

Selectmen's Meeting
Tuesday, February 3, 2003
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

The Board met with Chairman Fay, Selectman Bresnahan, Selectman Maxant and Selectman Sullivan. Selectman Morrison absent due to prior commitment.

Public Input-Chairman Fay requested if there was anyone present wishing to be heard under Public Input, no stepped forward. Chairman Fay announced under this item the cancellation of the Public Hearing for MA Elec & Verizon's Joint Pole Petition for Groton Shirley Rd. Town Administrator requested the Board take up the packets prepared for the Board this evening re: the Award of the 2003 Annual Town Report and MRPC -Agreement for consulting service through MART for the feasibility study for the development of a MBTA Commuter parking facility under new business. Chairman Fay called for a motion to accept the Agenda as amended. Selectman Bresnahan moved the Board approve the Agenda of 2-3-04 as amended, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Minutes of 1-6-04 & 1-20-04 were set back due to the absence of the clerk.

Agenda Item #1. One Day Beer & Wine License-Nashoba Valley Chamber of Commerce-Nashoba Valley Medical Center/Business after Hours. The Board met with Deborah Seeling of Nashoba Valley Medical Ctr. Who stated the license would be for Wednesday, February 25, 2004 from 5:30-7:30p.m. tours of the Hospital and new equipment with Jack-O-Lantern conducting a Beer & Wine Tasting at the event. Selectman Sullivan moved the Board approve the One Day Beer & Wine License for Nashoba Valley Medical Ctr. Business After Hours for 2-25-04, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #2. Public Hearing-Common Victuallers License-Wok n' Roll-Park Street, Ayer, MA

The Board met with Ben Zeng & Xiv F. Shi new owners of deli/Chinese take-out restaurant. Chairman Fay requested the Legal Notice be read into the record which ran in the Nashoba Publications the weeks of 1/21/04 & 1/28/04. Chairman Fay requested if there were abutters present to speak for or against the petition. No one stepped forward. The Board was advised to Nashoba Board's of Health approving a Food Handler's License and the Building Inspector approving Occupancy Permit for the new owners. Mr. Zeng stated he had plans to include seating (counter) and a few café tables. Selectman Maxant surprised at restaurant just opening and sold in such time and advised to property not sold just the business. Chairman Fay called for a vote. Selectman Bresnahan moved the Board approve the Common Victuallers License for Wok n' Roll, Park Street, Ayer, MA, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

The Board met with Shaun Suhoski Community & Economic Development Director
Chairman Fay requested to go off the posted Agenda of 2-3-04 to publicly recognize and congratulate Shaun Suhoski, Community & Economic Development Director upon his recent Grant Award for the Town under the Fy-04 Housing Development Support Program (HDSP) in the amount of \$852,245.00. Chairman Fay read into the record a letter congratulating Mr. Suhoski stating this award will greatly assist the Town meet our affordable housing stock with the creation of eight new affordable housing units while revitalizing Ayer's Main Street Mercantile Historic District. The Board congratulated Mr. Suhoski and is staff on this substantial award to the Town of Ayer.

Agenda Item #3. Supt. Madigan's Report

1. **Bid Award-Tractor/Transfer Station**-The Board moved to approve Supt. Madigan's recommendation to award the bid for a used heavy duty tractor for the Transfer Station to Assabet Mack Service, Inc. of Shirley, MA for a used 1997 Mack tractor for the total bid award of \$40,000.00 with a credit amount (trade in) for the Town's 1977 Mack Tractor of \$500.00 for the total bid award not to exceed \$39,500.00. Motion made by Selectman Sullivan, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
2. **Engineering Agreement-HTA-Wastewater-Groveland/Oak Grove Streets.**
The Board approved the Engineering Agreement with Hoyle Tanner & Assoc. for the sum not to exceed \$27,000.00 for the design of the sewer extension sample borings, construction oversight & inspections. Motion to approve made by Selectman Bresnahan, 2d by Selectman Sullivan -VOTE: unanimous, so moved.
3. **DEP-Fifth Amendment/ACOP-CE-97-1007**-The Board approved the 5th Amendment-Timeline ACOP-CE-97-1007 with amendment to Page 2 of 3; Paragraph 10 (Paragraph 24f) revised language to change I/I to Inflow. Supt. Madigan to submit cover letter to DEP with requested Amendment as stated above. Motion to approve with amendment made by Selectman Sullivan, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #4. Public Hearing-MA Elec. & Verizon N.E. -Shirley Groton Rd.-cancelled per Verizon N.E.

Agenda # 5. Stony brook Realty Trust-Land Donation-set back for later in evening

Agenda #6. Town Administrator's Report

1. Ms Scheipers warned the Board to the Governor's proposed State Budget indicating Ayer's local Aid could be level funded. Ms. Scheipers stated the Town would receive \$735,664 in State Aid up \$879 from last year which assures minimal impact, but both the House & Senate have declared this budget unfeasible. Selectman Bresnahan noting a dip in school choice of up to \$116,000.00. Veteran's service being the only budget line on the Town government side slightly decreasing. Ms. Scheipers warning a budget using Fy-04 figures means there will be a reduction in the level of services.

