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Board of Selectmen Meeting  
Tuesday, July 8, 2003  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main St., Ayer, MA

7:00p.m. Open Session

The Board met with Chairman Fay, Selectman Bresnahan, Selectman Morrison and Selectman Maxant. Selectman Sullivan absent due to death in the family.

**Public Input:** Chairman Fay requested if there was anyone present wishing to meet with the Board. Pauline Conley- Crosswalks- Requesting speed bumps are replaced on Groton St. Supt. Madigan advising to old speed bumps being vandalized and of new asphalt speed bumps being laid for this area of the rail trail. Contract underway re: paving/grinding of roadway.

**Moment of Silence:** Chairman Fay called for a Moment of Silence in memory of Mildred Allen, the Town's oldest resident-recipient and current holder of the prestigious "Golden Cane" who passed away at 101 on Saturday, June 28, 2003.

**Representative Robert Hargraves Office Hours:** Chairman Fay announced Rep. Robert Hargraves Office Hours this evening at Town Hall from 7-8p.m. encouraging Town residents to come in to meet with Rep. Hargraves if they have questions or concerns he could help them with.

**Agenda Item #1. Community & Economic Development Director's Report**

The Board met with Shaun Suhoski re: LIP-68 E Main St., Goals & Objectives for Fy-04, and Change Order #3 Pirone Park.

1. **Local Initiative Program (LIP)**-Mr. Suhoski presented to the Board a request to refinance one of the three LIP units at 68 E. Main St., Ayer, MA in order to shorten the term to 15/yr.s and take advantage of the 4.625% fixed rate. Mr. Suhoski advising to LIP requiring both local & State (DHCD) having to approve of sale or refinancing. Selectman Bresnahan moved the Board approve the request for refinance of 68 E. Main St., Unit #4 under the terms of the LIP Agreement and that the Town approve forwarding the request to DHCD for final determination as approved and recommended by Mr. Suhoski, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
2. **Change Order #3 Pirone Park**- The Board approved Change Order #3 in the amount not to exceed \$2,191.00, adding a sidewalk to the project; paving a sidewalk from the parking lot to the new building in compliance with 521 CMR the regulations of the Architectural Access Board. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: Selectman Bresnahan aye, Selectman Morrison aye, Chairman Fay aye. Selectman Maxant abstained 3-1, motion carries. Selectman Maxant stating his objection to Town Counsel ruling the Selectmen have to approve all contract using Pleasant Street School as example of protest. Disabilities Commission to be copied Change Order #3 documentation.
3. **Goals & Objectives**-Mr. Suhoski reviewed with the Board his Fy-04 Goals & Objectives for Fy-04. Mr. Suhoski advised to his categories similar to previous year with exception of placing higher emphasis on comprehensive planning. Updating the Town's Comprehensive Plan, Open Space Plan, and Housing Plan. Planning for the former Army Airfield and North Post high on his Agenda to determine potential benefits for the Town and region through collaborative planning with MassDevelopment. Mr. Suhoski ran through his five (5) objectives re: planning, developing and implementing the business climate in the Town of Ayer.
  1. **Improve Ayer's Gateways and historic downtown i.e. MBTA station**- upgrades linking the rail trail, Shirley Village and Devens, Improvements to downtown streetscape, explore redevelopment opportunities of downtown building's upper floors, assist fire station redevelopment, expand Business Alliance initiatives.
  2. **Enhance Comprehensive Plan/Regional Collaboration**-update 97 Comp Plan, increase partnership with MASDEV-Devens to further local a regional development, streamline permitting process, improve IDFA services, augment marketing Ayer through collaboration with Chamber, MASDEV, Freedom Way & media, utilize MRPC resources, aggressively seek Fed/State grant funding.

3. **Promote Housing Opportunities**-Seek CDBG, bank, private funding to maintain Ayer's Housing Rehab Program, continue compliance with EO418 by promoting affordable housing, conduct housing related programs i.e. 1<sup>st</sup> time home owners program.
4. **Increase recreational opportunities**-Assist Park Dept with Master Plan of Pirone Park, partnership with Conservation Commission to update Ayer's Open Space & Recreation Plan, collaborate with Con Com, CPA to expand Town's Open Space & natural resources.
5. **Protect and Preserve Town's Historic Resources**-work with Historical Com. on productive reuse of Pleasant Street School property, Provide technical assistance to HISCOM.

