

Selectmen's Meeting  
Tuesday, November 9, 2004  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

6:00p.m. Open Session

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

**Public Input**-Chairman Bresnahan requested if there was anyone present wishing to speak under Public Input- Patrick Hughes re-Conservation Commission – 40B Committee participation and Selectman Faye Morrison re Lucille DaCosta-Student Advisor -Ayer High School re Senior Class Trip initiative.

Chairman Bresnahan called for a motion to accept the Agenda as amended. Selectman Fay moved the Board approve the Agenda of 11-9-04 as amended, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

7:00p.m. Chairman Bresnahan open the Public Hearing re the Town of Ayer's FY-05 Classification Tax Allocation, present for the discussion: Edward Cornellier-Chairman of the Board of Assessors, Denis Callahan, Assessor, Sandra Jones-Assessor and Thomas Hogan-Assessor's Asst. Chairman Bresnahan requested the Clerk open the Hearing by reading the Legal Notice into the record. Selectman Sullivan read the Public Hearing Legal Notice which ran in the Nashoba Publications Newspaper the week of November 3, 2004 and the Lowell Sun the week of October 25, 2004. Edward Cornellier, Chairman of the Board of Assessors turned the floor over to Thomas Hogan, Assessors Clerk re presenting all information and data relevant to making a decision on allocating the 2005 tax burden including the fiscal effect on the available alternatives according to MGL Chapter 40 S 56. Mr. Hogan opened the discussion by reviewing with the Board the Open Space discount, Residential Exemption, Small Commercial Exemption, and Residential Factor to determine percentage of tax burden to be borne by each class of property.

1. Open Space Discount-The Board may discount up to 25% for land maintained in an open or natural condition which contributes to the benefit and enjoyment of the public i.e. hiking trails, farm land-chapter land 611-51A, conservation restriction. Mr. Hogan advised to no land falling into that category in the Town of Ayer. Selectman Maxant moved the Board not approve the Open Space Discount, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
2. Residential Exemption-Principal residence of taxpayer which is applied to every residential property the exemption is subtracted from assessed value of eligible parcels. Mr. Hogan recommended the Board not support. Selectman Morrison moved the Board not approve the Residential Exemption, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
3. Small Commercial Exemption-Selectmen may adopt an exemption up to 10% of eligible parcels-tax burden is shifted within the Commercial/Industrial class. Mr. Hogan recommended the Board not support. Selectman Sullivan moved the Board not approve the Small Commercial Exemption, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
4. Residential Factor to determine the percentage to be borne by each class of property.

Mr. Hogan ran through the Town of Ayer's 2005 Tax rate summary with the Board which included **Fy-2005 Valuations**-which Mr. Hogan stated was up over 2004 by 17% the average Town of Ayer single family home was valued at 232K in 2004 now in 2005 the average single family home is valued at \$272K **Fy-05 2005 Tax Levy** -data is up by 1% due to no debt exclusions in FY-05. The Board of Assessors recommended the Selectmen adopt the same residential factor they did in FY-04 or 65% increasing the average residential bill by \$161.00 or 7% and \$246 or 2% to CIP. Selectman Sullivan moved the Board approve the residential factor of 64.2769% or 6% to \$134.00 increase to residents and \$353.00 or 2% increase to CIP, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved. The Board thanked Mr. Hogan and the Board of Assessors for coming in to meet with the Selectmen and presenting the FY-05 Tax data relevant to making determination and fiscal effect of available alternatives at the Hearing.

**AGENDA ITEM # 1. Public Input:**

**Patrick Hughes-** Mr. Hughes expressed his concern re Conservation Commission not being included in make-up of 40B Committee. Town Administrator advised to rationale of 40b Committee to meet and lay out all potential issues relevant to new development and process will involve Commission in construction/building process. Chairman Bresnahan stated the Conservation Commission will have opportunity to comment and is welcome to attend 40B meetings.

**Selectman Morrison-** Selectman Morrison updated the Board to Lucille DaCosta-Class Adviser at Ayer High School and twenty six students negotiating a contract with the N.E. Patriots to work the concession stands delivering food and drink to the fans at the games for 25% of whatever they sold to go towards their class trip. To date they have earned over \$4K. Ms Morrison applauding the Ayer School Department for promoting this initiative.

