

**Selectmen's Meeting**  
Tuesday, August 19, 2003  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main St., Ayer, MA 01432

7:00p.m. Open Session

The Board met with Chairman Fay, Selectman Morrison, Selectman Maxant, Selectman Sullivan, Selectman Bresnahan absent due to vacation. Selectman Sullivan sat in audience-recused himself from discussion & vote.

Chairman Fay opened the meeting by reading into the record a Public Statement re: unfinished business of the Agenda Items of 8-12-03, in which the meeting was adjourned by the Chair due to the lack of a quorum re the Devens Liquor Licenses (see attached). Having said this Chairman Fay opened the meeting where the Board left off at the Public Input section to allow opportunity for those Town residents/merchants to be heard stating that Town Government is not broken but is in fact flexible and resilient. Selectman Maxant took this opportunity to advise the Board to his participation in the discussion re MADEV request for two additional liquor licenses this evening but not the vote. Present for the discussion Meg Delorier of MADEV and Counsel Scott Fenton.

**Public Input:** Chairman Fay requested if there was anyone present wishing to be heard.

1. Mary Spinner-Why Chairman Fay had changed his mind accepting MADEV's latest proposal doing a 180 degree turn from his two previous votes of no.... and challenging MADEV promise of 400 new jobs feeling most of the 400 jobs would be for the Hotel/Conference Ctr.- low end positions. Chairman Fay responding what changed his mind was what was before us now was not was before the Board previously, very different proposal.
2. Edward Kelley-Questioning why everything is hinging on two (2) liquor licenses, dangerous precedent as well as a downturn to be controlled by one person, not a good feeling. Apologizing for not being able to say anything positive re: project.
3. Doug Becker-Advised the Board to his participation on the Devens 5 Year Reuse Planning Committee stating he did not know what to make of this whole thing. Suggesting making a concession push out moratorium/request from 3 years to 5.
4. Chip Guercio-Shirley Selectman suggested the Towns of Ayer, Shirley & Harvard have their own Town Meeting in September suggesting the Devens residents could vote in Harvard-advising to Rep. Hargraves requiring/ wanting a formal vote of the Selectmen of the three Towns or a Home Rule Petition. Mr. Guercio stated the Shirley Board of Selectmen would have this matter on their Agenda at their next meeting. Chairman Fay stating the Board would hope to invoke the "Rule of Necessity" exhausts all local options first.
5. Robert Rakip-Stated MADEV, and the Nashoba Chamber of Commerce's 8-1-03 marketing plan for area businesses to motivate the local economy is a good and viable regional stimulant and has his support. Mr. Rakip also envisioned Devens progress spilling over to Ayer and on the other side envisioning Ayer ending up like Fitchburg loosing its center of activity, asking what's the rush? He stated he is against walking away from the project stating he is here for the long haul. Selectman Morrison concurring stating people have a right to know, shouldn't walk away from this.

Chairman Fay called for a vote, invoking the "Rule of Necessity" offering Selectman Maxant the opportunity to rescind his recusal due to Selectman Sullivan and Selectman Bresnahan recusing themselves due to conflict of interest, and vote on the issue. Selectman Maxant declined, recusing himself and left the table. Chairman Fay tabled the discussion indefinitely, stating it is clear under the current state of the Board of Selectmen we cannot act on the matter. Selectmen Sullivan and Maxant returned to the table, quorum was confirmed.

**Public Input-8-19-03** Chairman Fay requested if there was anyone present wishing to meet with the Board re Public Input for this evenings meeting. No one stepped forward.

Chairman Fay took this opportunity to announce the Job Corp Graduation scheduled for this coming Thursday at 10am and inviting the Board and Town Administrator's participation.

