

Selectmen's Meeting  
Tuesday, September 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 under Public Input, no one stepped forward.

**Minutes of 9-2-03** Selectman Morrison moved the Minutes be approved as submitted, 2<sup>nd</sup> by Selectman Maxant for discussion requesting the removal of equipment also be placed in the OMNI Point transfer of Lease Assignments Performance Bond. Town Administrator confirmed the inclusion being part of the requirements of the Performance Bond. VOTE: unanimous, so moved.

**Agenda Item #1. Certificates of Appreciation**

1. Kimberly Becker-The Board recognized Kim Becker for her 6 years service on the Communications Committee and being instrumental for the publishing of the "Ayer Times" newsletter and for the 2002 Program of Events for the Town Hall Restoration Project. Chairman Fay read in to the record a Certificate of Appreciation and thanked her for her many years of dedicated service stating she will be sorely missed.
2. Julia McKinney-Council on Aging-The Board recognized Julia McKinney for her ten years of loyal & dedicated work serving on the Council on Aging. The Board read into the record a Certificate of Appreciation for her many years on the Council re-organizing the programs, assisting the Council's lunch program when understaffed and screening past & current Directors. The Board thanked her for her ten years of dedicated service to the seniors of Ayer.

**Agenda Item #2. Supt. Kevin O'Malley-Ayer School Department re: School Fund Accounting.** The Board met with Supt. of Schools Kevin O'Malley, Town Accountant-Lisa Gabree, Denis Callahan, Town Treasurer. Supt. O'Malley opened the discussion stating he was before the Board re: his request of April 2003 requesting School Choice funds, School Tuition funds and Athletic Revolving funds be placed in separate trust funds so that interest on these accounts may be credited to the School Department. Supt. O'Malley stated this request necessary and appropriate due to downsizing of the Fy-04 School Budget. Supt. O'Malley advised the Board to joint meeting with all above and the Town Administrator held on 9-10-03 re setting up the bank accounts to track interest for the purpose of assigning/appropriating said interest to the School budget. Accounts agreed upon to be set up separately were School Tuition and School Choice funds, smaller accounts deemed too minute re adequate interest to justify administrative workload. Town Treasurer Denis Callahan advised to this request being submitted/faxed to the Dept. of Revenue (DOR) for approval and advised to 6-8 week wait for a response. Supt. O'Malley thanked all the efforts of Town Officials stating we are breaking new ground. Selectman Sullivan stating 6-8 week wait not acceptable and requested the Town Administrator write letter on behalf of the Board and copy State Representatives and State Senator re lack of timely

response from DOR re separating out interest on School Choice Funds and School Tuition and urging DOR to respond sooner than 6-8 weeks so that interest on these two accounts goes into the School Department's Fy-04 Budget. Selectman Bresnahan moved the Board authorize the letter to be prepared by the Town Administrator on behalf of the Board to DOR, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved. Selectman Sullivan requested all interest be tracked from 7-1-03 to 9-30-03 attributed from School Choice & Tuition by taking average of interest earned on Town funds to determine the dollar amount to be appropriated for the School Budget in Fy-04/Fy-05, this process to continue for each subsequent year but able to use a full years interest amount in subsequent years and the interest in each year starting with Fy-04 to be paid to the School Department subject to approval of DOR, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved. Estimated amount of interest for the year for School Choice & School Tuition estimated at \$40K based on average of \$2 million at 1.5% interest rate.

Lisa Gabree, Town Accountant requested the Board consider re-opening the Fall Town Meeting Warrant re: School Medicaid Reimbursement receipts (\$20K) to supplement the Fy-04 School Dept. Education line Item 600, the Board took this request under advisement and thanked Ms. Gabree for bring this to the Board's attention.

