

Selectmen's Meeting  
Tuesday, March 18, 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 Witherow, Selectman Fay, Selectman Maxant, Selectman Bresnahan and Selectman Sullivan.

Chairman Witherow opened the Selectmen's Meeting with a message to all servicemen/women wishing them God Speed and a safe return home.

**Public Input:** Chairman Witherow requested if there was anyone present wishing to meet with the Board under Public Input. Selectman Maxant, re: JBoS Meeting 3-19-03 in Shirley advising residents to JBoS taking the Business Service Zone up re the development of businesses as well as the affordable housing issue.

Chairman Witherow called for a motion to accept the Agenda. Selectman Fay moved the Board approve the Agenda of 3-18-03, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

**Agenda Item #1. David Fillebrown-Fire Dept. Recognition Award**

The Board presented Mr. Fillebrown a Certificate of Appreciation for his 45 years of dedicated service to the Ayer Combination #1 Volunteer Firefighters beginning his service in 1957 as a volunteer firefighter and retiring 45 years later as a Lt. with Combination #1. The Board called upon Chief Paul Fillebrown who presented Mr. Fillebrown a plaque from the department depicting his 45 years of loyal service.

**Agenda Item #2. Chief Rizzo-Reserve Officer Appointments**

The Board met with Chief Richard Rizzo who updated the Board to a team of officers from the Department interviewing candidates for Reserve Officer positions with the Ayer Police Dept. The Team of Officers was: Sgt. Mark Coulter, Sgt. Mike Edmunds, and Detective Brian Gill. Chief Rizzo introduced seven (7) candidates along with a brief Bio of each man to the Board. The Board after a brief interview with all the candidates voted to approve the Chief's recommendations to appoint the following:

Keven Feeley-Selectman Bresnahan moved appointment, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous.

Thomas Sampson-Selectman Bresnahan moved appointment, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous

Ryan Griffin-Selectman Fay moved appointment, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous.

Jeffrey Babbit-Selectman Bresnahan moved the appointment, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous

Robert Soultanian-Selectman Sullivan moved the appointment 2<sup>nd</sup> by Selectman Bresnahan, VOTE unan.

John Windhol-Selectman Sullivan moved the appointment 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous.

**Agenda Item #3.-Supt. Madigan's Report-Wastewater Treatment Plant Operator Appointment**

The Board met with Supt. Madigan who advised the Board to three applications received and after reviewing applications was before the Board to recommend the appointment of Larry Thomas, an Ayer resident. Supt. Madigan reviewed with the Board Mr. Thomas's qualifications, licenses, and background requesting to bring Mr. Thomas in at Grade 6- \$19.01/per hour. The Board expressed their concern re starting salary of this individual with current budget constraints and if applicant being over qualified for this position. The Board requested to take this appointment recommendation under advisement to the Selectmen's April 1, 2003 meeting to allow for further review of all the applicants applying for the position.

**Agenda Item #4. School Committee -Fy-04 Budget discussion**

The Board met with Supt. O'Malley and School Committee members: Viola Barnes, Chairman, Marie Pinard, Maura Feller and Heather Hanley. Ms. Barnes thanked the Board for meeting with the Committee re: the School Dept. proposed Fy-04 Budget; and turned the floor over to Dr. Kevin O'Malley who conducted a overview of the School Dept. Chapter 70 funding for Fy-04 and of shortfall of approx. \$2 million dollars from Local Aid. The \$4.486 million in Chapter 70 for Ayer would drop to \$2.685 million a cut of almost half. Dr. O'Malley stating this is too sudden/dramatic a cut projecting the school could loose as many as 54 staff people, of which 30 are teachers in addition to the already 15 positions, cut. Dr. O'Malley conducted an overhead presentation, which outlined the sources of income for the Ayer School System. Dr. O'Malley proposed that the Selectmen provide the schools with \$1million of the one time \$1.5

million mitigation funds which would allow him to cut the School Dept budget by 9% each year for three (3) years. The Board reviewed with the School Committee and Dr. O'Malley balances of School Choice fund receipts, staffing since Devens closure increasing, present FY-04 budget before the Board reflecting the 54 Staff cuts and Board having to re-visit budget again. The Board stated they would work with the schools to help define State and local parameters. The Board requested a spreadsheet be prepared defining cost cuts. The Board took this matter under advisement for future collaboration.

**Agenda Item #5. Anderson Funeral Parlor-Sewer Connection Request**

The Board met with Steve Mullaney of David Ross Assoc. and Brian Anderson. Present for the discussion Supt. Michael Madigan. Mr. Mullaney stated Mr. Anderson is moving his business from Washington St. to Fitchburg Rd. across from Victory Mkt. Mr. Mullaney advised of construction scheduled for April but Building Inspector not issuing permit without sewer permit. Wetlands prohibit septic tank and the Nashoba Boards of Health did not approve tight tank. Selectman Bresnahan stated sewer capacity is available and this proposal very worthwhile of approval and Sewer Bank Policy does allow for exceptions. Supt. Madigan updated the Board to pumping station and force main to Devens should be ready by June 1<sup>st</sup> pending DEP approval. Selectman Sullivan stating capacity should be allowed to be relocated to commercial use 360/gal. needed. Selectman Bresnahan moved the Board approve the reallocation request of Anderson Funeral Parlor's residential sewer permit from Washington St. to commercial use @ 360GPD and approve the sewer connection permit for Anderson Funeral Home's new location on Fitchburg Rd., 2<sup>nd</sup> by Selectman Sullivan Vote: unanimous, so moved.

