

Selectmen's Meeting  
Tuesday, September 7, 2004  
Ayer Town Hall, 1<sup>st</sup> 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 Selectman Fay.

Chairman Bresnahan opened the meeting by advising to Representative Robert Hargraves holding Office Hours at the Ayer Town Hall this evening from 7:00p.m. to 8:00p.m.

**Public Input:** Chairman Bresnahan requested if there was anyone present requesting to speak under Public Input.

1. Carolyn McCreary-PACE re CPC Fall Town Meeting Warrant Article-Ms. McCreary met with the Board re her displeasure re hand delivered CPC warrant article for the 10-25-04 Fall Town Meeting Warrant being misplaced by the Town Clerk's Office when delivered well in advance for inclusion on the Fall Town Meeting Warrant. The Board welcomed Robert Moore, Chairman of the CPC to the table who distributed copies of his 9-3-04 letter to Ms. McCreary in which the Committee attempted to put a placeholder for the Fall Town Meeting Warrant as well as conduct the mandated Public Hearing prior to the closure of the Warrant for the Fall Town Meeting. The Committee assuring Ms. McCreary to the article being considered for placement on the Spring Town Meeting 2005. Selectman Fay following a brief discussion moved to open the Fall Town Meeting Warrant to accept placeholder for the CPC Draft Conservation Restriction Article submitted by PACE, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved. Selectman Morrison moved the Board close the Fall Town Meeting Warrant, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
2. Selectman Fay-9-11 Ceremony-Saturday, September 11, 2004 @10:00a.m. Chairman Bresnahan read the prepared itinerary for Saturday, September 11, 2004 for the 9-11 Ceremony.  
The Board went off the posted Agenda to take up the scheduled Public Hearings.

**Agenda Item #3 Public Hearing-Class II License Transfer.**

**CLASS II TRANSFER**-Chairman Bresnahan opened the Hearing by requesting the legal notice be read into the record by the Clerk. Selectman Sullivan read the legal notice which ran in the Nashoba Publications the weeks of 8-25-04 & 9-1-04. Chairman Bresnahan requested if there were abutters present wishing to speak for or against the petition, no one stepped forward. The Board met with Vincent Lemire of Townsend, MA re transfer of Class II License from Ayer Auto Sales Inc.-Walter Godfrey at 63 Fitchburg Rd., Ayer, MA to Town Line Auto Sales Inc. The Board reviewed with Mr. Lemire the nine contingencies to the license and amended item # 8 Hours of Operation to state Monday through Saturday from 8:00a.m. to 8:00p.m. Selectman Sullivan requesting Mr. Lemire's Bond is updated to include Town of Ayer prior to License being issued. Chairman Bresnahan called for a motion. Selectman Sullivan moved the Board approve the Class II License Transfer with stipulation Mr. Lemire's current bonding be updated to include the Town of Ayer, 2<sup>nd</sup> by Selectman Morrison, Vote: unanimous, so moved.

**Agenda Item #4. Public Hearing-Amusement License-Autumn Wood Restaurant**

**AMUSEMENT LICENSE** Chairman Bresnahan opened the Hearing by requesting the legal notice be read into the record by the Clerk. Selectman Sullivan read the Legal Notice into the record published in the Nashoba Publications the weeks of 8-25-04 & 9-1-04. Chairman Bresnahan requested if there were abutters present to speak for or against the petition, no one stepped forward. The Board met with Barry White owner of Autumn Wood Restaurant, 38 Littleton Rd., Ayer, MA. Mr. White advised to light entertainment license being requested to encourage people to eat/stay in the restaurant. Amusement license to include one (1) pool table, one (1) digital juke box, two (2) Trivia games, one (1) golf game, and one (1) target game to be placed in the function room on the 2<sup>nd</sup> floor of the restaurant which is opened to the public. No Sunday License operation requested by Mr. White. Chairman Bresnahan called for a motion. Selectman Sullivan moved the Board approve the Amusement License for Autumn Wood Restaurant, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Agenda Item #5. Chief Rizzo re Sergeant Appointment**

