

Selectmen's Meeting
Tuesday, July 6, 2004
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 Selectman Fay.

Agenda Item #1. -Public Input: Chairman Bresnahan requested if there was anyone present wishing to meet with the Board. No one stepped forward.

Chairman Bresnahan announced the Fire Department's Hiring of three (3) new Firefighter/Paramedics and the Board to ratify the hiring of the three new paramedics this evening. Chairman Bresnahan explained that under normal circumstances the Board would meet with the proposed employee to endorse their appointments but, since the new employees were needed by the first week in July, the Selectmen agreed to ratify the appointments. The Board met with Chief Fillebrown and newly hired Firefighter/Paramedic John Bresnahan. (no relationship to Chairman Bresnahan) The Chief advised the Board to a total of fifty-six (56) applicants applied for the three positions- of which were ten Paramedics, four Intermediates and forty two basic EMT's. All paramedics were interviewed by the Chief and full-time Captains on June 14th. Candidates were scored on work experience, education, knowledge, training on fire and medical situations/guidelines and the top three candidates were offered the job after completing physicals and reference checks. The three newly hired Firefighter/Paramedics are: Timothy Shea of Fitchburg, MA, John Bresnahan of Ashburnham, MA, and Jeffrey Swensen of Gardner, MA. The Chief advised the Board to John Bresnahan being the only candidate available to meet with the Board this evening. The Board thanked John for coming in to meet with them. John gave the Board a brief background and stated he looked forward to working in Ayer having heard nothing but good things about the Department. Selectman Sullivan emphasized the significance of the hiring of three Paramedics for the Town-more personalized care for Town of Ayer residents and Department being the highest trained personnel in the area. The Chief advised to John having strong admin experience (State applications) as well. Chairman Bresnahan called for a motion. Selectman Morrison moved the Board vote to ratify the hiring of the three (3) Firefighters/Paramedics so stated by the Chief, 2nd by Selectman Sullivan, VOTE: unanimous, so moved. Congratulations were expressed along with warm welcomes. The three (3) Firefighters/Paramedics to begin their employments the first week in July 2004.

Announcements:

1. Chairman Bresnahan announced the MBTA Informational Meeting to be conducted at the Ayer Town Hall on Thursday, July 22, 2004 at 7:00p.m. re the proposed upgrades to the Town of Ayers Rail Station and proposed parking garage urging Town residents to attend-encouraging public participation and input.
2. Chairman Bresnahan extended thank you's to the 4th of July Committee for the Town's 4th of July Celebration conducted on Saturday, July 3, 2004. Thank you's were extended to Ruth Rhonemus, Chairman for organizing the event as well as Town Departments: **Firemen:** Chief Paul Fillebrown, Paul Fillebrown Jr., Bob Pedrazzi, Tim Johnston, Shaun Farley for overseeing the safekeeping of the fireworks presentation and emergency medical. **Fire Dept. Ambulance:** Mike Grey, Mike Hamel, Steve Mickel, Ned & Ellen Sparrow for donating time & comfort for residents from morning to dusk. **Police Dept.:** Chief Rizzo, Sgt. Edmunds, Patrolmen Austin Cote, John McDonald, Brian Gill, and Jolene Minardi for protecting, parking, traffic & patrol presence. **DPW:** Larry Caldwell, Dave Kidder, Mike Cullinan, Rick Linde and David Nelson set up & clean up of park for festivities. **Park Dept.** for use of the park and new electrical upgrades/repair.

Agenda Item #2. – Minutes of 6-15-04

The minutes of 6-15-04 were read and accepted by the Board. Motion to approve made by Selectman Sullivan, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

Agenda Item #3. Board of Assessors – Special Tax Assessment

The Board met with Assessors Edward Cornellier, Sandra Jones and Assessors Assistant Thomas Hogan. Mr. Hogan reviewed with the Board the States Legislatures new amendment to G.L. Chapter 59 S2D which provides municipalities the option to pro rate tax bills for properties that satisfy a value increase threshold of 50% or more due to new construction activity based upon the date of occupancy and would apply to both residential and commercial properties. Mr. Hogan explained this new law is a local option however, unlike most local option laws the supplement tax assessment on new construction now applies automatically unless the Selectman vote to reject it. Mr. Hogan stated the Assessors Office is prepared to issue supplemental tax bills on six properties totaling over \$13K, unless notified otherwise, and will proceed with the issuance of the supplemental tax bills sometime in July 04. Selectman Maxant moved the Board vote to reject new legislature-stating just another way for State to get every penny from taxpayers, no 2nd to motion. Selectman Morrison moved the Board take no action, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Agenda Item #4. Supt. Madigan's Report:

