

**Selectmen's Meeting**  
Tuesday, December 16, 2003  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

**7:00p.m. Open Session**

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

**Public Input**-Chairman Fay requested if there was anyone present wishing to meet with the Board, no one stepped forward...

Minutes of 11-18-03 and 12-2-03 were set back, no action taken.

**Agenda Item #1. Appointments**

1. **ZBA-Alternate**- The Board met with Jennifer Gibbons of 12 Wachusett Ave., Ayer, re serving as Alternate for the Zoning Board of Appeals during Manuel Velez's leave of absence from 1-1-04 to 4-5-04. The Board welcomed Jen back (former Admin. Asst. for Plan., ZBA, & Con Com). Selectman Bresnahan stated Ms. Gibbons is highly qualified for position, requesting Ms. Gibbons to serve to June 30, 2004 due to insufficient number of alternates. Dale Taylor, Chairman of the Zoning Board concurring with this recommendation. Ms. Gibbons agreed. Selectman Bresnahan moved to appoint Ms. Gibbon's to serve as Alternate on the ZBA effective to 6-30-04, 2<sup>nd</sup> by Selectman Morrison VOTE: unanimous, so moved.
2. **Council on Aging**-Member-The Board met with Ellen Tremont and Council Director Karen Swanfeldt. Ms. Swanfeldt appraised the Board to the whole Councils recommendation of Ms. Tremont's appointment. Ms. Tremont gave the Board a brief background stating she currently is doing extended work at the Center for over a year now as well as other community service for the Town while still maintaining a part-time teaching position in the Shirley School System. Selectman Bresnahan moved the Board appoint Ms. Tremont to the Council on Aging based upon her extensive community service background and the recommendation of the Council effective to June 30, 2004 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
3. **Tree Warden**-Resignation of John Flagg- Ms. Scheipers advised the Board to Mr. Flagg being asked to come in to meet with the Board regarding his resignation and declining. The Board requested Ms. Scheipers send Mr. Flagg a formal request to meet with the Board re his resignation and reasoning behind it. Motion made by Selectman Bresnahan, 2<sup>nd</sup> the Selectman Morrison, VOTE: unanimous, so moved.
4. **JBOS -Selectmen's Representative to JBOS Disposition Steering Committee**- Selectman Bresnahan offered to serve the Board in this capacity, Selectman Maxant also offering to serve the Board in this capacity. Selectman Morrison nominated Selectman Bresnahan to serve as the Selectmen's representative to the JBOS Disposition Steering Committee, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

5. **School Superintendent Search Committee-Selectmen's representative to Com.**-Selectman Sullivan offered to serve the Board in this capacity. Selectman Maxant nominated Selectman Sullivan as the Board's representative to the Superintendent of Schools Search Committee, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

**Agenda Item #2-Charles Jones-Town House Ball Scholarship Award**-The Board met with Charles Jones, Treasurer of the Town House Ball Committee, who updated the Board to funds remaining from the donations received for the Town House Ball and those funds being voted on by the Committee to be spent for scholarships for Ayer High School students. Mr. Jones reported that three (3) scholarships were awarded by the Committee in 2002. A balance of \$500.00 was remaining in the account and the Committee is before the Town this evening to close the account out by awarding another scholarship for the remaining \$500.00 to Heather Marshall who was unable to be present this evening. Representing Ms. Marshall was her father Mr. Howard Marshall. Mr. Marshall expressed his gratitude for his daughter's scholarship stating she is currently attending Emanuel College. The Board thanked Mr. Jones and Mr. Marshall for coming in to meet with the Board and congratulated the Committee and Mr. Marshall for funds well spent.

**Agenda Item #3-Fire Station Construction Committee-Update and Vote to Proceed** The Board met with Chief Fillebrown, Tony DiLuzio-Project Manager, and Wellman Parker, Chairman of the Fire Station Construction Committee. Mr. Parker stated the Committee is before the Board this evening to move forward with the next phase of the project-construction bids for the new Fire Station. Mr. Parker outlined the Committees intent re: the next phase of bidding. Bids would be solicited for the building of the station on the corner of Park & Main Streets. Construction numbers for the project would be secured in time for the Spring Town Meeting. Mr. Parker stated a Debt Exclusion would be sought due to funds necessary to make up for the clean up of the site which would require a ballot question at the Town Election. Selectman Morrison moved the Board approve the Fire Station Committee's request to go out to bid for the construction of the new Fire Station, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved. The Board requested the Committee be prepared to answer questions about the site location/traffic concerns, loss of retail space due the location of the station at this site. Mr. Parker stated the Committee is preparing for this by educating the public prior to Town Meeting via public informational meetings. Selectman Bresnahan asked that the specific discretionary items that should be further questioned are \$400,000.00 in construction overages and \$43,000.00 in computers and technology suggesting the Committee take a closer look at some discretionary items, so as to not add to the taxpayers burden, noting people are upset over tax rate increase.