**Agenda #3. Board of Assessors-re space request-**The Board met with Chairman Edward Cornellier, Denis Callahan-Assessor and Thomas Hogan Assessors' Administrative Asst. Mr. Cornellier advised the Board to meeting held with members from APAC re: technical assistance and Town Hall ADHOC Committee members re meeting space in the Great Hall. Mr. Cornellier advised the Board to assessment by all that adequate space needs can be addressed in the Great Hall's rear left corner with the placing of portable partitions. Mr. Cornellier updated the Board to partitions being of a high quality re sound absorbency/stability and thanks to new custodian noise from HVAC system is now manageable. Selectman Bresnahan requested the panels be set up within the next two weeks to test. Selectman Sullivan moved the Board adjourn from 1<sup>st</sup> floor meeting room to Great Hall to test this evening, no second to motion, motion fails. Selectman Bresnahan moved the DPW remove the panels from the Pleasant Street School as soon as possible and set up in the Great Hall's rear left corner for use as meeting space once tested and established Conference Room A may be turned over to the Board of Assessors, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Agenda Item #4. Public Hearing-Earth Removal Renewal Permit/F&P Willows Trust.** The Board met with Paul Routhier. Chairman Fay opened the Hearing by requesting the Legal Notice be read into the record. Selectman Morrison read the legal notice of September 10, 2003 into the record. Chairman Fay requested if there were any abutters present, no one stepped forward. Selectman Bresnahan reviewed the renewal application re route of trucks, amount of clay to be removed. Mr. Routhier advised to no changes being made to renewal. Chairman Fay requested if

there have been complaints/issues re this permit. Selectman Sullivan reminded Board to site visit to area and approval of operation made last year by Board. Selectman Maxant moved the Board extend F&P's Earth Permit for six (6) months, 2<sup>nd</sup> by Selectman Morrison VOTE: unanimous, so moved.

**Agenda Item #5. Economic Development Director's Report.**

1. **Affordable Housing Project Proposal**-Surplus of Property. The Board met with Shaun Suhoski who reviewed with the Board a vacant 5,760 sq. ft. parcel of land on Shirley Street identified as Parcel 53, Assessors Map 26. Question came up if Housing Authority expressed interest in having property –low income rental - would it be possible? Mr. Suhoski stated the Ayer Housing Authority would be authorized to purchase the land from the Town the Board would set the criteria. The Board moved to declare by a majority vote of its members that the property currently held by it for general municipal purposes as described in a deed recorded with the Middlesex South Registry of Deeds at Book 12589, Page 99, is no longer needed for such purposes and that the land may be made available for rent, conveyance, or other disposition in accordance with provisions of MGL Chapter 40, Section 15A and place article on the Fall Town Meeting Warrant of 10-27-03 for acceptance by the Town. Motion made by Selectman Morrison, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.
2. **1st Time Home Buyers Program Update**-Mr. Suhoski updated the Board to Program being very successful due to the efforts of his financial manager Susan Provencher. Mr. Suhoski advising to program running for four weeks and of five families completing the work-shops. Three (3) couples overqualified two (2) couples eligible for the \$2K in funding towards closing costs provided by CDBG funding if property bought is located in Town of Ayer. The Board congratulated Ms. Provencher and applauded her efforts for introducing this program to the Town.
3. **Self Help Grant**-The Board approved Mr. Suhoski's grant applications for \$135K in self help grants towards signage improvements to the downtown area from the railroad bridge on E. Main St to the Railroad bridge on W. Main St. Mr. Suhoski updated the Board to ten properties eligible for the program of which several have expressed interest. If a higher level of interest is demonstrated a lottery system could be developed. The Town is subject to re-qualification (area) using the Nat'l Historic Register as a guide. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
4. **Heads Up Grant**-The Board approved of Mr. Suhoski submitting a Notice of Intent to apply for up to \$750K in funding to renovate the former Bookberry building on Main Street to create up to ten (10) units of affordable housing. Mr. Suhoski advised the Board to deadline re: submission of request due tomorrow but the full application due by Nov. 13th deadline. Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous.
5. **Rt. 2 Rest Area Proposal**-The Board voted to oppose proposed project by MA highways for the disposition of the state-owned rest area on Rt. 2 in Harvard due

to negatively impacting the host and surrounding communities. Key concerns raised: lack of definitive need for facility, competition of existing establishments in Ayer and design safety of the proposed location. Selectman Sullivan moved the Board vote to strongly oppose the development of the proposed rest area facility on Rt. 2 in Harvard, Selectman Bresnahan 2<sup>nd</sup> the motion for discussion requesting the Board authorize the Town Administrator to write letter on the Board's behalf unanimously voted, so moved.