Selectman Bresnahan moved the Board support in full Mr. Suhoski's Goals & Objectives for Fy-04 subject to final review of whole packet when finalized, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved. Selectman Maxant expressing his nervousness re regionalizing with Devens stating Ayer regional 1<sup>st</sup>.

**AGENDA ITEM #2. Public Hearing (Cont.) GIGI'S TAXI** -Mildred Lynch-210 West Main St., Ayer, MA 7:30p.m. Chairman Fay opened the continuation of Gigi's Taxi's Public Hearing of 6-24-03. Present for the discussion, Chief Rizzo-taxi drivers for Gigi's Taxi. Chairman Fay opened the Hearing. The Board met with Mildred & Charles Lynch. Selectman Morrison moved the Board deny issuance of the Hackney Carriage License for Gigi's Taxi of Ayer based upon the written recommendation of Chief Rizzo of the Ayer Police Dept. whose recommendation was made after review of the background checks required of and authorized by applicant Mildred Lynch under Section 4.1B of Article VIII of the Town of Ayer By-law. This denial is based on Section 4.1 C of this bylaw which states the Board shall determine if the granting of the license is in the best interest of the public, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved. Ms. Lynch stated she currently operates a Taxi in Fitchburg. Selectman Morrison stated the Board is not aware of Fitchburg's requirements. The Board requested Ms. Lynch make an appointment to re-visit proposal with Chief Rizzo if she wished.

**AGENDA ITEM #4 Selectman Bresnahan moved the Board go off the posted Agenda to take up the Fy-04 appointments next, 2<sup>nd</sup> by Selectman Morrison. VOTE: unanimous, so moved.**

1. **Comununication Committee**-Selectman Morrison moved the Board appoint Richard Witherow to the Communications Committee, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved. Selectman Morrison requested the Board be consistent with their policy in the future-requiring the individual to be present when being appointed to position. Selectman Bresnahan offering in defense the Board's knowledge of the individual.
2. **Council on Aging Administrative Asst.**-The Board met with Dorothy Fowle. Ms. Hegarty advised to Karin Swannfeldt recommending the appointment of Dorothy Fowle to the position of Administrative Asst. After a short meeting with Ms Fowle Selectman Bresnahan moved the Board based upon the recommendation of the Council on Aging's Director appoint Dorothy Fowle to the position of Administrative Asst. to the Council on Aging, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
3. **Historical Commission**-The Board delayed this appointment until August 12<sup>th</sup> meeting.
4. **Community Preservation Act Committee**-The Board appointed Selectman Morrison to serve as the Selectmen's delegate to this Committee. Motion to appoint made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
5. **Special Police Officers**-Selectman Bresnahan moved the Board appoint the list of neighboring Town's of Littleton, Harvard, Shirley and Lancaster police officers provide by Chief Rizzo, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

Selectman Bresnahan questioned whether the Board should be making appointments to CPA deferring appointments back to the Committees/Board/ Commissions/Departments for designation.

**AGENDA ITEM #3. Supt. Madigan's Report**-The Board met with Supt. Madigan. Supt. Madigan requested permission to add another item to his report-Chapter 90 Project Request-Guard Rail for Jonathan Drive, Ayer, Ma \$12K. Selectman Bresnahan moved to approve the additional item to Supt. Madigan's Report, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

1. **EPIC/CPF Sewer Connection**-Supt. Madigan updated the Board to his meetings and research re sewer issues at EPIC/CPF. Supt. Madigan stating EPIC/CPF never addressed relocating to Devens, or building a high strength waste direct pipe connection to Devens for all their flows

Devens representatives stated they did meet with EPIC representatives who advised to such a request would be at a substantial initial capital cost to build the connection and unsure as to whether the operational savings would offset capital costs. Devens did advise should such a deal with EPIC/CPF materialize if would not be a subsidized rate/they would not be charged less than what we pay. They would also have to pay high BOD level surcharges-language in a contract would mirror what we have with Devens. Question now is if the Town of Ayer approves of Devens attempting to help EPIC/CPF or do we prefer Devens not attempt to work a deal with Devens and have Ayer attempt to service their needs at our own plant. Mike stated he prefers EPIC/CPF to work with Devens for several reasons:

1. Ayer cannot guarantee we can accept their high strength waste without exceeding BOD levels
2. Managing their flows is an additional administrative/technical issue Ayer is not prepared to do at this time.
3. The new plant is not designed to accept these flows
4. If EPIC/CPF send their flows to Devens it decreases the per unit cost of sewerage treatment Ayer is charged through our Agreement with Devens.

