

Selectmen's Meeting
Tuesday, December 18, 2001
Ayer Public Library-lower level meeting room-East Main St., Ayer, MA

7:00p.m. Open Session

The Board met with Chairman Pena, Selectman Witherow, Selectman Fay, Selectman Bresnahan and Selectman Sullivan.

Chairman Pena announced Representative Hargraves Aid Ron Englade was conducting office hours this evening inviting Town residents to come in to the Ayer Library from 7-8pm re: questions or concerns he could help them with.

Public Input:

Chairman Pena requested if there was anyone present wishing to meet with the Board under Public Input, no one stepped forward.

The Minutes of 12-4-01 were read and accepted. Motion to approve made by Selectman Fay, 2nd by Selectman Witherow, VOTE: unanimous, so moved.

Agenda Item #1. Certificates of Recognition

1. Phyllis Greeno-Council on Aging -nomination for DOVE Award-The Board presented Mrs. Greeno a Certificate of Recognition for her work with senior citizens recognized by the MA Division for Elder Affairs. Ms. Hegarty presented to the Chair certificates presented to Mrs. Greeno from the House Senate and Gov. Swift to be acknowledged by the Board of Selectmen. Mrs. Greeno requested all the Certificates are given to the Ayer Council on Aging Offices.
2. Hector Creamer: Advisory Board-recognition of Level I Planning Program for citizen volunteers. The Board congratulated Mr. Creamer for making the extra effort to educate himself to planning and zoning statutes while serving the Town as a volunteer. The Board congratulated both Mrs. Greeno and Mr. Creamer upon their achievements and wished them well with future endeavors.
3. Chairman Pena announced the dedication date regarding the plaque to be placed on the bench in memory of Benny Fay being Friday, December 28, 2001 at 4:30p.m. across from Town Hall, on Main St.-the waiting station bench.

Agenda Item #2. 2002 License Renewals

The Board approved of the blanket 2002 renewals for Common Victualler's Licenses, Sunday Entertainment Licenses, Amusement Licenses and Class I, Class II and Class III Licenses except for two renewals: establishment renewals being held contingent upon notification by Clerk of payment of back taxes with the Collector's Office. (The Fort-All Alcohol, Common Victuallers, Amusement & Sunday Entertainment licenses and KenWood Class II License). Motion to approve made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #3. Devens Wastewater Treatment Committee re: Agreement

Present for the discussion: Jack O'Connell-Consultant, Mark Reich-Town Counsel, Supt. Madigan, John Wareham, Lisa Gabree-Town Accountant. Town Administrator-Anita Hegarty presented to the Board the latest draft (12-18-01) of the agreement. Town Counsel opened the discussion by reviewing with the Board changes to this Agreement-last minute revisions, which included comments and changes from the last meeting, which did not make it into the previous Agreement. Atty. Reich updated the Board to the two (2) changes approved by the Committee which had not made it into the Agreement and were not approved by MADEV Counsel prior to his vacation. These changes he felt were not significant. Town Counsel reviewed the changes with the Board, after a short deliberation the Board voted to approve the Agreement for Wastewater Treatment and Disposal Services between the Massachusetts Development Finance Agency and the Town of Ayer, MA using the copy of the Agreement dated 12-18-01 and recommended by the Devens Wastewater Committee. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Fay aye, Chairman Pena aye, Selectman Witherow abstaining 4-1 motion passes. Selectman Bresnahan moved the Board communicate with Devens that the Board of Selectman signed and approved this Agreement in good faith

with Devens with the understanding that the changes are reviewed and resolved by all parties and approved by January 31, 2002, 2nd by Selectman Fay, VOTE: Selectman Bresnahan aye, Selectman Fay aye, Selectman Sullivan aye, Chairman Pena aye, Selectman Witherow abstaining 4-1 motion passes. Selectman Sullivan moved the Board direct Town Counsel to amend the Agreement with the changes presented this evening, 2nd by Selectman Fay, VOTE: Selectman Sullivan aye, Selectman Bresnahan aye, Selectman Fay aye, Chairman Pena aye, Selectman Witherow abstaining 4-1 motion passes

The Board went off the posted Agenda to accommodate friends & family members present this evening re: Police Dept. promotions.

Agenda Item #6 Chief Rizzo-Ayer Police Department Promotions

The Board met with Chief Richard Rizzo. Chief Rizzo stated he was before the Board this evening regarding two (2) Department promotions: The Chief proposed the following promotions to the Board: (1.) Sgt. William Murray- promoted to Lieutenant (2.) Patrolman Todd Crumpton- promoted to Sergeant Chief Rizzo updated the Board to Sgt. Murray's hire date with the Town being December 87-14 years with the department-promoted to Sergeant in Nov. of 91. Chairman Pena called for a vote. Selectman Sullivan moved the Board accept the Chief's recommendation and appoint Sgt. William Murray to Lieutenant subject to satisfactory completion of psychological examination, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Chief Rizzo updated the Board to Todd Crumpton's hire date with the Town being 91 appointed as a Reserve Officer then to full-time Patrolman in 94 serving presently as the Department's DARE Officer. Chairman Pena called for a motion. Selectman Sullivan moved the Board accept the Chief's recommendation and appoint Todd Crumpton to Sergeant subject to successful completion of psychological examination, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. Present for the promotions were friends and family members of both officers.