**Agenda Item #2. Minutes of 10-19-04**

Chairman Bresnahan requested the Executive Session Minutes of 10-19-04 not be voted this evening due to wrong minutes being placed in the Selectmen's Packets. Chairman Bresnahan called for a motion to accept the Open Session Minutes of 10-19-04. Selectman Sullivan moved the Board approve the Open Session Minutes of 10-19-04, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved

**Agenda Item #3. Devens Disposition Executive Board-**The Board met with Harry Zane and Mark Smith re volunteering to serve on the Devens Disposition Executive Board. The Board met with Mark Smith of 23 Douglas Drive, Ayer who stated he was a new resident to the Town of Ayer and would like to get involved in the community and felt his diversified military career could be valuable to the community as well as he also was looking to get involved with the Parks Dept's Sports program. Mr. Smith gave the Board a brief background re his military professional career and reasoning behind his request to serve on this committee. The Board with Harry Zane who has volunteered his serves on many Town Boards, Committees and Offices. Mr. Zane stated Ayer has a unique character. He has been following the Devens issues for some time and served on the Five Year Review Committees involving Devens, wrote issue in disposition report, has Chaired the Comprehensive Planning Committee and felt this was the logical next step. The Board thanked both Mr. Zane and Mr. Smith for their interest serving on this Board as the Town's citizen's representative. Chairman Bresnahan recommended Mr. Zane for this appointment having worked with Mr. Zane on many Town & Devens issues. Selectman Morrison agreeing and moved to appoint Harry Zane to the Citizens position on the Devens Disposition Executive Board, 2<sup>nd</sup> by Selectman Sullivan, VOTE: Unanimous, so moved. The Board encouraged Mr. Smith to stay involved/interested advising him to various other sub-committees coming up soon re Devens and the Board would find him a spot and thanked him for volunteering his services.

**Devens Update:**

Chairman Bresnahan updated the Board to Memo dated 11-02-04 Chapter 498 "study" reporting to the State of the 11-1-04 DDEB Meeting. All items of memo were discussed and recommended changes were completed on a consensus basis. (see attached memo)

Item 1. Ayer Board of Selectmen agree

Item 2. Ayer Board agree w item 2 including 5/6 requirement and all other statements in #2 except for the last sentence. The consensus of the Ayer Board do not want the 6<sup>th</sup> dissenting member (if there is one) to attach the dissenting report to the proposed legislation. The minority view was that the dissenting member's report being included would add value in giving the alternate view but the majority view was that the dissenting report could and should be widely publicized but not attached to the legislation.

Item 3. Ayer Board agrees with #3. Ayer Board does not Section 23 of 498 changed.

Item 4. The Ayer Board agrees with #4 with one exception in terminology. Devens is not a town as of Oct/Nov 2006 would not be having a town meeting. The choice of words should be more accurate e, such as Devens residents vote or caucus.

Item 5. The Ayer Board agrees with #5 with same comment on town meeting term.

Item 6. The Ayer Board agrees with #6.

Item 7. The Ayer Board agrees, with #7. Chairman Bresnahan to forward Ayer's review and comments to Bill Marinelli of the DDEX Legislative Subcommittee.

Chairman Bresnahan took this opportunity to recognize and welcome the Town of Ayer's new Postmaster Edmund Potes to the community. Mr. Potes stated he was a 28 year veteran in the Postal Services and very happy to be in Ayer and looking forward to building a good relationship with the Town and residents. Mr. Potes invited the Board to his installation to be held on Friday, November 19, 2004 @ 1:00p.m. at the Devens Conference Center. Selectman Sullivan taking this opportunity to state how helpful Mr. Potes was in assisting him with a visa for his mother-in-law. The Board welcomed Mr. Potes to the community and thanked him for coming in to meet with the Selectmen.

**Agenda Item 4. Fy-05 Appointments**

**Storm Water Committee**

The Board appointed Marilyn McMillian and Keith Saxon to the Storm Water Committee. Ms. McMillian not present due to illness. Mr. Saxon gave the Board a brief history of his profession background: Civil Engineer-Environmental Tech education from Poly Tech. and familiar with Storm Water Protection. Motion to appoint both Ms McMillian and Mr. Saxon made by Selectman Morrison, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. The Board welcomed and thanked Mr. Saxon for coming in and for his willingness to serve the community on this committee.