The Board met with Chief Richard Rizzo re the appointment of Austin Cote to the vacant Sergeant's position. Chief Rizzo updated the Board to process conducted by him re: criteria for selection. Chief Rizzo advised the Board to Mr. Cote being a seven (7) year veteran on the force date of employment 8-11-97. Sergeant's Test administered on 8/18/04 and interviews conducted by Lt. Murray, Harvard & Littleton Police Chiefs and Mr. Cote deemed the most qualified candidate. Selectman Sullivan moved the Board accept Chief Rizzo's recommendation and promote Austin Cote to the vacant Sergeant's position in the Ayer Police Dept, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Agenda Item #6. Supt. Madigan's Report**

1. Long Pond Dam Repair-Supt. Madigan advised the Board to meeting with Consultants for Town of Ayer and DEP-Dam Safety, and determined dam is low hazard and Sandy Pond III (Coty & Foster - C&F) developer contribution does not agree to responsibility for the dam repairs, and is essentially funding is a gift. (\$38K). Supt. Madigan requested the engineering contract be scheduled for two weeks or next Selectmen's Meeting (9-21-04). Supt. Madigan stating he will present to the Board for approval the Engineering Services Agreement for design of Dam for the Water & Sewer not to exceed \$27,500.00.
2. CPF Administrative Order-taken off Agenda to be placed on the Selectmen's 9-21-04 Meeting.
3. Transfer Station Attendant Hours-The Board approved Supt. Madigan's request to ratify the Board's vote of 2000 to increase the hours of Transfer Station Attendant from 20 hours to 24 hours, motion to ratify the Board's vote made by Selectman Fay, 2<sup>nd</sup> by Selectman Morrison VOTE: unanimous, so moved.
4. Contract-Sewer Pump Station Electric Upgrades-The Board awarded the bid for the Wastewater Pump Station electrical services upgrade to Renaud Electrical Services Inc. for the bid award not to exceed \$8,386.00. Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
5. Change Order-WWTP Upgrade-The Board approved Change Order #1. for the WWTP facility upgrades project for the not to exceed price of \$4,143.51 per the recommendation of Project Engineer Tata & Howard and Supt. Madigan. Change order #1 approved for the relocation of 18" PVC sewer and the 12" DIP force main due to unforeseen underground conditions and substitution of certain stainless steel pipe recommended by Engineer. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. Motion to approve Chairman signature made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
6. Chandler Place-28-30 West St. Sewer and Water Permits-The Board approved Chandler Place Water & Sewer Permits for 28-30 West Street, Ayer, MA. Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Agenda Item #7. Office of Community & Economic Development.**

The Board met with Shaun Suhoski who advised the Board he was before them re Release of Deed for the Shirley Street parcel Transfer to Habitat for Humanity pending State approval of the Affordable Housing Restriction which would allow the building permit process. Selectman Morrison moved the Board approve the transfer of the Shirley Street parcel to Habitat for Humanity contingent upon State approval of the Affordable Housing Restriction deed rider, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

Mr. Suhoski reminded the Board to the Habitat Groundbreaking scheduled for 5:45p.m. Thursday the 23<sup>rd</sup> of September at the Shirley Street site. The Board took this opportunity to publicly thank Town residents Heather Hanley and Amanda Norton for all their assistance working with Habitat.

The Board approved the local preference criteria presented by Shaun Suhoski to place two (2) condominiums at Chandler Place marketed at \$279K/unit and \$160K Affordable for two (2) units. The Board revisited the local preference language presented by Mr. Suhoski and requested he modify the language to state Ayer Residents, and or The parents of children of current Ayer residents, and/or, Employees of the Town of Ayer,

and/or, Graduates of Ayer High School who resided in the Town of Ayer at the time of their graduation, and/or active military or veterans living within the Ayer portion of Devens. Mr. Suhoski to return of 9-21-04 with the final language. Motion made by Selectman Morrison, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #8-Continuation of Fy-05 Appointments-**

**Community Preservation Committee**-Petition was presented by Pauline Conley re: Pauline Hamel being appointed to vacant CPC position. The Board met with Laura Haines and Patricia Walsh. Interviews were conducted with both candidates re: reasoning for requesting to be on CPC. After a brief discussion the Board voted to appoint Patricia Walsh to serve as the Committee's Citizen-at-Large member. Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Conservation Commission**-The Board accepted the resignations of Thomas Poole and Robert Eldredge Long time members of Commission with regrets and thank you's extended for their long & dedicated service to the Town of Ayer. **The Board will invite interested candidates to an upcoming meeting after receiving the Conservation Commissions recommendation.**