6. **Historic Preservation Award:** Mr. Suhoski presented to the Town the MA Historic Commission Award presented at the 25<sup>th</sup> Preservation Awards Ceremony in Boston on September 5<sup>th</sup>, 2003 at the Ritz Carlton for the Rehabilitation and Restoration of the Ayer Town Hall. Mr. Suhoski also presented the MA Historical Commission's 2003 Preservation Award for the Ayer Town Hall for demonstrating an outstanding commitment to preservation in the Com. of MA. The Board thanked Mr. Suhoski for his participation.

**Agenda Item # 6. Geologic Services Corp.-Monitoring Wells Proposal**

The Board met with Bruce Ross and Matt Dixon of Geologic Services Corp re: 7 monitoring wells to be placed on two sides of the proposed Guilford unloading facility. The Board reviewed the presentation provided by Geologic re: mapping locations of monitoring wells re the water table, drinking water intake levels. Selectman Sullivan questioned whether contamination originating from Guilford would be detected without Guilford directing the blame at others in the area, questioning why only two wells would be located above Guilford. Selectman Maxant questioning if placing the other five wells located around wetlands presents physical or legal problem. Geologic stated more wells could be drilled upstream if an event occurred downstream with no clear indication as to the source, stating the law states any contamination the responsibility of the property owner. Town Administrator stated the issue is whether to proceed, then we could address actual location. Supt. Madigan cautioned Selectmen about losing sight of what they want to do, you want the monitors as an early warning if monitors go in downstream as soon as you find contamination the State will be contacted to give us all power to determine the cause. Town Administrator advised to seven wells exceeding Town Meeting appropriation of \$36K total cost for the seven wells is \$41,500.00 the difference to be paid by Water Dept. Enterprise Fund. Selectman Sullivan questioned Tata & Howard's proposed estimated appropriation for the monitoring wells. Selectman Sullivan moved the Board approve the contract to Geologic Service Corp in the amount of \$41,500.00 for the seven monitoring wells, 2<sup>nd</sup> by Selectman Maxant Vote: unanimous, so moved. Selectman Sullivan moved to ask Geologic Services to present plan for adding additional upstream monitoring wells to identify contamination before development occurs and come back to the board with this new proposal- 2-3 weeks, and to seek additional funding for these additional wells at the annual Town Meeting, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

**Agenda Item #7. Supt. Madigan's Report-The Board met with Supt. Madigan**

1. **Sewer Fee Reimbursement Request-Moore Drive-** The Board voted to deny the request by Donald Carlton-Moore Drive of \$350.00 due to application filed

May 03 prior to Sewer Bank being lifted. Motion made by Selectman Maxant 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

2. **Water Permits**-The Board approved the water permits for the Car Wash - 5016/gal per day, on Littleton Rd., Ayer, MA motion to approve and authorize the Chairs signature made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
3. **Sewer Permits**-The Board voted to hold off approving the sewer permits pending review or present policy to ensure fee policy is fair and consistent. Permits held over to 10-7-03 Meeting.
4. **Sewer Accounts billed in error**-The Board requested Supt. Madigan, Town Accountant and Town Administrator establish policy and return to Board when finalized. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Agenda Item #8. October 27, 2003 Fall Town Meeting Warrant Review**

Town Administrator presented the Board the latest draft of the Fall Town Meeting Warrant. The Board reviewed the following articles for inclusion on the 10-27-03 warrant:

**Article 1. Capital Improvements**-Typo change amount of Wastewater Improvements-Oakgrove & Groveland from \$220K to \$192K. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Selectman Maxant, VOTE: Selectman Bresnahan aye, Selectman Morrison aye, Selectman Maxant aye, Selectman Fay aye, Selectman Sullivan no, 4-1 motion passes.