**Communications Committee:**

The Board met with Whitney Grunwald- Software Tech, and Christopher Raines-Gen. Business/Marketing Tech. Both candidates gave a brief background of their professional careers and reasoning to be considered for appointment to the Communications Com. Both Ms. Grumwald and Mr. Raines new residents of the Town. Selectman Fay moved the Board appoint Whitney Grumwald and Christopher Raines to the Communications Committee, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Tree Warden-** Chairman Bresnahan announced that Harvey Flagg decided to decline the appointment to the Tree Warden position. Ms. Sheipers introduced George Holsombach to the Board. Mr. Holsombach resides at 57 Cambridge St., Ayer, MA. Mr. Holsombach gave the Board a brief background of his employment history and reasoning for wishing to be considered for Tree Warden. Ms. Scheipers updated the Board to Harvey Flagg strongly recommending Mr. Holsombach for appointment. Selectman Fay moved the Board appoint Mr. Holsombach to the temporary position of Tree Warden until the next Town Election in April 2005 and pending a satisfactory physical examination by the Town Physician, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. The Board welcomed Mr. Holsombach to the position and looked forward to working with him.

**Agenda Item #5. Fire Station Change Order/Update-**The Board met with Chief Fillebrown, Tony DiLuzio and Wellman Parker re Change Order #001 for the New Fire Station General Construction Contract with Barr Inc. dated 10-7-04. Mr. DiLuzio-Project Manager updated the Board to Change Order request for the following items:

1. Material and labor to provide directional drilling for proposed sewer service, core drill retaining wall for roof drains and installation of material for roof drains, total - \$9,683.67
  2. Exploratory work to verify existing conditions for owner (asbestos contaminated soils) - total \$3,315.50.
  3. Change masonry subcontractor from Desiderio to GN Prunier total-\$37,802.15.
- Total Change Order \$50,801.32.

Selectman Morrison moved the Board approve Change Order #001 for the New Fire Station Contract with Barr Inc. dated 10-7-04 for general construction in the amount of \$50,801.32 payment to come from uncommitted contingency funds from DL King Contract (\$180K) remaining \$131,775.00 to come back to Town of Ayer, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #6. Supt. Madigan's Report-**The Board met with supt. Madigan

**Item #1. West Main Street Sidewalk/UDAG Funds-** Supt. Madigan updated the Board to a meeting held with Shriver Representative re: the Town partnering with the Shriver Job Corps, Ayer-DPW and the Office of Community and Economic Development to replace a narrow area of asphalt that is substantially deteriorated and lacks adequate width for universal access along the southerly side of West Main Street

beginning at Verbeck Gate and running easterly approximately 700 lf. Supt. Madigan stated Shriver students under the direction of John Sweeney-Shriver Job Corp Concrete Construction Instructor would remove the old broken and narrow asphalt sidewalk, the Ayer DPW would transport waste (asphalt) to disposal at Ayer DPW and Shriver students would grade new sub-base, formwork, replace sidewalk with new asphalt and concrete at no cost to taxpayers. The cost of this work estimated at \$2,100.00 to come from Community Development Block Grant Income Funds up to \$2,500.00 per a commitment dated 11-3-04 from Shaun Suhoski pending the Board of Selectmen's approval. Selectman Morrison moved the Board approve Supt. Madigan's request to partner with Shriver Job Corp Students, Office of Community & Economic Development and Ayer DPW to replace the West Main St. Sidewalks described in a Memo dated 9-22-04 from Supt. Madigan not to exceed \$2,500.00 from CDBG funds, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. Chairman Bresnahan praised the Shriver Job Corp for being a good neighbor. Selectman Fay stated he had filed a full disclosure statement with the Town Clerk as there to be no conflict of interest with his employment with Shriver and with his responsibilities as an elected official of the Town of Ayer.