**Agenda Item #6. Personnel Board-re: proposed non-union employee wages -cancelled**

**Agenda Item #7. Town Administrator's Report-  
Reserve fund Transfers**

1. **Workers Compensation \$1,689.00** Selectman Fay moved the Board approve the Town Administrator's request for a Reserve Fund Transfer for the Workman's Comp Acct. in the amount of \$1,689.00, 2<sup>nd</sup> by Selectman Bresnahan VOTE: unanimous, so moved.
2. **Town Counsel Account. \$20,000.00** Selectman Bresnahan moved the Board approve the request for a Reserve Fund Transfer for Town Counsel's Account in the amount of \$20,000.00, 2<sup>nd</sup> by Selectman Sullivan VOTE Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Fay aye, Selectman Maxant no, Chairman Witherow aye 4-1 motion carries.

**DPW/MA Elec. Rebate Authorization**-The Board approved Supt. Madigan's request authorizing him to seek rebate offer from Mass. Elec. for construction of sewer treatment plant upgrade which entails a upfront cost of \$1,850.00. Motion to approve made by Selectmen Sullivan 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**House Numbering -Wright Rd.**-The Board voted to approve the Wright Rd. house re-numbering. Selectman Bresnahan advising Board to being a resident of Wright Rd. and of house numbers a mess having house with the same number odd/even numbers on same side of street agreeing with Fire Chief for need to renumber. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Caritas Request for use of Great Hall for non-profit show-Present for discussion Charles Commeau, Chairman of the Cable Commission.** Ms. Hegarty requested the Board's decision to approve the sound committees recommendation for sound system and acoustic improvement for Great Hall and the use of the Great Hall (2<sup>nd</sup> floor) by Caritas, reminding the Board to their granting approval for renting the Hall now the School wishes to use the hall at no cost as they will be providing acoustic improvements for the hall for non-profit show using the draft policy re Town Hall Rules and Regulations for Town Hall use as a basis for approval. Improvements according to Mr. Commeau would be for acoustic tiles as part of Phase I at a cost of \$280.00 for technician to hang panels. Selectman Bresnahan moved the Board approve Caritas use of the Great Hall and to approve \$500.00 to pay for Phase I & Phase II sound system improvements, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**Downtown Devens Application and Related DEC Hearing-Hearing March 25, 2003.** Selectman Sullivan moved the Board inquire of DEC & MASDEV to provide information prior to 3-25-03 re process used to determine what kind of businesses will be needed/allowed, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Sullivan aye, Selectman Maxant aye, Selectman Fay nay, Selectman Bresnahan recused and

Chairman Witherow abstained. 2-1 with one abstaining and one recused, motion passes. Selectman Maxant moved the Board to re-ask the original question of how DEC plans to define Downtown Devens following the Re-Use Plan (pages 29-32), 2<sup>nd</sup> Selectman Sullivan VOTE: Selectman Maxant aye, Selectman Sullivan aye, Selectman Fay aye, Selectman Bresnahan recused, Chairman Witherow abstained. 3-0 motion passes.

**Affordable Housing Definition-No vote taken.**

FYI's: 1. DPW status of Eng. Services for design of replacement well at Spec Pond.  
2. Fire & Building Inspector-inspecting all places in Town used for public assembly

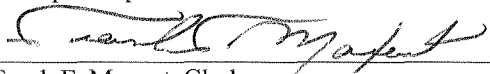
New Business:

**Selectman Fay**-Requested the Board re-visits the travel reimbursement policy & perhaps involve the Personnel Board.

**Selectman Maxant**-requested a Gift Account be set up with the Treasurers Office to authorize expenditures from funded Gift Account for Kopelman's Pages (Town Counsel) review of Devens Commons application for Town & local business. Selectman Sullivan placed this request in the form of a motion, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Sullivan aye, Selectman Maxant aye, Selectman Fay aye, Chairman Witherow no, Selectman Bresnahan recused 3-0 motion passes.

10:00pm Selectman Maxant moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B re: the following Executive Sessions: Guilford litigation, Patrol Officers Contract And Board of Health litigation, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Bresnahan aye, Selectman Fay aye, Selectman Sullivan aye, Selectman Maxant aye, Chairman Witherow aye, Unanimous, so moved.

10:00p.m. Open Session ended.

 Date: 4/22/17  
Frank F. Maxant, Clerk  
AYER BOARD OF SELECTMEN