**Agenda Item #2. Supt. Madigan's Report-**The Board met with Michael Madigan.

1. Sewer Permit- The Board approved a Sewer Permit Application for 202 Snakehill Rd., Ayer, MA due to Title V failure. Selectman Sullivan moved to approve the permit, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
2. Water Permit-The Board approved a Water Permit Application for 1 Nashua St., changing line from a one inch (1") line to a one and one half (1 ½") line. Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
3. Sewer Request-Moore Drive.-Supt. Madigan gave the Board a brief background re: the Sewer Bank Policy approved on 1/11/99 and amended last year for Washington St./Moore Drive residents tying into Town Sewer. Supt. Madigan updated the Board to 39 units involved with the Moore Dr./Washington Street sewer project of which fourteen (14) application were made, two (2) connected, and twenty three (23) unknowns.

Supt. Madigan advised currently to a \$100.00 dollar Sewer permit fee established by the Selectmen for residents tying in prior to 6-1-03 and of a \$500.00 dollar sewer connection fee for a total of \$600.00 reduced rate for Washington St./Moore Drive residents tying into Town Sewerage. Supt. Madigan requested the board set a time limit on this request to keep the policy consistent and equitable for all. The Board set an eighteen month limit (12/04) for the Moore Dr. /Washington Street residents tying into Town Sewer at this rate. Motion to approve eighteen (18) month period effective 6-1-03 ending December 2004 for the reduced rate of \$600.00, made by Selectman Morrison, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved. Motion to approve Sewer Connection fee for the Moore Dr./Washington Street area residents tying into Town Sewer by 12-04 made by Selectman Morrison, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

4. Main Street Crosswalks-The Board met with Supt. Madigan re: his and Chief Rizzo's recommendations for the painting of downtown crosswalks. Present for the discussion Amy Cozzens and Edward Kelley. Supt. Madigan reviewed the proposed crosswalk/s diagram for Main St. starting at Columbia St. to Park Street with the Board. Reviewed were the crosswalks eliminated in front of North Middlesex Savings Bank, Pleasant & Main, West St., and Main, all previous crosswalks with the exception of the above were painted including the seven East Main St. crosswalks. After a brief discussion the Board moved to paint all the crosswalks delineated on the map to include all the crosswalks eliminated. Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison VOTE: unanimous, so moved.
5. Spectacle Pond Filter Media Contract-Change Order-The Board approved Change Order #1 to Waterline Ind. not to exceed \$1,800.00 for the cleaning of the six (6) pressurized water filters @\$300.00/ea at the Spectacle Pond Water Treatment Plant. Motion to approve made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
6. Grove Pond Filter Media Bid Award-The Board awarded the Grove Pond Filter Media Bid to Weston & Sampson for the low bid award not to exceed \$68,318.00. Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison VOTE: unanimous, so moved.
7. EPIC Sewer charges-the Board accepted the recommendation of Supt. Madigan re: EPIC sewer charges in the arrears for past sewer usage totaling \$36,452.00 to be paid by EPIC. Supt. Madigan to meet with EPIC representatives' work out post payment plan. Selectman Maxant stating his concerns re recent rate increase causing EPIC difficulty in their cash flow. Motion made by Selectman Sullivan to bill EPIC as stated, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Sullivan aye, Selectman Morrison aye, Chairman Fay aye, Selectman Maxant no 3-1 motion passes.
8. Sewer Connection Request-Wm Lawrence-Calvin St. Supt. Madigan presented the request made by resident Wm Lawrence for sewer tie in fees be waived for him or his heirs in exchange for a seven foot (7') piece of land donated by Mr. Lawrence for widening the street. Motion to approve this request made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved. Meets & Bounds description to be prepared for Town Meeting in Spring acceptance by the Town.
9. Washington Street Water Main Project-Selectman Sullivan moved the Board approve Change Order #2 in the amount not to exceed \$39,156.28 to Tiffany Equip. & Const. for the total award not to exceed \$457,708.53, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
10. Replacement culvert-Groton Shirley Road-Supt. Madigan reviewed the final completion cost with the Board closing out the project at \$34,497.08 with Change Order #1 unforeseen gas line excavation, backfill and asphalt paving. Selectman Maxant moved the Board approve Change Order #1 for Framingham Excavating Co. in the amount not to exceed \$4,047.08 for Change Order #1 to Framingham Excavating Co., 2<sup>nd</sup> by Selectman Morrison VOTE: unanimous, so moved.