Agenda Item #5. Public Hearing-Common Victualler's License-Page Moore Café d/b/a Billiard Café
Chairman Pena opened the Hearing by requesting the Legal Notice be read into the record. Selectman Fay read the legal notice into the record which ran in the Nashoba Publications the weeks of 12-5-01 and 12-12-01. Chairman Pena requested if there were abutters present wishing to speak for or against the petition. No one stepped forward. The Board voted to approve the Common Victualler's License for Page Moore Café d/b/a as the Billiard Café 31-47 Main St., Ayer, MA Motion to approve made by Selectman Bresnahan contingent upon board of Health approval 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Fay aye, Chairman Pena aye, Selectman Witherow abstaining 4-1 motion passes.

Agenda Item #4. Board of Selectman Goals & Objectives

Ms. Hegarty reviewed with the Board the Selectmen's submitted Goals & Objectives in which she compiled all the individual Selectmen's Goals & Objectives into one working document. The Board congratulated Ms. Hegarty on her effort compiling the information and reviewed with her omitted items they wished to be included, and requested to identify and assign Departments/Department Heads to designated goal along with time frame. Selectman Witherow moved the Board table the Selectmen's Goals & Objectives until January 22, 2002, 2nd by Selectman Fay, VOTE: unanimous, so moved. The Board to get back to Ms. Hegarty via e-mail, fax, etc. their comments they wish to be included by January 15, 2002.

Agenda Item #7. Town Administrator's Report

1. Ms. Hegarty updated the Board to the next Cable Commission Meeting scheduled for 12-20-02.
2. Ms. Hegarty presented to the Board the Insurance Advisory Committee's recommendation of Dental Plan for Town of Ayer employees at no cost to Town of Ayer. Ms. Hegarty recommended the Board direct the Treasurer's office to move ahead with plan. Selectman Sullivan moved the Board approve Ms. Hegarty's recommendation and approve the Guardian Dental Plan, and begin the enrollment period for Town of Ayer employees at no cost to the Town, 2nd by Selectman Bresnahan VOTE: unanimous, so moved.

3. The Board approved \$15,000.00 in UDAG Interest money to be reserved for associated cost of remodeling for the Pirone Park bathroom remodeling to be ADA compliant these funds to be applied towards the \$12,000.00 approved at the May 2000 ATM. Motion to approve made by Selectman Sullivan, 2nd by Selectman Fay, VOTE: unanimous, so moved.
4. The Board approved of a letter to be written to Media News re: their proposed move to Devens-The Board approved the letter to Media News respecting their wish to continue discussion with Devens and acknowledging their request and acceptance by the Town of their interest in looking for an alternate site on Devens as well advising Media News to the Board directing the Town's Economic Development Director to intensify his efforts towards seeking alternate sites in Ayer which could meet their needs. Motion made by Selectman Bresnahan, 2nd by Selectman Witherow, VOTE: Selectman Bresnahan aye, Selectman Witherow aye, Selectman Fay aye, Chairman Pena aye, Selectman Sullivan no 4-1 motion passes.
5. Ms. Hegarty advised the Board to DEP approving the transfer of credit from Grove St. to Lot 4, Bligh St. The Board approved of the Chairman's endorsed of the sewer permit for Lot 4 Bligh St. (Alifieri) which was approved contingent upon DEP approval.
6. The Board reviewed two plans for the proposed new recycling center at the solid waste transfer station to comply with ADA handicapped accessibility regulations with the Architectural Access Board. The Board tabled this discussion until the Disabilities Commission has had a chance to comment prior to vote.
7. The Board appointed Laurie Sabol to the Recycling Committee. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: Selectman Bresnahan aye, Selectman Fay aye, Selectman Witherow aye, Chairman Pena aye, Selectman Sullivan abstaining 4-1 motion carries.
8. The Board moved to adopt the Fire Chief's recommendations re: plowing and sanding of unaccepted roads as a matter of public safety. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Fay aye, Selectman Witherow no, Chairman Pena no 3-2 motion passes.
9. The Board requested Supt. Madigan, Fire Chief, Conservation Commission and the Town Administrator review and determine where the water levels should be established re: Ayer ponds. Motion made by Selectman Sullivan 2nd by Selectman Bresnahan VOTE: unanimous, so moved.

New Business:

Selectman Bresnahan moved the Board write a letter of condolence to Mary Wright re: the recent truck accident on Devens and death of her son along with sending a bouquet of flowers to the Wright family

Selectmen's Questions:

Selectman Witherow:

1. Update on Cell Tower Contract & edits by Town Counsel.
2. Personnel Board Consultant update/status.

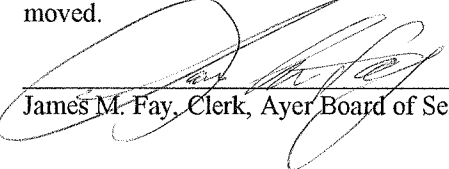
Selectman Sullivan

1. Robert Durrand letter -re: flood plain damage.
2. BRAC Meeting at St. Mary's Church on 1-5-02 re: Shepley Hill advertise on Cable, Newspapers
3. Letter from Rep. Hargraves re: State Funding decreases in allocations
4. Letter from Church of God re: trespassing

Selectman Fay

1. Personal issues: DPW/Police Dept. update

9:25p.m. Selectman Fay moved the Board adjourn from Open Session to enter into Executive Session pursuant to NGL Chapter 39 Section 23b Exemption #3 to adjourn to enter into another Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #6 to adjourn from this Executive Session to re-enter into Open Session for the sole purpose of adjourning the meeting: VOTE: Selectman Fay aye, Selectman Bresnahan aye, Selectman Witherow aye, Selectman Sullivan aye Chairman Pena aye, unanimous, so moved.


James M. Fay, Clerk, Ayer Board of Selectmen

DATE: 1/8/02