

Selectmen's Meeting
Tuesday, December 2, 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 Morrison, Selectman Sullivan and Selectman Maxant.

The Minutes of October 7, 2003, were read and accepted. Motion to approve made by Selectman Morrison, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

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

Selectman Morrison requested at this time to take up the RFP for the Shirley Street Parcel for Affordable Housing Creation after the Housing Rehabilitation Subordination Request on the agenda this evening. Chairman Fay advised the room and viewing public to the Board receiving two late cancellations on tonight's agenda-those being: Tree Warden- John Flagg and Atty. Robert Collins, re: Stratton Hills.

Chairman Fay called for a motion to approve the Agenda as amended. Motion to approve the amended Agenda of 12-2-03 made by Selectman Bresnahan, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Agenda Item # 1. Appointments

1. **Community Preservation Committee**-The Board requested the Town Administrator schedule a meeting between the Board of Selectmen, Town Counsel and the Community Preservation Committee after January 6, 2004 to resolve all issues-this to be a single issue joint meeting i.e. process, quorum & appointments.
2. **Devens Enterprise Commission (DEC)**- The Board met with Ed Hamilton who gave the Board a brief background re his present service serving as an alternate on the DEC. Mr. Hamilton advised the Board to his current appointment on the DEC having no voting powers and wishing to be appointed to a full voting member. Mr. Hamilton advised the Board to his attendance being 90% at all DEC meetings. Mr. Hamilton stated he would like to protect Ayer's interest while watching over what comes before the DEC. Mr. Hamilton advising the Board to economic interest driving the region and Ayer will see enormous potential growth within the next five years having valuable excess capacity in the schools is a huge attraction. Mr. Hamilton stating Ayer's attention should be acquiring north base-formerly in Ayer-huge asset, undeveloped open space potential, borders are zoned heavy industry - the Town should seek the return of this land.. The Board concurring and requesting a meeting be set up with MADEV the first of the year for the potential acquisition of North Post. Selectman Bresnahan endorsing nomination of Mr. Hamilton stating he is very objective and keeps his eyes open for the Town of Ayer and **he was a good, qualified candidate for the job.** Selectman

Morrison echoing Selectman Bresnahan's remarks adding Mr. Hamilton is well aware of Devens impact to Ayer and surrounding communities. Selectman Maxant stating he was very impressed with Mr. Hamilton's passion for the job makes informed decisions based upon the issues. Selectman Sullivan cautioning Board to Ayer's potential growth as stated by Mr. Hamilton and urging controls be put in place to safeguard Ayer's future welfare. Chairman Fay called for a motion. Selectman Morrison moved the Board strongly recommend Mr. Ed Hamilton's DEC appointment by the Governor, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

3. **Fire Station Re-Use Committee**-The Board met with George Bacon. The Board reviewed with Mr. Bacon his request to be appointed to the Fire Re-use Committee. Mr. Bacon stated his interest to serve was to preserve the building for its historic value. Selectman Bresnahan cautioning Mr. Bacon to look at it disposition objectively, balancing value of the building vs. renovation costs. Selectman Sullivan's thoughts more to selling property privately. Selectman Sullivan also questioned Mr. Bacon's ability-time wise to take on another committee, Mr. Bacon advising to one committee being short-term assignment finish up in Spring. Chairman Fay called for a motion. Selectman Bresnahan moved the Board appoint George Bacon to the Fire Station Re-use Committee, 2nd by Selectman Morrison, VOTE: unanimous, so moved.
4. Cultural Arts Chairman vacancy-Town Administrator announced Chris Carroll's letter seeking a volunteer to take over Chair of Cultural Arts Committee due to personal commitments. The Board requested interested residents contact Ms. Scheipers at the Town Hall.

Agenda Item #2. Building Inspector -Gabriel Vellante- Mr. Vellante reviewed with the Board the Rate of Development in the Town of Ayer for the past six (6) years and since the By-law was enacted advising the Board to new housing permits dropping after by-law in force:

1998- 60 permits issued-
1999- 26
2000- 10
2001- 5
2002- 1
2003- 9

Mr. Vellante stated the by-law only partially accomplished its objective, reduction in new house is a result of many factors, one the by-law, economy and the availability of land must be taken into consideration. Chairman Fay stated he placed this issue on the agenda to have the Board start thinking about what direction the Town might move in when the restriction on new construction units set in the rate of development lifts in June 04. By-law limits housing units to 32 per year with no more than six to be constructed by one developer. Mr. Vellante stated most large developers left due to lack of large tracks of land and recession and down economy led to over 230 building permits issued for people fixing up/renovating their present homes. Mr. Vellante again stated developers will not

build more houses than they can sell. Selectman Sullivan cautioned the Board to hundreds of houses in the planning process and the Town's Growth Control Bylaw that has held construction back and the purpose of the by-law is to control growth so infrastructure can handle it. Mr. Vellante recommended to the Board to extend the by-law. Patrick Hughes a resident of the Town advised the Board to by-law can't be extended as the same, the Atty. General would insist it be amended. The Town has options/goals: affordable housing, open space, recreation and more permits should be given involving cluster development to include open space and recreation. The Board thanked Mr. Vellante for coming in to meet with them.