1. **Groveland Street-Easements/Waivers-** The Board moved to approve the taking of Permanent Water SSewer Easements within Groveland Street for the following: 4 Groveland St., 5 Groveland St., 6 Groveland St., 7 Groveland St, 8 Groveland St., and 124 Central Ave. shown on a plan "Plan showing new location of Groveland Street and Sub-Division of Original Lots, Ayer, MA dated 4-28-52 prepared by John L. Bean, C.E. recorded with the Middlesex South Registry of Deeds in Plan Book 269, Plan 3" per Town Counsel's request to maintain the systems which would save the residents money with the Town providing the services. Motion to approve made by Selectman Fay, 2nd by Selectman Morrison, VOTE: Selectman Fay aye, Selectman Morrison aye, Selectman Sullivan aye, Chairman Bresnahan aye, Selectman Maxant no 4-1 motion passes. Selectman Maxant feeling the Town was taking the land from the residents. Chairman Bresnahan commented on report that Selectman Maxant had questioned residents if they had been coerced into signing the Order of Taking stating he found this to be unnecessary and unreasonable action interjecting residents could/should have been asked if they were satisfied with the process. Selectman Maxant was attempting to get feedback. Chairman Bresnahan commented that Selectman Maxant's action has an unnecessary negative effect on the process and that is regrettable.

2. **Long Pond Dam & Sandy Pond 3 Contribution**

The Board met with principals for Sandy Pond III -David Murray-Ranger Development and Atty. John Smollack Who is presently before the Town (Planning Board) for a 25-home residential sub-division (Sandy Pond 3) to help the Town fund the rebuilding/repairing of Long Pond Dam (old dam gone) due to the sub-division being affected (downstream) should dam fail. This new Agreement signed by the developer and Town

- A. Would have the developers of Sandy Pond 2 agree to pay \$38K toward the upgrade of Long Pond Dam regardless of whether their development impacts the dam, and
- B. Developer will pay \$80K if it is determined their development will impact the dam repair subject to final agreement entered into by both parties if they are found to be technically responsible to require a 100-year flood plain. The Town & Developer to work out proposal as to which flood plain the dam should be built. Agreement to be submitted to State-DEM. Motion to approve Agreement made by Selectman Maxant, 2nd by Selectman Sullivan, VOTE: unanimous.
(see attachment)

Selectman Maxant expressed his appreciation to the Ayer Planning Board for their assistance with this funding assistance request.

3. **Sandy Pond 3 Sewer Extension-** The Board approved a sewer extension request to DEP for Sandy Pond 3 Sub-Division for 11K/gal/per day of affluent to the Town's wastewater treatment system and

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authorized the Chairman's signature on the application. Motion made by Selectman Fay, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

Agenda Item #5. – Community & Economic Development Director's Report-The Board met with Community & Economic Development Director Shaun Suhoski.

1. **Fy-05 Budget**-Mr. Suhoski presented the Board two (2) UDAG Budget proposals for the Office of Community and Economic Development, one depicting a 2.4% salary/Health insurance increase over Fy-04's budget which follows two successive years of level-funded budgets. The 2nd budget presented depicted a level funded budget. Selectman Morrison moved the Board approve the 2.4% budget in the amount of \$73,469.00 as presented, 2nd by Selectman Sullivan. Selectman Maxant offered another motion for the Board's consideration and moved \$5,100.00 in additional pay for Mr. Suhoski should not be paid from UDAG funds but from another grant source-due to funding this department comes from UDAG principal which has caused the Board concern recently re UDAG funds being exhausted in near future, no 2nd to motion. Chairman Bresnahan's thinking re this was to shift debt service re W.Main St., water system improvement from UDAG to the Water Enterprise Acct. with Town Meeting approval. Motion reverted back to Selectman Morrison original motion: Selectman Morrison aye, Selectman Sullivan aye, Selectman Fay aye, Selectman Maxant no, Chairman Bresnahan aye 4-1 motion carries.

2. Sign & Façade Contractor

Mr. Suhoski recommended the Board award the Design & Administration Pilot Program Contract to John Farrar d/b/a Community Revitalization Consultants, of 120 Ayer Rd., Shirley MA the sole bidder, to provide services to private property owners in the downtown target area to complete design, bidding, construction administration and close out of sign & facade improvement projects in the amount of \$12K. Selectman Sullivan moved the Board based upon Mr. Suhoski's recommendation award the contract to John Farrar for consultant services to provide Sign & Façade improvements to the downtown target area in the amount not to exceed \$12K, 2nd by Selectman Morrison, VOTE: unanimous, so moved. Mr. Suhoski clarified the contract addendum of 7-6-04. Mr. Suhoski advised the Board to Charett planned for 7-14-04 at 6:30p.m. at O'Hanlon's Main Street, Ayer, MA Architect, landscape, and urban designer will outline potential improvements to several downtown buildings-the consultant is funded through a technical assistance grant received by Mr. Sushoski.