**Article 2. Previous Years Unpaid Bills- approve**-Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Article 3. DPW back wages –approve** Motion made by Selectman Maxant 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved

**Article 4. Town By-laws change Advisory Committee to Finance Committee-approve.** Motion made by Selectman Bresnahan 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**Article 5. Capital Improvement Trust Fund-removed** Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Morrison aye, Selectman Maxant aye, Chairman Fay no, 4-1 motion passes.

**Articles 6-9- CPA Placeholders-HOLD placeholders to 9-18-03 deadline**

**Article 10. Land on Shirley St-approve** Selectman Maxant moved the Board re-open Warrant to include land on Shirley St. for low income housing project-2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Article 11. Veterans Memorial Plaque-approve,** Motion to approve made by Selectman Morrison, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous.

**Article 12. Medicaid School Reimbursement-approve re-opener** Selectman Maxant moved to approve 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**Article 13. CPA percentage change from 1% to 3%-approved** Selectman Sullivan moved to approve, 2<sup>nd</sup> by Selectman Bresnahan VOTE: unanimous.

**Article 14. CPA percentage adoption of Exemption 2 & 3- removed received after 9-5-03 deadline.** Selectman Maxant moved to re-open warrant to include Article 14, no 2<sup>nd</sup> motion fails.

**October 27, 2003 Fall Town Meeting Warrant closed.** Motion to close October 27, 2003 Fall Town Meeting Warrant made by Selectman Maxant, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

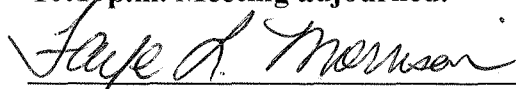
Chairman Fay requested a motion to continue the Selectmen's Meeting it being after 10:00p.m. Selectman Bresnahan moved the Board vote to extend the Selectmen's Meeting an additional ten (10) minutes, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Agenda Item #9. Town Administrator's Report-The Board met with Anita Scheipers.**

1. **Remediation Contract-Ayer Fire Station-**The Board voted to approve the contract to D.L. King Assoc. of Amherst, NH reviewed and approved by Town Counsel and authorized the Board's endorsement on the contract. Motion to approve made by Selectman Bresnahan and 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
2. **OHI/Bay Communications Lease Assignment-**The Board approved the lease assignment Agreement between OHI and Bay Communications reviewed and approved by Town Counsel. Selectman Bresnahan moved this approval be contingent upon Town Counsel's recommendation that the Board vote to approve the lease assignment document and to approve and sign attached letter to OHI cc Bay Communications stating the Town approves of the transfer conditional upon the issuance of the required Performance Bond, issued by a State licensed surety, equal to the full value to the existing lease agreement between OHI and the Town, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
3. **Tree Warden Reserve Fund Transfer-**The Board approved the Reserve Fund Transfer for the Tree Warden in the amount of \$3,500.00. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
4. **Mirror Lake Conservation Restrictions-**The Board voted to support the final version submitted and report this vote of support at the 9-17-03 JBoS Meeting. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
5. **Ayer High School Home Coming Parade-** The Board approved the Home Coming Parade request for Friday, October 3<sup>rd</sup> at 4pm. Parade Route from Pirone Park to High School-Washington St. contingent upon the Police Chief's review and approval. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**10:10p.m.** Chairman Fay called for a motion to adjourn. Selectman Sullivan moved the Board adjourn the meeting, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**10:10p.m. Meeting adjourned.**

  
Faye L. Morrison, Clerk  
AYER BOARD OF SELECTMEN

DATE: 11-7-03