**Agenda Item #4.-APAC-Church Donation for Great Hall Sound Improvement** Ms. Scheipers updated the Board to the request by Lighthouse Church to spend up to \$5K to provide the acoustic absorption materials and other improvements for the Great Hall for use by the Church of the Great Hall and Town Hall Meeting Rooms on Sunday mornings. Ms Scheipers advised to APAC managing the purchase and installation of the materials, a Town Committee could provide aesthetic approval and Dan Sherman could

insure proper installation. Ms. Scheipers referred the Board to Town Counsel's recommendation not to approve APAC's request. Selectman Bresnahan moved the Board vote to decline the offer by Lighthouse Church per the recommendation of Town Counsel, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #5. Atty. Robert Collins-Stratton Hills**

Ms Scheipers informed the Board to Atty. Collins not being present this evening and the purpose of this item placed on the Agenda was to update the Board as to the status and next step being acceptance of land at the Spring Town Meeting. Ms. Scheipers presented a letter dated 12-16-03 from Atty. Collins. Atty. Collins notified the Board to another meeting being scheduled with the Planning Board (improvements to road/water-sewer utilities). James Lucchesi, Chairman of the Planning Board updated the Board to the developments progress to include off-site betterments, water-line, Sandy Pond III and the proximity and stability of the Long Pond Dam to include funds to correct existing repairs needed. Mr. Lucchesi also updated the Board to the road repairs and extending the water line to the Sandy Pond III sub-division. Atty. Collin's letter advised the Board to on-going discussions with the owner of the Sandy Pond sub-division and anticipating this issue being resolved prior to the next meeting with the Planning Board scheduled for 1-8-04. Selectman Sullivan expressed his concerns re: developments imposing threats that surround the Long Pond Dam's eastern & western shores, ie Pond View & Stratton Hill & to the north Sandy Pond Development. The Board requested a status report on the Long Pond Dam be submitted by the Supt. of Public Works.

**The Board went off the posted agenda at this time due to being ahead of schedule.** Motion to take up the Town Administrator's Report made by Selectman Maxant, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

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

1. **MMA Annual Business Conference Meeting Vote Authorization**-Ms. Scheipers advised to Chairman Fay attending the conference on behalf of the Board. Ms. Scheipers informed the Board to each Town allowed to send one voting delegate and recommended the Board appoint Chairman Fay to act as the voting delegate for the Board of Selectmen. Selectman Morrison moved the Board appoint Chairman Fay as the Board's delegate, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
2. **Planning Board Legal Counsel**-Kingsbury case. The Board authorized the expenditure not to exceed \$2K for Special Town Counsel-Judith Pickett for Special Town Counsel expenses re the Kingsbury case. Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.
3. **Guilford Update**-Ms. Scheipers referred the Board to Town Counsel's recent correspondence re: surveying the easement areas for the monitoring wells placement. Ms Scheipers advising to Town Counsel request to place matter on

hold until Spring when weather conditions are in line and when Guilford may begin construction activity.

**FY-05 Budget** –Ms Scheipers updated the Board to department head meeting held this past Tuesday-12-9-03, and only 15 departments represented. Ms Scheipers stated she distributed three scenarios for Fy-05 budget requests to all Town Departments: 5%,10%,& 15% cuts. The Departments present requested Health Care costs are re-examined. Ms. Scheipers updated all too new case law which required any changes to Health Care must be shared by all employee groups including unions. Many thought this avenue was worth exploring. Ms. Schiepers advised the Board to enormous time commitment this procedure involves requesting the Board provide her with clear directive if this avenue was worth repeating. The Board suggested they look at first cut before re-examining the Health Insurance scenario. Selectman Maxant requesting Ms. Scheipes provide the Board with a list of departments which did not attend the Budget Meeting stating importance of attending these meetings. Selectman Bresnahan requesting a letter be sent urging all departments to get involved and the benefits of attending these meetings will set well with voters on Town Meting floor. Ms. Scheipers advised the Board to letters being sent out with budget packets. The Board requested a stronger letter be sent out to all departments to get involved. Motion made by Selectman Bresnahan to resend out stronger letter to all Town Departments to get involved in the Fy-05 Budget Meetings, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Spring Town Meeting Warrant Opening & Closing Dates-**

The Board approved the Town Administrators recommendation to open the 2004 Annual Town Meeting Warrant on January 6, 2004 and close the 2004 Annual Town Meeting Warrant on 2-20-04 for acceptance of warrant articles. Articles must be submitted in full and in final draft in writing and electronically (e-mail/disk) and that any article not received in full and in final form shall not be included in the warrant. Motion to approve Ms. Scheipers recommendation made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**FYI's-**

1. The Board was advised to Douglas Friedrich requesting he be considered for Veterans Agent's position.
2. Executive Sessions-Littleton Environmental & Town Administrators contract.