3. **Construction Administration Contract**-Mr. Suhoski recommended the Board award the Construction Administration Contract to Donald Bucchianeri d/b/a Bucchianeri Management Services in the amount of \$32K. Mr. Suhoski advised to this contract providing rehabilitation specialist services to monitor the restoration and renovation of the Spaulding Building into eight housing units. Contract to involves site inspections, quality of work/material reviews, approves invoices and ensures CDBG housing requirements are met. Motion to approve made by Selectman Sullivan, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

4. Request to Waive Housing Rehabilitation Program Lien

Mr. Suhoski opened discussion by advising the Board that this lien is NOT recommended for approval. A former client in the Hous. Rehab. Program is seeking a waiver of the property lien in the amount of \$20,780 advising the waiving of liens must demonstrate economic hardship, this request centers upon relocation of military service and would be the first such waiver granted. Selectman Fay suggested the Board hold off on decision until the Board reviews the Agreement. Selectman Sullivan stated the Board cannot approve the request as documented by Mr. Suhoski and moved the Board deny the request to waive Housing Rehabilitation Program Lien, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Mr. Suhoski announced Nashoba Valley Medical Center to invest in Ayer by announcing its intention to stay in Ayer advising of collaborative effort needed by Town Departments in the upcoming months. Mr. Suhoski also updated the Board to Volunteers of America (old Woodford of Ayer) on line and pulling building permits which could be realized in excess of over \$70K.

Mr. Suhoski reminded the Board to MBTA Station Improvements informal hearing scheduled for Thursday, July 22, 2004 in the Great Hall, Ayer Town Hall. Selectman Maxant expressed his concern re: location of parking facility and when will public have chance to debate this issue. Chairman Bresnahan stating this is not the place for such a debate- the information hearing will allow for such a forum.

Agenda Item #6. Fy-05 Appointments

Ms Scheipers opened the Fy-05 Appointments by introducing Chief Rizzo who introduced Robert Friedrich to the Board and advised to Mr. Friedrich acting as Animal Control Officer and working with the department for the past few weeks. Chief Rizzo recommended the appointment of Robert Friedrich to fill the vacant Animal Control Officer position. The Board moved to appoint Robert Friedrich to the Animal Control Officer's position based upon the Chief' recommendation. Motion to approve made by Selectman Sullivan, 2nd by Selectman Fay, VOTE: unanimous, so moved. The Board thanked Mr. Friedrich for serving the Town in this capacity.

Ms. Scheipers introduced Patrick Hughes who advised the Board to his request to serve on the Conservation Commission. Mr. Hughes gave the Board a brief background and stated his interest upon serving on the Commission. Selectman Sullivan moved the Board appoint Mr. Hughes to the Conservation Commission for a three year term, 2nd by Selectman Morrison, VOTE: unanimous, so moved. The Board thanked Mr. Hughes for his interest and for his willingness to serve the Town in this capacity.

Ms. Scheipers advised to Chief Rizzo requesting the Board take up the appointments of two (2) per diem dispatchers/Telecommunicators. The Board met with Chief Rizzo who introduced Elaine Clements of Ayer and Brett Rand of Northborough, MA. Chief Rizzo advised the Board to both candidates work background and educational training, and advising to additional training required prior to employment. . Selectman Sullivan moved the Board appoint Elaine Clements and Brett Rand per diem dispatchers as so stated by Chief Rizzo, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

The Board reviewed Appointment requests for appointment to the Disabilities Commission. James Williams, Chairman of the Commission requesting Lola Parlon be appointed and the receipt of Robert Pena's letter requesting to be appointed to the Disabilities Commission. Selectman Fay and Maxant requested to honor recommendation of Disabilities Commission and to set this appointment back until Disabilities Commission has reviewed. Selectman Sullivan moved the appointment of Robert Pena to the Disabilities Commission 2nd by Selectman Morrison, VOTE: Selectman Sullivan aye, Selectman Morrison aye, Chairman Bresnahan aye, Selectman Fay no, Selectman Maxant no 3-2 motion passes-Robert Pena appointed to serve on the Disabilities Commission.

The Board reviewed the Fy-05 Appointments prepared by the Town Administrator. The Board took no action on the Zoning Board of Appeals per a request from Chairman Dale Taylor. Ms. Scheipers advising the Board to Town Counsel recommending this action -allows members to stay on committee until appointments are finalized.

