

Selectmen's Meeting
Tuesday, February 18, 2003
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

The Board met with Chairman Witherow, Selectman Maxant, Selectman Bresnahan and Selectman Sullivan, Selectman Fay absent due to illness.

Selectman Bresnahan moved the Board amend the Agenda of 2-18-03 to include the minutes of 2-4-03 2nd by Selectman Maxant. The Board reviewed the vote of 2-4-03 re: letters being sent out to State reps re opposition to Downtown Devens. VOTE taken to reflect 2 ayes, 1 abstained and 1 recused.

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

Agenda Item #1. Ayer Public Access Corporation (APAC)

The Board met with Charles Comeau and Douglas Becker Cable Commissioners. Mr. Comeau updated the Board to Ayer Public Access Corp. (APAC) taking over the local access cable television by successfully negotiating a new contract with AT&T Broadband that released the local telecasting to the new corporation. The new corporation APAC has establishing a Board of Directors and Bylaws and hired four (4) people to date to assist with equipment operation, community message board, and telecast of local meetings and events. The Board approved the corporation's By-laws contingent upon approval by Town Counsel. Motion to approve made by Selectman Sullivan 2nd by Selectman Maxant VOTE: unanimous, so moved. The Board approved of Charles Comeau and Douglas Becker be appointed to Board of Director's for three-year term expiring 6-30-05. Motion to approve appointments made by Selectman Bresnahan, 2nd by Selectman Maxant VOTE: unanimous, so moved. The Board approved Mr. Comeau's requests to utilize the Town Hall Computer closet re storage of equipment and to install at no expense to the town better lighting to the stage area of the Great Hall. Motion to approve the requests made by Selectman Bresnahan, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #2. Zelda Moore-Groton Anniversary Celebration-taken off Agenda to be rescheduled.

Agenda Item #3. Supt. Madigan's Report-The Board met with Supt. Madigan

1. **Water Permit-5 Pond St. Bert Hennelly-**Selectman Bresnahan moved the Board approve this permit, 2nd by Selectman Sullivan VOTE: unanimous, so moved.
2. **Hoyle Tanner I/I Contract-**The Board reviewed with Supt. Madigan HTA's current proposal to study (249) possible locations where stormwater is flowing into the Town's sewer system which allows water not requiring treatment to the stream of wastewater going through the treatment plant. Selectman Bresnahan moved the Board set back the agreement until HTA clarifies the services to be provided under the contract 2nd by Selectman Maxant, VOTE: Selectman Bresnahan aye, Selectman Maxant aye, Selectman Witherow aye, Selectman Sullivan abstained. 3-1 motion passes.
3. **Filter Media Bid Award-**The Board was updated to two bids received-low bid of \$92K + 5% contingency exceeded the \$120K appropriation approved at the 2001 ATM-shortfall of \$20K to complete project. The Board reviewed two possible options: Town Accountant-Lisa Gabree to check availability to utilize Water Enterprise Funds with the Dept. of Revenue or using UDAG Funds -public safety. The Board set this issue back to re-visit in two weeks.
4. **Snow Budget-** Supt. Madigan reported as of 2-12-03 the deficit in the Town's snow removal budget stood at \$20K which did not include expenses for the 2-17/18-03 storms and snow removal from sidewalks and downtown.

Agenda Item #4. Town Accountant, re: Fy-03 Budget shortfall

The Board met with Lisa Gabree-Town Accountant. Ms. Gabree advised the Board to local revenue could make up the States cut in local aid of \$76,764 for Fy-03 advising to \$74K realized through tax title collections. This 474K would be removed from certification under next years Free Cash or the Board could call a Special Town Meeting to seek voter approval of some reductions in spending to cover the deficit. The Board voted to reduce spending to meet the projected State aid cut not to spend from local revenue.

Agenda Item #5. Town Administrator's Report

1. **Release of Property Liens**-Ms Hegarty presented the list of property liens submitted by Shaun Suhoski and his request for future liens be allowed to be authorized for release by the Chairman of the Board of Selectmen. Selectman Maxant moved the Board approve the Release of property liens recommended by the Economic Development Director and approve the future release of liens be authorized by Chairman, 2nd by Selectman Sullivan, VOTE: unanimous, so moved. Liens to be re-typed to read five (5) years
2. **DEM Rail Trail MOU**-The Board set this matter back for two weeks.
3. **Workers Compensation Premium** -set back for two weeks-next Selectmen's Meeting.
4. **Draft Town Hall Use Policy**- Ms. Hegarty updated the Board to two organizations requesting use of the Great Hall: Caritas Academy of Acton May 1&2 for a play and the Ayer Family Partnership for April 6th, 2003 for a family fun day. Ms. Hegarty presented the Board a Draft Town Hall Use Policy. The Board set this policy back for further review/edit- but approved the use dates for the two organizations so stated, motion to approve made by Selectman Sullivan 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
5. **Town of Harvard**-Affordable Housing Definition-Phase II Devens. Ms. Hegarty presented Harvard's request re: affordable housing definition as it relates to housing on Devens. Selectman Bresnahan moved the Board vote to have homes on Devens set aside for people with low and moderate incomes, 12.5% be set aside for incomes up to 80% of the median income for the Boston Metro Statistical Region and another 12.5% to be set aside for people with incomes up to 120 percent of the median income for the region, as long as Harvard gets full credit for affordable housing, 2nd by Chairman Witherow, VOTE: Selectman Bresnahan aye, Selectman Maxant no, Selectman Sullivan no, Chairman Witherow aye, 2-2 motion fails. Selectman Sullivan moved to support affordable housing formula of 12.5% at the 80% of median and 12.5% at the 120% of median with the Town of Harvard getting the state credit as it relates to housing on Devens, 2nd Selectman Bresnahan, VOTE: Selectman Sullivan aye, Selectman Bresnahan aye, Chairman Witherow aye, Selectman Maxant no, 3-1 motion passes.
6. **Resignations**: Ms. Hegarty updated the Board to two resignations received: Carol Tillis-Open Space & Recreation (Devens) Martha Craft-Ayer Park Dept. The Board moved to accept the resignations with regret and requested letter of appreciation be sent. Motion made by Selectman Sullivan 2nd by Selectman Maxant, VOTE: unanimous, so moved.

New Business:

Chairman Witherow-Motioned the Board vote to not approve the Federated Church's request to increase the parking lot lease from \$3K to \$5K and to repave the church's parking lot at an estimated additional cost of \$5K, 2nd by Selectman Bresnahan VOTE: Selectman Sullivan aye, Chairman Witherow aye, Selectman Bresnahan no, Selectman Maxant no 2-2, motion fails. Selectman Bresnahan moved to request the lease remain at \$3K due to budget constraints. Motion made by Selectman Bresnahan, 2nd by Selectman Maxant, VOTE: Selectman Bresnahan aye, Selectman Sullivan no, Selectman Maxant aye, Chairman Witherow aye 3-1 motion carries.

Selectman Maxant- notified viewers to water/sewer bills going out and of erroneous sewer billing. 9:03p.m. Selectman Maxant moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b Exemption #3 re: MCAD claim and Patrolman's Contract negotiation strategy, to adjourn to reenter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Sullivan, VOTE: Selectman Maxant aye, Selectman Bresnahan aye, Selectman Sullivan aye, Chairman Witherow aye, unanimous, so moved.

9:03p.m. Open Session adjourned.



Frank F. Maxant, Clerk

Date:

2/7/4

AYER BOARD OF SELECTMEN