Agenda Item #3. Housing Rehabilitation Subordination Request

The Board met with Timothy Hansen, Grant Administrator re: Case # 99-178 86 Pleasant Street, Ayer, MA. Mr. Hansen updated the Board to owners utilizing program in 2000 and seeking to refinance and obtain a new first mortgage of \$140K changing from three year adjustable rate to a thirty year fixed rate & consolidate debt. Selectman Morrison moved the Board approve subordination of the certificate not to encumber to the new first mortgage in the maximum of \$140K, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #4. Shirley Street Affordable Housing Project RFP-

Selectman Morrison opened the discussion by advising the Board to RFP submitted by Shaun Suhoski for a non-profit organization to take ownership of the track of land on Shirley Street to build a small affordable home on the property which meets 40B requirements. Selectman Bresnahan discussed not limiting/limiting contractors (not for profit) wanting someone with established track record to build the unit. After short discussion the Board agreed to stay with RFP presented to the Board in a memo dated 12-2-03 prepared by Shaun Suhoski subject to review by Town Counsel. Motion to approve made by Selectman Sullivan 2nd by Selectman Morrison, VOTE: Selectman Sullivan aye, Selectman Morrison aye, Selectman Fay aye, Selectman Maxant no, Selectman Bresnahan aye, 4-1 motion passes.

Agenda Item #5. Supt, Madigan's Report- The Board met with Supt. Madigan.

1. **Vulnerability Assessment Contract-Tata & Howard Engineering Agreement** Water System Vulnerability Assessment. Selectman Sullivan moved the Board approve the Vulnerability Assessment Contract as recommended by Supt. Madigan in a memo dated 10-28-03 be awarded to Tata & Howard for the sum not to exceed \$7,000.00, 2nd by Selectman Morrison, VOTE: unanimous, so moved.
2. **Rollins reimbursement Request-Moore Drive Sewer Extension-**Selectman Bresnahan moved the Board approved a sewer tie-in fee reimbursement for Clarence Rollins in the amount of \$320.00 per the request from Mr. Rollins in a memo dated 10-31-03, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Selectman Bresnahan stated Mr. Rollins made payment for his sewer hook up in good faith and problems encountered with contractor tying in prevented that from happening. Selectman Sullivan expressing his concern re other residents whose fee payments need to be addressed as well, different fees assessed for

those who got their payments in early who paid more, opposed to those who got their payments in after sewer bank was lifted and paid less. Selectman Sullivan moved the Board authorize Supt. Madigan to refund any sewer hook up fees paid by Moore Dr. & Washington Street residents beyond the \$100.00 paid by those who paid last (after Sewer Bank lifted), 2nd by Selectman Bresnahan, VOTE: Selectman Sullivan aye, Selectman Bresnahan aye, Selectman Morrison aye, Chairman Fay aye, Selectman Maxant no, VOTE: 4-1 motion passes. Chairman Fay requested Supt. Madigan to submit documentation to the Board depicting what residents paid what for the Board's next meeting.


3. **Washington Street crosswalk- corner of Newton Street to Fire Station.** The Board reviewed current crosswalks in area & request of resident for the need of this cross-walk due to resident being struck by car crossing from parking lot to fire station last year. Town Administrator advised the Board to Police Chief's questioning need for a crosswalk at this location. The Board requested the Fire Chief submit his recommendation re this issue and the Board take this matter again at their first meeting after the new year.
4. **D.L.Maher Drilling Contract-**The Board approved D.L. Maher's contract #2030402 for redevelopment of Grove Pond Well #2 for the Contract sum not to exceed sixteen thousand six hundred and five dollars (\$16,605.00) and contract #2030402A for the redevelopment of Grove Pond Well #1 for the contract sum not to exceed fifteen thousand eight hundred twenty five dollars (\$15,825.00) as recommended by Supt. Madigan. Motion made by Selectman Sullivan 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
5. **Paul McGuane re: License fees-**The Board set this item back for further review until their next meeting scheduled for December 16, 2003. Supt. Madigan to prepare response to memo dated 12-2-03 from Town Administrator relative to Mr. McGuane's concerns.

