

Selectmen's Meeting
Tuesday, November 26, 2002
Ayer Town Hall, 1st 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.

Minutes of 10-29-02 waived Minutes of 11-12-02 approved. Selectman Bresnahan Moved to approve 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

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

Selectmen Maxant requested at this time to have his discussion in Open Session –conduct of Public Official -rather than Executive Session. Motion to approve made by Selectman Maxant, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Chairman Witherow called for a motion to approve the Agenda of 11-26-02 Selectman Bresnahan moved the Board approve the Agenda of 11-26-02 as amended, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #1. Police Chief-Patrolmen Appointments-The Board met with Chief Richard Rizzo who stated he was before the Board this evening re: two patrolman appointment requests. Chief Rizzo introduced Christopher Moore of Newburyport, to the Board. Chief Rizzo updated the Board to Mr. Moore currently being employed as a police officer in W. Newbury since 1996, is Academy trained, has a Bachelor's Degree in Criminal Justice with minor in psychology from U-MASS, Lowell while currently working on his Master's Degree in Criminal Justice. The Board expressed concern re: requirement of hire having a 15 mile radius from job. Mr. Moore looking at moving closer. Selectman Bresnahan moved the Board accept the Chief's recommendation and appoint Christopher Moore to Patrolman at the Ayer Police Dept., 2nd by Selectman Fay, VOTE: unanimous, so moved. The Chief introduced Andrew Kularski of Rochdale (Leicester), to the Board. The Chief updated the Board to Mr. Kularski currently employed as a Police Officer in Hubbardston since 2000, has prior experience as dispatcher in Paxton, is Police Academy trained, has Associates Degree in Criminal Justice and will graduate from Curry College in December with a Bachelor's Degree in Criminal Justice. Selectman Fay moved the Board accept the Chief recommendation and appoint Andrew Kularski to Patrolman at the Ayer Police Dept., 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. The Board congratulated and welcomed both new officers to the Town of Ayer.

Agenda item #2. Public Hearing-Verizon New England, re: Pole Petitions

- 1. Groton School Rd.-Gardner Lane area**
- 2. Groton School Rd.-Rosewood Ave. area**
- 3. Bishop Rd.**

Chairman Witherow opened the Public Hearing by requesting the Legal Notice be read into the record by the Clerk. Selectman Maxant read into the record the Public Hearing Legal Notice for Verizon New England re: pole petitions for Groton School Rd.,-Gardner

Lane area, Groton School Rd.-Rosewood Ave. area and Bishop Rd., Ayer, MA. Chairman Witherow requested if there was anyone present wishing to speak for or against the petitions. Present for discussion area residents, re: clarification of area/ work, re: poles, no one spoke against petitions. The Board met with Verizon representative who presented to the Board the three (3) pole petitions site/work locations. The Board reviewed with the representative their concerns re: pole not to be placed in roadway/public way and work area being re-seeded where necessary, work near Vets office to be coordinated. Road work –street cuts not to commence until after April 1, 2003 when asphalt can be completed. Motion to approve the three (3) pole petitions made by Selectman Sullivan with stipulation work not commence until after April 1, 2003, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #3. Public Hearing Continuation of 11-12-02 Proposed Fee Increases Parking Tickets-The Board reviewed with Janet Lewis the Parking Clerk the Town's current policy for parking tickets who presented the Board a survey re: other neighboring Town's parking ticket fees, advising to Ayer's fees in line with neighboring Town's. The Board took no action and kept the Parking Tickets at the current rate/s. Motion to not increase the current rate made by Selectman Fay, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Building Dept. Permits-The Board based upon the Building/Zoning Officer's recommendation raised all Building Permits three percent (3%) across the Board. Violators not pulling building permits to be accessed triple damages (three (3) times current rate of permit) for not pulling proper permits effective January 1, 2003. The Board set back for further review the part-time zoning enforcement position. Motion to approve 3% Building Dept. Increase & Triple Fees for violators effective 1-1-03 made by Selectman Fay, 2nd by Selectman Maxant VOTE: unanimous, so moved.