**Agenda Item #3. Guilford Settlement Update**-Chairman Fay opened the discussion by formally advising the Town residents to the Guilford litigation closed, the original thirty six (36) conditions down to seventeen (17). Chairman Fay thanked all the efforts of the Board of Health, Planning Board, and the Selectmen. Chairman Fay stated the Selectmen did all they could do, two law firms costing the Town well over a million dollars. Town Boards do not have the time, energy, let alone the funds to go any further. Carolyn McCreary of PACE stated the conditions provide a great deal of protection for Guilford and virtually none to the Town's water supply, conditions unenforceable, Ayer can't do anything until our water has been contaminated. Selectman Sullivan took issue with PACE's statement that it seem to state the Selectmen sold the Town down the river stating we did the best job we could. Chairman Fay read into the record a letter from the Coalition for Aquifer Protection (see attached) addressed to Ford Motor Co. questioning why use this site when other sites can be found that don't have significant environmental risks and community opposition-and inappropriate for combining auto distribution and an aquifer recharge. The letter asks Ford Motor Co. withdraws support for this project by refusing to use this facility and informing Guilford Rail of their decision. Selectman Sullivan advised when Consent Degree was issued the "gag order" was lifted. Selectman Sullivan moved the Board support the May 29, 2003 Coalition for Aquifer Protection letter addressed to the Chairman of Ford Motor Co., and the position PACE has taken relative to Ford Motor Co. and that Town Administrator Anita Schiepers prepare a cover letter to accompany the letter, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Agenda Item #4. Town Administrator's Report**