Agenda Item #5. Town Administrator's Report;

1. **Fy-04 License Renewals-Class I, Class II, Class III, Common Victualler's Licenses, Amusement Licenses and Sunday Entertainment Licenses.** Town Administrator requested the Board approve the blanket Fy-04 renewal list as prepared by Janet Lewis, Selectmen's secretary dated 12-2-03. Selectman Bresnahan moved the Board approve the Fy-04 Blanket list of License Renewals as presented, 2nd by Selectman Morrison VOTE: unanimous, so moved.
2. **Planning Board Legal Assistance Funding Request-** The Board approved the Request from the Planning Board for Special Counsel-Judith Pickett re the Kingsbury case in the amount not to exceed three thousand dollars (\$3,000.00). Motion made by Selectman Sullivan, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. Selectman Maxant moved Town Counsel-Judith Pickett recover costs of frivolous lawsuit discoveries, etc., 2nd by Selectman Bresnahan, VOTE: Selectman Maxant aye, Selectman Bresnahan aye, Selectman Morrison aye, Chairman Fay aye, Selectman Sullivan no, 4-1- motion passes.

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3. **System H2O Relocation Request**-Town Administrator submitted Shaun Suhoski's request re: H2O's request to locate on Devens. H2O a spin off company of Air Power of N.E. located on Willow Rd. The new company requires space of its own and Mr. Suhoski worked with the company to try to find space in Ayer but was unsuccessful to date but Shaun would continue to look for a potential site in Ayer.. The Board approved MADEV to assist Systems H2O seeking space on Devens. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan VOTE: unanimous, so moved. Selectman Maxant mentioned Ayer would have space to offer if MADEV kept their promise and turned over jurisdiction of North Base to Ayer.
4. **Baby Safe Haven/Request for Home Rule Petition**-The Board reviewed the request submitted by resident for Home Rule Petition to establish a Baby Safe Haven at the Ayer Fire Station. Selectman Sullivan advised to this legislation would allow mothers to abandon their just-born infants by bringing them to a safe place where they would be cared for and not face criminal charges. Ms Scheipers advised to both Police Chief & Fire Chief approving of both the Fire Station and Police Station being designated as Safe Havens. Chief Rizzo recommending the legislation being better if originated at State Level-eliminating individual communities submitting piecemeal petitions. Selectman Bresnahan moved the Board seek input from Police and Fire Chief as well as Nashoba Valley Medical Center and State Officials Re the Home Rule Petition legislation, 2nd by Selectman Sullivan, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Morrison aye, Chairman Fay aye, Selectman Maxant no, **VOTE: 4-1 motion passes**. Selectman Maxant cautioning the Board re acceptance of proposals brought forward with good intentions and find out why State has not approved to date. Mary Spinner requesting the Board urges State Legislators to vigorously get behind this legislation, stating one baby left abandoned is too many and Selectman Sullivan stating if State Officials don't get behind it he would like to see Ayer be a leader on it.

4-1
passed


Agenda Item #6. New Business/Selectmen's Questions

1. **MMA Conference-January 2004**- Chairman Fay requested if any of the Board members would be going this year advising to funding only available for registration and one meal no Hotel. Chairman Fay to attend.
2. **Sign Fees review**-Board to review fee structure due to complaints received.
3. **Xmas Tree approved**-The Board approved the Business Alliance request to place a Xmas tree on the tree stump on the corner of Columbia & Main Streets. Motion to approve made by Selectman Sullivan 2nd by Selectman Morrison VOTE: unanimous, so moved.
4. Selectman Sullivan reminded Board to St. Anthony's Play at Ayer High School on 12-13-03 sponsored by the Shirley 200 Anniversary Celebration.
5. The Board scheduled the appointment of the Selectmen's delegate to the JBoS for their next meeting 12-16-03
6. Town Administrator reminded the Board to their meeting with the Littleton Selectmen on Wednesday January 10, 2003 at 4:30pm in Littleton to discuss petitioning the State to improve the Littleton Rd.-Willow Rd (Rte.2A)

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intersection re creating an alternate route for trucks to by-pass Sandy Pond Rd.
7. Town Administrator reminded the Board to her contract coming up for renewal.
9:20 p.m. Selectman Sullivan moved the Board adjourn from Open Session 2nd by
Selectman Morrison. VOTE: Selectman Bresnahan aye, Selectman Morrison aye,
Selectmen Sullivan aye, Chairman Fay aye, Selectman Maxant aye VOTE
unanimous, so moved.

DATE: _____

Faye L. Morrison, Clerk
AYER BOARD OF SELECTMEN