**Devens Disposition**-The Board appointed Paul Bresnahan as the Board's delegate to the Devens Disposition motion made by Selectman Fay, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Personnel Board**-The Board met with Pauline Conley re: re-appointment to the Personnel Board. Letter from Ted Harding read into the record in support of Ms. Conley's reappointment. After a brief discussion the Board voted by a 3-2 vote not to re-appoint Ms. Conley to the Personnel Board. VOTE: to not re-appoint Selectman Fay yes, Selectman Morrison yes, Selectman Sullivan yes, Selectman Maxant no, Chairman Bresnahan no, VOTE: 3-2 not to reappoint Ms. Conley.

**Tree Warden**-passed upon to 9-21-04

**Minutes:**

Selectmen's Minutes of 6-15-04 Motion to approve by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison, VOTE: Unanimous, so moved.

Selectmen's Minutes of 6-22-04 Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

Selectmen's Minutes of 7-6-04 Motion to approve made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

Selectmen's Minutes of 7-13-04 Motion to approve made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

Selectmen's Minutes of 7-26-04 Motion to approve made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

Selectmen's Minutes of 8-3-04 Motion to approve made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

Selectmen's Executive Session Minutes of 8-3-04 Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

Selectmen's Minutes of 8-17-04 Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

Selectmen's Executive Session Minutes of 8-17-04 Motion to approve made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

Selectman Maxant requesting Linda Haines name to corrected to Laura Raines in Minutes of 8-17-04.

**Agenda Item # 9. Town Administrator's Report**

1. The Board voted to approve the Town Hall Roof Maintenance Contract with John LeBlanc not to exceed the sum of \$6500.00. Motion to approve contract and Chairs signature made by Selectman Fay, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

2. The Board voted to ratify the St. Mary's Lawn Party's One Day Beer & Wine License for Sept. 10<sup>th</sup> & 11<sup>th</sup>, 2004. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

3. Ms. Scheipers updated the Board to Open Meeting Law investigations by Atty. General's Office received and 2 of 3 incidents found to be non-issues. The only deficient issue was Selectmen's Minutes of 9-23-03 not

recording the adjournment motion to adjourn the meeting. Ms. Scheipers requested the Board vote to amend the Selectmen's Minutes of 9-23-03 to state a motion was made and 2<sup>nd</sup> to adjourn but no vote taken.

Selectman Sullivan moved the amendment, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

2 Draft October 25, 2004 Fall Town Meeting Warrant was presented to the Board for their initial review. CPC article to be added and resubmitted to the Board for their 9-21-04 meeting.

3. Ms. Scheipers distributed the draft Goals & Objectives requesting the Board submit back to her their comments prior to the Board's 9-21-04 meeting.

4. FYI's

1. Joint Meeting with Fin-Com, School Com., and Treasurer to discuss Health Insurance proposed for 9-28-04.

2. MA Local Preparedness Grant-Ms. Scheipers updated the Board to award from state in the amount of \$12,800.00 to purchase Nextels for the Fire Dept. to improve communications between fire & police re incidents/training purposes.

3. MA Peer to Peer Assistance Grant-assistance available to Town of Ayer Departments-departments copied.

4. Employee Assistance Training-scheduled for 10-14-04 "Working Wise" all Town employees copied.

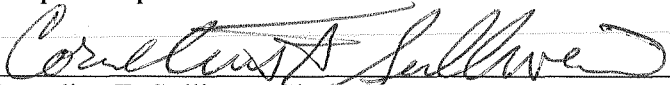
**Agenda Item #10. Selectmen's Questions/New Business**

Selectman Sullivan-requesting to donate \$2,500.00 in Town funds to assist PACE with the 211 West Main St. (Video Star) technical Assistance Investigation, stating citizen health issue. The Board to investigate legality and bring back to discussion at their 9-21-04 meeting.

Beverly Schultz-Spectacle Pond Assoc. re- study monitoring of area water. PACE to review and Board to bring back for discussion at their 9-21-04 meeting.

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

9:45p.m. Open Session ended.

 DATE: 10-5-04  
Cornelius F. Sullivan, Clerk  
AYER BOARD OF SELECTMEN