**APAC-Lighthouse Church-re: Great Hall sound improvements**

The Board met with Charles Commeau, Douglas Becker of APAC and Reverend David Steele of Light House Church. Ms Scheipers explained to the representatives that the Selectmen's Agenda moved much quicker this evening than anticipated. Ms. Scheipers advised the group to the Board voting to decline the church's offer. The Board explained the reasoning behind their decision was based upon the extent of use request by the Church conflicts with non-government use of the building by other non-profit groups. It is not the policy to allow for extended long term use; such use will impact other entities. The Board suggested the Pleasant Street School as an alternative site-via the Historical Commission. Reverend Steele thanked the Board for meeting with him.

**Agenda Item #5. Supt. Madigan's Report-**

1. **Paul McGuane-Fee Peroration-**Supt. Madigan explained to the Board the DPW Licensing Policies re: Mr. McGuane's request stating all license fees objected by Mr. McGuane have been in enforcement for licensed water/sewer drain layers well before 2000. These licenses/fees are in place to insure only qualified people are handling internal plumbing to protect the Town of Ayer's water/sewer infrastructure, which he highly supports. Fees are charged to cover administrative expenses ie bonds, workman's comp, insurance certificates, reference checks etc. Two licenses are required as some contractors are only licensed for one specific job, and a specific contractor may not be skilled/experienced in both water/sewer pipe connections. Selectman Bresnahan suggested that, to not charge excessively, we should look at charging lower license fees in years after the first license issuance for any particular contractor.  
Chairman Fay suggesting a fee structure review is conducted. The Board took no action on this matter.
2. **Washington Street/Moore Drive Sewer Reimbursements-**Selectman Maxant recommended the Board take no action other than what it has done to date. Refunds to be handled re sewer credit. Selectman Bresnahan recommended the Board offer a sewer credit with a termination date of 1-31-04-reimbursement requests must be submitted and received by the DPW by the end of January 31, 2004. This reimbursement solely for the Washington St./Moore Drive Sewer line. Motion made by Selectman Bresnahan 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.
3. **Washington St. Crosswalk-**The Board in view of the recommendations received from the Fire Chief, Police Chief, Supt. of Public Works the Board **voted not to install a crosswalk at the Fire Station** at Newton St./Washington St. area. Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
4. **Wastewater Treatment Plant Contracts-**The Board approved a contract amendment for Tata & Howard for the Wastewater Treatment Facility Upgrades to the existing contract to include construction phase services for the sum not to exceed \$230,109.00. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
5. **Long Pond Dam-**The Board discussed their concerns with Supt. Madigan re; earlier discussion concerning Stratton Hills. Supt. Madigan stated dam is small stone dam-no extensive repairs. The Board reviewed with Supt. Madigan the Sandy Pond III sub-division currently before the Planning Board and recommended to extend the construction completion date of time if upgrade is needed when Sandy Pond III project is underway to research stability of dam. Selectman Morrison stating Town should negotiate with developer if dam is caused stress by development they will need to repair before further development occurs. Selectman Maxant questioning low-point spill point erosion also be considered. Supt. Madigan stated no problem there -meadow not deep. Selectman Bresnahan moved the Board asked a letter be submitted to the

Planning Board that they bring the dam repair issue into their current negotiations with the Sandy Pond III Group, which is asking the Planning Board for an extension. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

#### NEW BUSINESS/SELECTMEN'S QUESTIONS

1. **JBoS Representative**-The Board appointed a new Joint Boards of Selectmen's Representative effective 1-1-04. Selectman Bresnahan moved the Board appoint Selectman Morrison as the Board's representative to the JBoS, 2<sup>nd</sup> by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Morrison aye, Chairman Fay aye, Selectman Maxant abstained 4-0-1 motion passes. Selectman Morrison moved to appoint Selectman Bresnahan as alternate, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
2. **Chairman Fay-**
  1. Advised the Board to his taking exception to Agenda being altered from the Agenda he approved for 12-16-03 Selectmen's meeting. Chairman Fay requested in the future once an official Agenda is posted it is not tampered with.
  2. Selectman Fay stated he also took exception to remarks made by Selectman Maxant regarding The Town's Community & Economic Development Director, re: Devens Airport planning-inviting personal grievance.
  3. Main Street Lights-(5) lights still out have DPW look at.
3. Michael Paddenton-Westford Rd-re: Town's last remaining farm (McNiff) be protected. The Board reviewed with Mr. Paddenton Chapter 60 requirements advising him to meet with Assessors re: other options CPA/Chapter 60.

9:20p.m. Selectman Morrison moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B, Exemption #3 re: Littleton Environmental and Town Administrators contract, VOTE: Selectman Morrison aye, Selectman Bresnahan aye, Selectman Sullivan aye, Chairman Fay aye, Selectman Maxant no, 4-1 motion passes.

9:20p.m. Open Session ended.

DATE: \_\_\_\_\_

Faye L. Morrison, Clerk