**Item #2. Solid Waste Disposal Contract-**Supt. Madigan reviewed and updated the Board to the Towns of Groton, Littleton and Ayer having existing contracts with Covanta for the incineration of municipal solid waste, all contracts expire of June 30, 2005. Supt. Madigan stated the Town currently holds a three year contract with Covanta and that he would be working with the Towns of Littleton & Groton for a solid waste disposal contract for up to a ten (10) year duration. Selectman Sullivan moved the Board approve a five (5) year contract cautioning a long term contract due to market changing so fast and other opportunities available, do homework and come back to the Board 2<sup>nd</sup> for discussion by Selectman Maxant, re associated tonnage/incineration VOTE: Selectman Maxant no, Selectman Morrison no, Selectman Fay no, Chairman Bresnahan no, Selectman Sullivan aye, motion fails 4-1. Selectman Maxant moved the Board approve a ten year contract be negotiated and authorized Supt. Madigan and Town Administrator Anita Scheipers to work with Towns of Littleton and Groton to negotiate with Covanta for a ten (10) year maximum contract for solid waste disposal, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Maxant aye, Selectman Fay aye, Selectman Morrison aye, Chairman Bresnahan aye, Selectman Sullivan no. 4-1 motion carries.

**Item #3. NPDES Permit** Supt. Madigan reviewed with the Board Hoyle Tanner's contract to prepare an application with the US Environmental Protection Agency to renew the Towns National Pollutant Discharge Elimination System Permit for the amount not to exceed \$4,950.00. Motion made by Selectman Fay, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Item #4. Water/Sewer Permits**

The Board approved **Water permits** for the new Fire Station for a 6" and 8" service, 196 West Main St. for a 4" service, West St. for a 2" Fire service for R&D Homes Inc., 4" and 1 1/4" service off Scully Rd. for BRAC Env. Office **Sewer Permits** for 196 west Main, 146 Sandy Pond Rd., New Fire Station, 110 Central Ave. Motion made by Selectman Morrison, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. Selectman Sullivan expressed his concern about the town reaching the limit of the amount of water that can be made available to satisfy the growing demand. Supt. Madigan offered to have Tata & Howard come in to update the Board on capacity of wells to meet current and future water demands. Selectman Sullivan moved to have Tata & Howard make presentation within 60 days, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Agenda Item # 7. Town Administrator's Report**

Ms Scheipers due lateness of meeting requested to take up three priority items and reschedule the Town Hall Roof Contract, Capital Program Policy and CPR Training by Town Hall staff for 11-16-04 Selectman's Meeting.

**1. Habitat for Humanities Grant Agreement-**Ms Scheipers requested the Board vote to approve and endorse the contract between Habitat and the Town for the sum of \$35K due to Fall Town Meeting voting to approve to fund construction of the affordable unit on Shirley St. Selectman Morrison moved the Board vote to approve and endorse the Agreement with Habitat and the Town for the sum not to exceed \$35K, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Snake Hill Rd access to State Highway, Littleton Rd.-Route 2A.** Relocation Approvals-The Board reviewed the MA Highways Permit Filing prepared by Steve Mullaney dated Oct. 20, 2004 and voted to take no action until their next meeting 11-16-04 and invite Mr. Mullaney in to meet with the Board re concerns expressed by Selectman Sullivan re accepting plans without taking into account the added demand for water.

**3. Pleasant Street School Under Ground Storage Tank Removal Contract Change Order**-The Board reviewed the request from Historical Commission Chairman George Bacon for a Change Order be approved for \$2,125.00 due to Fire Chief advising that the tank may be 5000/gal. which is larger than assumed in the quote this would increase the contract total from \$8500.00 to \$10,625.00. Selectman Maxant, moved the Board approve the Change Order for the UST tank at the Pleasant Street School requested by George Bacon 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**4. Ms. Scheipers advised two items scheduled under Executive Session**


- . Superior Police Offices Contract
- . Patrol Officers Contract

**Agenda Item #8 Selectmen's Questions/New Business**

Selectman Sullivan requested the Board invite Lisa Gabree-Town Accountant and Shaun Suhoski-Community & Economic Development Director into the Board's December 7, 2004 Meeting re new UDAG water project to address Water Rates/Debt Service. Selectman Sullivan put this request into the form of a motion, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

9:45p.m. Selectman Maxant moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39, Section 23B, Exemption #3 re: Contract Negotiations, to come out of Executive Session to re-enter Open Session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Maxant aye, Selectman Fay aye, Selectman Morrison aye, Selectman Fay aye, Chairman Bresnahan aye, unanimous, so moved.

The Board called a two minute recess prior to entering Executive Session.

 Date: 12-7-04  
Cornelius F. Sullivan, Clerk  
AYER BOARD OF SELECTMEN