Sewer Rate- The Board after a brief discussion voted to raise the Sewer Rate \$0.25 to \$2.75 per 100 cubic feet of wastewater January 1, 2003 and a second increase of \$0.25 to \$3.00 per 100 cubic feet of wastewater of July 1, 2003. Motion to approve increases made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Sewer connections/Permits-The Board voted to approve a new sewer connection fee from \$500.00 to \$1,500.00 when MA DEP lifts the Sewer Bank requirements. Motion to approve made by Selectman Bresnahan based upon Supt. Madigan's recommendation, with Title V Exception, effective July 1, 2003, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #4. Town Administrator's Report-

1. **Brush Dump-**The Board approved of Supt. Madigan's recommendation allowing the DPW to accept brush at the solid waste transfer station effective 12-15-02 (rather than brush dump). Brush to be accepted for the final weekend of December 7th/8th, 2002, at the current brush dump off Bishop Rd. This new setup will stop the dumping of demolition material/debris and other non-brush material at the brush dump. The Board requested this new procedure be published in newspaper & run on cable.
2. **Fire Station Phase I-Demolition Bid Award-**The Board awarded the Fire Station Demolition Contract to the low bidder Coastal Energy Inc. of Worcester,

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MA in the amount not to exceed \$344,000.00 as recommended by the Fire Station Construction Committee. Motion to approve made by Selectman Fay, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

3. **Water & Sewer Rate Study Bid Award**-The Board awarded the Water & Sewer Rate Study to low bidder Woodcock & Assoc. in the amount not to exceed \$16K per the Town Accountant's recommendation. Motion to award made by Selectman Bresnahan, 2nd by Selectman Sullivan VOTE: unanimous, so moved.
4. **TIF Agreements -Volunteers of American & PolyOne**-The Board approved the Two (2) TIF Agreements prepared by Shaun Suhoski, language reflects Town Meeting Vote. Motion to approve made by Selectman Maxant and to authorize the Chairman's signature, 2nd by Selectman Fay, VOTE: unanimous, so moved.
5. **Eagle Elevator Maintenance Contract**-The Board approved the Town Administrator's recommendation to award the two year maintenance contract to Eagle Elevator of Boston, MA at the rate of \$200.00 per month (\$2,400.00/yr) for the service & repair of the new elevator and authorize the Chairman's signature on the contract, Motion made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: unanimous, so moved.
6. **2003 All alcohol License Renewal**-The Board approved Page/Moore Café d/b/a Billiards Café All Alcohol License Renewal for 2003-all town taxes/fees paid to date, Motion to approve made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: unanimous. UMAG Corp. d/b/a Brew Locker –the Board approved UMAG's d/b/a Brew Locker's All Alcohol License for 2003-all Town owned taxes/fees paid to date. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: unanimous, so moved.
7. **Fire Station Re-Use Committee-for old Fire Station/Washington St.** The Board voted to establish an Ad Hoc Committee to look at potential and present condition of the building, proposed uses, and make recommendations for the best reuse of the building. The Board requested the Historical Commission members be contacted to serve on this committee. Motion made by Selectman Sullivan, 2nd by Selectman Fay, VOTE: unanimous, so moved.
8. **Water Supply Public Hearing**-The Board voted to conduct a Public Hearing on the Town's Water Supply needs for January 28, 2003 at 7pm at the Ayer Town Hall based upon Tata & Howard's recommendation & recently received documentation. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
9. **Selectmen's Holiday Meeting Schedule**-The Board voted to adopt the following meeting schedule 12-10-02, 12-17-02, 1-7-03 and every two weeks thereafter. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: unanimous, so moved.
10. **APAC Vote** – Ayer Public Access Corp. The Board voted to appoint Charles Comeau, President, Doug Becker, Vice Pres. and Lou Marino Treasurer for a 90 day period. The Board congratulated the Cable Commission for their successful ratification of the AT&T contract and on the marvelous job with Cable TV programming of picture & cable transmission for Ayer residents.

New Business:

Selectman Sullivan-traffic-slow down traffic on Main St. requesting the Town Administrator, Police Dept, and Supt. of Public Works work together re: crosswalk markings, warning motorists of pedestrian rights, illumination of street lights, and report back at the Selectmen's 12-10-02 meeting.