Selectman Bresnahan moved the Water/Sewer Commissioners support analysis and dialogue between EPIC/CPF and Devens on the possibility of EPIC/CPF building a direct and separate line to the Devens Wastewater Plant. This Agreement would include the understanding among the parties that the Town of Ayer would be an active participant in the project, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**2. Sewer Connection Application Policy-**

The Water/Sewer Commissioners moved to approve Supt. Madigan's recommendation for the fees charged for the eleven (11) applicants on sewer connection list waiting for approval of their sewer connections when Sewer Bank Requirement is lifted by MADEP be based upon the existing fee schedule rather than the previously approved flat fee of \$1,500.00 per application after Sewer Bank requirement is lifted and that the Sewer Permit List be terminated immediately and the acceptance of future sewer permit applications be suspended until the Sewer Bank requirement is lifted. Motion made by Selectman Morrison, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**3 Chapter 90 Project Request-**Supt. Madigan updated the Board to \$12K remaining in Chapter 90 Funds and of his request to spend this \$12K on Guardrails for Jonathan Dr.-Victor Dr. Guardrail replacement. Selectman Bresnahan moved the Board approve Supt. Madigan's Chapter 90 Request for replacement of the Jonathan Dr./Victor Dr. Guardrail replacement not to exceed \$12K, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

- 4 **Crosswalk update-**Supt. Madigan advised the Board to crosswalk painting essentially being completed around town. Selectman Maxant & Selectman Bresnahan expressing concerns re: additional areas not painted i.e. Sandy Pond Rd., No Middlesex Bank, and south side of Main St. Ms. Hegarty stated the attempt was to have fewer crosswalks in a confined area and to have a 2/3 month trial period. Selectman Bresnahan requested a list of the crosswalks not repainted is prepared for the next Selectmen's Meeting on 8-12-03.

**Richard Witherow Jr.** entered the Meeting and gave the Board a brief background re: his desire for appointment to the Communications Committee. The Board thanked him for coming in and apologized for confusion earlier thinking they appointed his father.

**AGENDA ITEM #5. Town Administrator's Report-**

1. **SHAVE Program-**Ms. Hegarty reviewed with the Board proposed changes to the SHAVE Program recommended by the new Committee. The Financial Need Requirement was focus of discussion. Selectman Bresnahan moved the Board delegate to the Town Administrator to free up five (5) positions for eligible applicants who demonstrate a financial need for financial priority slot and if not chosen is automatically eligible and considered for the remaining regular slots and that Financial Priority slots be freed up one month after deadline if no one applies, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
2. The Board approved a Reserve Fund Transfer for the Council on Aging in the amount of \$1,200.00 due to unforeseen expenses, telephone line, fax line, gentlemen's breakfast's overruns. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

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3. The Board approved sewer connection permits recommended by Supt. Madigan for 134 & 122 Washington St., Ayer, MA advising that they would be the final homes to receive the pumping units. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
4. The Board approved the T-Mobile Easement for Verizon Utilities approved by Town Counsel. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
5. The Board approved the Fy-04 IRS flat rate Travel Reimbursement of \$0.36 per mile for all pre-authorized travel of employees in their personal vehicles recommended by the Town Administrator. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
6. The Board was updated to MIA Loss Control Credit of \$4K on our insurance loss control.
7. Great Elms-The Board was updated to Tree Warden having -0- funds remaining in Fy-03 for encumbering so his Fy-04 Budget will fully bear the cost of removal. Town Accountant Lisa Gabree updated the Board to remaining funds available in the Town Hall Restoration Acct. which could be utilized for cost of tree/s removal.

FYI's

1. Local Aid Status-Fy04
2. Phase II Storm water Management Plan
3. Fy-04 Goals & Objectives/Department Heads-prepared for August Selectmen's Meeting.

9:45P.M. Selectman Morrison moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 30 Section 23B Exemption #3 Contracts, Guildford \* potential litigation re employee issue, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: Selectman Morrison aye, Selectman Bresnahan aye, Selectman Maxant aye, Chairman Fay aye, unanimous, so moved.

Open Session concluded.



DATE: 8-15-03

Faye L. Morrison, Clerk

AYER BOARD OF SELECTMEN