Selectman Maxant requesting Town Counsel-Kopelman & Paige is not reappointed due to inaccurate information given on occasion. Selectman Morrison moved to appoint Kopelman & Paige as Town Counsel, 2nd by Selectman Sullivan, VOTE: Selectman Fay aye, Selectman Morrison aye, Selectman Sullivan aye, Selectman Maxant no, Chairman Bresnahan aye, 4-1, so moved.

The Board held off on the appointment of Pauline Conley to the Personal Board until further review and the Community Preservation Committee appointment until they meet with the three candidates along with the Zoning Board of Appeals and deferred on the Selectmen's assignments to next Meeting. All other appointments read and accepted as presented.

The Board ran through the list of vacancies and requested they be advertised locally & on cable:

Vacancies: 2 on Cable Commission, 4 Capital Planning, 1 Community Preservation, 2 Conservation Com., 1 Council on Aging, 1 Open Space & Recreation and 1 on recycling and on appointments to Devens Disposition Executive Committee (1 from Board of Selectmen, 1 from Planning Board, and 1 citizen.)

Agenda Item #7. Town Administrator's Report

1. **Temporary Sign Request-Ayer Sportsmen's Club**-The Board approved the Sportsmen's Club sign to be placed on the corner of Main & Columbia Sts. of Town Hall from July 24th to August 15th Advertising their annual "Clambake". Motion to approve made by Selectman Maxant, 2nd by Selectman Morrison, VOTE: unanimous, so moved.
2. **Water Connection Permit**-The Board approved a water permit for 23 Williams St. for a 4-BR home, fee \$1,400.00. Motion to approve made by Selectman Morrison, 2nd by Selectman Maxant, VOTE: Unanimous, so moved.
3. **Water Connection Permit**-The Board approved a water permit for 1 Sandy Way for a 4-BR home, Fee \$1,400.00. Motion to approve made by Selectman Morrison, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
4. **Sewer Connection Permit**-The board approved a sewer permit for 23 Williams St. for a 4-BR home, fee \$1,500.00. Motion to approve made by Selectman Sullivan, 2nd by Selectman Morrison, VOTE: unanimous, so moved.
5. **Loaves & Fishes Fund Raising-letter of support**-The Board authorized Ms. Scheipers to write a letter of support for Loaves & Fishes fund raising campaign for its move to a new building. Motion to approve made by Selectman Fay, 2nd by Selectman Morrison, VOTE: unanimous, so moved.
6. **Devens Disposition Steering Committee**-The Board voted to approve the final report of the DDSC and its recommendation of the fifteen member DDEC as well as to appoint three member from Ayer to the DDEC. Motion to approve made by Selectman Morrison 2nd by Selectman Sullivan VOTE: unanimous, so moved. The Board agreed to advertise the Devens Disposition Executive Committee openings
7. **Pleasant St. School Storage**-Ms. Scheipers updated the Board to Town Hall staff in anticipation of the sale of the Pleasant St. School going over to the School to mark items they wish to retain prior to MCI inmates coming in to clean out basement.

Selectmen's Questions/New Business

Selectman Sullivan-requested Selectmen allocate \$50.00 from Selectmen's budget to have the fountain maintained by resident with flowers. Motion made by Selectman Sullivan 2nd by Selectman Fay, VOTE: Unanimous, so moved.

Selectman Sullivan thanked the IDFA for contributing \$4K towards flag project.

Selectman Sullivan also expresses appreciation to Jim Pinard for Town Hall lawn care donation of service also to Rotary Club for donation of 3 elm trees one planted in front of Town Hall, one on E. Main St. and one donated to the Shriver Center in memory of student.

Selectman Maxant wishing to place Cemetery land on Selectmen's Agenda.

Selectman Fay-took this opportunity to thank everyone on behalf of family and Shriver Job Corp who participated in Shriver's Memorial Service last week. i.e. Selectman Bresnahan, Selectman Morrison.

Chairman Bresnahan- Chairman Bresnahan mentioned that some people were offended by comments at the prior Selectmen's Meeting about President Reagan's funeral; Chairman Bresnahan said that to the extent people were offended by the Chair not preventing those comments he expressed his personal regrets.

Chairman Bresnahan called for a motion to enter into Executive Session.

Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B, Exemption #3 Contracts negotiations and updates on current legal matters, to adjourn from this Executive Session to reenter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Morrison, VOTE: Selectman Sullivan aye, Selectman Morrison aye, Selectman Fay aye, Selectman Maxant aye, Chairman Bresnahan aye, unanimous, so moved.

9:35p.m. Open Session adjourned

Date: _____

Cornelius F. Sullivan, Clerk