be dead on arrival and not supported. Selectman Sullivan stated that the concern of the donut hole could be well handled in the Devens disposition discussions and the evaluation criteria should include a protection of the high yield aquifer. Selectman Maxant asked who was to contact MDFA. Chairman Bresnahan stated we would start with Bill Burke. Chairman Bresnahan stated he will address issue at the Friday mtg with Bill Burke. It was reiterated by the Board that letters will not go out until there is discussion with MDFA.

Agenda Item #9 Town Administrator's Report

- Stony Brook Deed Acceptance – Selectman Sullivan moved to vote to approve the signing of the Acceptance of Deed for the Stoney Brook parcel of land as approved by Town Meeting and as prepared by Town Counsel, 2nd by Selectman Morrison. Vote: unanimous, so moved.
- OCED Grant Contract – Chairman Bresnahan recused himself from discussion of this contract for down town sign and façade program due to conflict. Selectman Fay moved to approve and authorize vice-chair to sign the 2nd contract w John Farrar of Shirley for Phase 2 of the downtown sign and facade program design. 2nd by Selectman Morrison, Vote: 4-yes 0-no, Motion passes.
- Lake Ave Residents Request – Selectman Sullivan moved to accept the request of the residents of the private Lake Ave to NOT plow, sand or de-ice the roadway in the future., 2nd by Selectman Maxant, Vote: unanimous, so moved.
- Insurance Advisory Committee – Selectman Maxant offered to be the Selectmen's rep to these meetings. Next mtg scheduled for Jan 20th at 2:30pm.
- Anita advised the Board that the Water/Sewer Rate Hearing being delayed until Feb to allow mtg of the Rate Committee to review FY06 rates before the hearing. The water Supply info meeting will still be held on Jan 18th as part of the regular Selectmen's mtg.
- Executive Session items will include Guilford update, employee litigation, and Eastern General bid bond claim.


Agenda Item #10. Selectmen's Questions/New Business

- Selectman Sullivan presented the updated letter to the ZBA re the Willows 40B project. The Board agreed to sign and present to the ZBA at their hearing.
- Selectman Morrison stated she had heard criticism of the ConCom and stated she felt was not warranted; the committee works hard and their efforts are much appreciated, and if people have issues with how they do they job, they should say so in a more cooperative manner. Selectman Morrison and Selectman Sullivan thanked ConCom for their efforts.
- Selectman Bresnahan asked status of the MunEnergy program. Anita stated she was working with the MMA based program and should be receiving the quote soon. Selectman Sullivan suggested we meet with the owners of Grady Research regarding their idea of selling their excess electricity to the Town if legislation can be voted to allow it. Anita agreed to contact the company for info.

Agenda Item #11. Open Session with the possibility of entering Executive Session pursuant to MGL Chapter 39, section 23B

Selectman Sullivan moved to enter into Executive Session pursuant to C 39sec 23b Exemption #3 and to adjourn from Executive Session to reenter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Maxant VOTE: Selectman Sullivan aye, Selectman Maxant aye, Selectman Morrison aye, Selectman Fay aye, Chairman Bresnahan aye, unanimous, so moved.

9:07pm Open Session concluded.


Cornelius F. Sullivan, Clerk
AYER BOARD OF SELECTMEN

DATE: 2-1-05