1. **Reserve Fund Transfers-** The Board approved Reserve Fund Transfers for the following:  
**Town Counsel:** Selectman Sullivan moved to approve the Reserve Fund Transfer for Town Counsel Expenses in the amount not to exceed \$5,418.21, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.  
**Town Hall Maintenance-** Selectman Morrison moved the Board approve the Reserve Fund Transfer for Town Hall Maintenance in the amount not to exceed \$2,144.39, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.  
**Street Lighting-** Selectman Morrison moved the Board approve the Reserve Fund Transfer for Street Lighting in the amount not to exceed \$939.33, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
2. **Transfer of Lease for Cell Tower Location from OHI to Bay Communications-** Present for the discussion, Town Accountant Lisa Gabree. The Board reviewed the written documentation from OHI to allow the transfer of the land lease from OHI to Bay Communications. Selectman Sullivan moved the Board accept Town Counsel recommendation on consensus conditional approval assigning land lease from OHI to Bay Communications with said approval not being officially granted until such time that a new detailed lease agreement is negotiated between the Town and Bay Communications, 2<sup>nd</sup> by Selectman Morrison for discussion suggesting the Board not vote on this matter since we don't have the details to what we would be voting on. Motion rescinded. Town Administrator to have Town Counsel research sub lease. Chairman Fay elaborated to time line (9 months) end of September dead line for construction of cell tower. Lisa Gabree stated her conference call with T-Mobil and advising the Board to Bay Communications a start up company (NOV.02) with solid investors.
3. **KV Assoc. Contract Change Order #2.-**The Board approved Change Order #2 in the amount not to exceed \$8,000.00 due to delay in Fire Station Construction Project (additional 5 months) not accounted for in the original service contract. Change Order #2 to approve additional time at hourly rate of \$140.00/hr. Motion to approve made by Selectman Morrison, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Morrison aye, Selectman Maxant aye, Chairman Fay aye, Selectman Sullivan no 3-1 motion passes.
4. **Park Street Design/Final Draft Review-**Ms. Schiepers informed the Board to all changes incorporated including intersection with no loss of parking spaces on Main Street. Ms. Schiepers informed the Board to the Police Chief and DPW Supt. who had no problems with proposed design. Selectman Morrison moved the Board vote to approve the final draft and ask Vanasse to produce a final plan for future use by the Town, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
5. **Fall Town Meeting Warrant Opening & Closing-**Town Administrator requested the Board open the Warrant tonight the 19<sup>th</sup> of August 2003 for acceptance of warrant article and close the warrant Friday, Sept. 5, 2003. These dates to ensure proper review time of warrant articles and ensure printing deadlines. Selectman Morrison moved the Board accept the recommendation of the Town Administrator and open the Fall Town Meeting Warrant 8-19-03 and close the Warrant 9-5-03 for the acceptance of warrant articles, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
6. **Selectmen's meeting Schedule-**The Board approved the Town Administrator's recommendation for the Selectmen's Meetings changed from every other week to the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month. Selectman Maxant moved the Board approve the Town Administrator's recommendation, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
7. **Resignation-Paul Brennan-Disabilities Commission-**The Board accepted Mr. Brennan's resignation with regrets and thanked him for his loyal and dedicated efforts to the Commission from its inception. Selectman Maxant moving the motion to accept Mr. Brennan's resignation with regrets 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
8. **JBOS next meeting-**Ms Schiepers updated the Board to the next meeting being hosted by Harvard at the Harvard Library on 8-20-03 @7pm requesting the Board to submit their discussion ideas for this meeting to her.
9. **Citizens Petition-Truck Traffic on Sandy Pond Rd-**Ms Schiepers announced to the Board the receipt of the petition requesting the Board's assistance to any possible action toward reducing the truck traffic on Sandy Pond Rd. Ms. Schiepers updated the Board to this matter being placed on the Selectmen's 9-2-03 Agenda.

**Agenda Item #5. Selectmen's Questions/New Business**

**Selectman Sullivan:** Requesting E. Main St. truck Traffic also be looked into regarding reducing/eliminating and having larger signs erected. Pauline Conley updated Board to recent situation re semi on Adams St. and truck having to back up on Cambridge Street to get to Central Ave.

**Weed Control-**Have Custodian remove around Town Hall—Ms. Schiepers advising to student weeding removing weeds today.

**Pot Hole-**Town Line Harvard-Have DPW re-pave area -home owners house vibrates when motorist hit pothole.

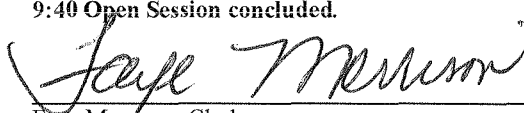
**Selectman Morrison**-Congressman Meehan Office- takes requests from constituents re: having American Flag flown over Capital.... request forms are in Selectmen's Office.  
**BOSMIN8-19-03/PG.4**

**Selectman Fay:** Formal Presentation/Public Hearing forthcoming re: Veteran's Monument Committee in September 2003. Petition on Fall Town Meeting.

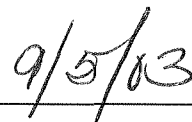
**Richard Harrison** requested the Selectmen hold the discussion re: Sandy Pond Truck Traffic upstairs in the Great Hall due to all residents who signed the petition being contacted to attend the 9-2-03 Selectmen's Meeting.

**9:40p.m.** Selectman Morrison moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 Contracts and DPW employee contractual issue, 2<sup>nd</sup> by Selectman Sullivan, VOTE: Selectmen Morrison aye, Selectman Sullivan aye, Selectman Maxant aye, Chairman Fay aye, unanimous, so moved.

**9:40 Open Session concluded.**



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



Faye Morrison, Clerk  
AYER BOARD OF SELECTMEN