Selectman Fay-Memorial Garden-Committee to update Board at the 12-10-02 Selectmen's Meeting.

Selectman Maxant-re: Police taking the Winter Snow Removal Sidewalks By-Law more seriously and enforce bylaw.

Selectman Bresnahan-Updated the Board to the cannon not being relocated to rear of Town Hall due to sloping of ground-unstable area. Committee looking at other areas of Town Hall grounds.

Chairman Witherow-The Board to meet with the Assessors re: meeting space on the 12-10-02 Agenda. Chairman Witherow announced four (4) Town of Ayer employees have elected to take the Early Retirement Incentive and will be retiring effective 12-21-02. Chairman Witherow wished all four the best of wishes upon their retirement.

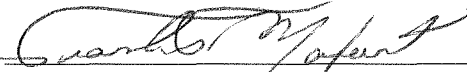
The Board met with Selectmen Maxant re: his request to meet in Open Session rather than Executive Session re: conduct of Elected Official. Selectman Fay opened the discussion speaking as current Chair of the JBoS re: Selectman Maxant telling Town of Ayer merchants & citizens that there would be discussion with MADEV representatives re: Downtown Devens at the 11-20-02 JBoS Meeting stating the JBoS never had this subject on their agenda. People showed up expecting the issue to be discussed, which undermined the effectiveness of the JBoS Chair & Board of Selectmen. Selectman Fay stated he received numerous phone calls from citizens/merchants and had to tell them it was not on agenda. The Board took up Selectman Maxant's letter to the editor asking Sen. Resor to attend that JBoS Meeting alleging betrayal that MASDEV had changed the name of the service center to Downtown Devens taking away business from Ayer Merchants by attempting to add two new alcohol licenses to the two all ready allowed. Selectman Fay pointed out Selectmen must have our facts straight re points of information, requesting Selectman Maxant to work more with us and not independently. Selectman Fay read into the record a letter from the JBoS sent to Sen. Resor & Rep. Hargraves which noted the 12-3-02 deadline for submitting legislation for the next session and requesting legislation increasing liquor licenses that may be filed not move forward unless it obtains the support of each of the host communities. Selectman Sullivan noted that Sen. Resor had filed "place holder legislation" so a bill for two new liquor licenses may be filed in the future, stating she has not been up front. Selectman Bresnahan requested acting as a Selectmen it is very important one expresses up front that what one is saying is a personal view, not vote of Selectmen. Chairman Witherow echoing Selectman Bresnahan & Selectman Fay remarks to keep distinction clear. On his behalf Selectman Maxant stated he though from the Steering Committee Meeting that the inclusion of the Services Center was on the JBoS Agenda. In his letter to Sen. Resor he was not being critical of Selectmen but asked Sen. Resor to stand against betrayal. Selectman Maxant stated using his title of Selectman added seriousness & recognition to what he though was in the best interest of the residents/merchants of the Town of Ayer.

Selectman Maxant stating if MASDEV don't acknowledge our concerns and allow us to speak out we will be steamrolled in matters in the future. Selectman Sullivan stated he had no qualms with Selectman Maxant, stating Selectman Maxant's letter didn't make reference to any idea that he was speaking for the entire board.

Town Administrator updated the Board to Committee being organized by the JBoS from the three host towns to work with the developer of the services center to be sure that what is planned will not offer unfair competition to businesses already established in the host towns. Another organization is being planned re representatives to speak for the Ayer business community and another for the Ayer citizens. A meeting is scheduled for 12-9-02 at 4pm at the Ayer Town Hall with appointments to be placed on the Selectmen's 12-10-02 Agenda.

9:30p.m. Selectman Fay moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 re: Town Hall Change Orders, Patrolmen's contract, T-Mobil lease & Guilford update, 2nd by Selectman Bresnahan, VOTE: Selectman Fay aye, Selectman Bresnahan aye, Selectman Maxant aye, Selectman Sullivan aye, Chairman Witherow aye, unanimous so moved.

Open Session concluded.



Frank F. Maxant, Clerk
AYER BOARD OF SELECTMEN

DATE: 5/9/04