2. The Board approved the Historical Commission's recommendation to award the Underground Storage Tank Removal (UST) Contract, approved by Town Counsel, at the Pleasant Street School to Ronald Tiberi, PE of Natick, MA for the bid award not to exceed \$4,500.00. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Funding Through prior ATM warrant article. The Board requested the Town Accountant verify the funding & date of ATM approved.
3. **Superior Officer's Contract Negotiations**-Ms Scheipers updated the Board to request to begin negotiations of their three (3) year contract. Ms. Scheipers suggested beginning negotiations the week of 2-23-04 and requested a Selectmen's representative to assist with the negotiations. Selectman Bresnahan stated he would be designee when available along with Selectman Morrison.
4. **Sign Request-Council on Aging-Blood Drives.** The Board approved two Blood Drives for the COA to be conducted on May 11 and Oct. 7, 2004 at the Ayer Town Hall, 2nd floor Great Hall. The Board approved of temporary signs to be placed on Town Hall Grounds the weeks of April 29 through May 7 and Oct. 1 through Oct. 7-site to be determined by the custodian. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
5. **Smith Family Land Sale-Joint Meeting.-61A.** Ms. Scheipers updated the Board to Joint Meeting date of 2-9-04 @6pm being scheduled with the Planning Board, Conservation Commission, CPC, and Board of Selectmen re the Town's Right of First Refusal. Selectman Sullivan moved the Board have Town Counsel review the purchase Agreement due to some of the aspects of the P&S appear less than a bona fide offer, specifically in the buyers addendum. Selectman Sullivan also stated land would be subject to conditions in and out of contract i.e. wetlands crossing, ACEC-not allowed, Snake hill Rd. egress not public way-Towns of Ayer & Groton must approve, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
6. **MIIA Grant Award**-Ms. Scheipers announced the receipt of a \$2,500.00 Grant Award from MIIA for the Town to purchase trench rescue equipment for the Fire Dept. & DPW.
7. **Baby Safe Haven Update given from Senator Resor.**
8. **Town Report Award**-Ms. Scheipers recommended the award of the 2003 Annual Town Report be made to IKON Document Efficiency-399 River Road, Hudson, MA in the amount of \$1,883.00. Selectman Bresnahan moved the Board approve the Town Administrator's recommendation and award the printing of the 2003 Annual Town Report to IKON Document Efficiency in the amount of \$1,883.00, 2nd by Selectman Sullivan, VOTE: unanimous, so moved. Chairman Fay requested the Board review his finalized Selectmen's report for inclusion in the 2003 Annual Town Report. Chairman Fay announced the 2003 Annual Town Report being dedicated to Supt. of Schools Kevin O'Malley and Robert Manning, Business Operations Manager of the Ayer School Dept. upon their upcoming retirements this year and many years of service to the Town of Ayer.

9. **MART Consulting Services-McMahon Associates**-Ms Scheipers presented the Agreement with MART and recommended the Board approve payment to McMahon for MART as each task is completed. The Board to reimburse MART for the total cost of the feasibility study for the Town of Ayer re review of four sites for the potential of development as an MBTA commuter parking facility in the amount not to exceed \$22,000.00 and to authorize the Chairman's signature on the Agreement. Motion to approve made by Selectman Sullivan 2nd by Selectman Maxant, VOTE: unanimous, so moved.
10. **Devens Disposition Steering Committee**- Selectman Bresnahan updated the Board to the first meeting of temporary 90-day target committee chartered to define the role of the more permanent Disposition Committee. Selectman Bresnahan denoting his requested amendments to DRAFT Charter- two (2) changes:
 1. The Report would go to the three Boards of Selectmen who would report back to their respective citizens.
 2. The report would be final only if its recommendations were acceptable to the five reporting groups mentioned in the Disposition section 498; i.e., the three towns as well as the MDFA Board and the DEC.
11. The Board requested Selectman Maxant put in writing his complaints re: Town's Economic Development Director not following Board's policy/direction for their next meeting.
12. **Stony Brook Realty Trust-land donation** -The Board met with Patrick Maraghy, Trustee of Stony Brook Associates Realty Trust. Mr. Maraghy apologized for tardiness due to weather & poor driving conditions. Mr. Maraghy stated he was present this evening re donating 3.37 acres of land located in Stoney Brook Park in Ayer-Assessors Map 17, Lot 11 recoded in the Middlesex South Registry of Deeds as: Book 15950, Pages 403-406. The Board advised Mr. Maraghy to donation of land to a municipality required Town Meeting vote & approval. An Article must be prepared denoting the meets & bounds of the land to be donated. Ms Scheipers advised Mr. Maraghy of closing date for warrant articles being 2-20-04 and a Public Hearing must be held. Ms Scheipers requested if, should not everything occur prior to 2-20-03 would there be a problem with this donation of land appearing on the Fall Town Meeting Warrant, Mr. Maraghy stated there would not be a problem. Mr. Maraghy to furnish the Board with the meets and bounds of the land donation along with deed for just this parcel. The Board thanked Mr. Maraghy for this donation on behalf of the Hansen family and advised Mr. Maraghy to this matter to be further reviewed.

New Business: David Bodurtha requested update re Veterans Plaque timelines. Chairman Fay advised to this being a long term project-two (2) years for all Town of Ayer Veterans who have lived in Town for ten (10) years or more and not recognized elsewhere to submit their request along with dd214 to the Selectmen's Office.

BOSMIN2-3-04/PG.5

9:30p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B re: Contract Negotiations: DPW, Superior Police Officers and Town Administrator's Contract., 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

9:30P.M. Open Session concluded.

Date: _____

Faye L. Morrison, Clerk
AYER BOARD OF SELECTMEN