

FINAL Selectmen's Meeting MINUTES  
Tuesday, October 9, 2001  
Ayer Public Library-lower level meeting room, E. Main Street, Ayer, MA 01432

7:00p.m. Open Meeting

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

The Minutes of September 25, 2001 were set back for final review.

**Public Input:** Chairman Pena requested if there was anyone present wishing to meet with the Board.

1. Kim Morales: Requested the Board reconsider their vote of 9-25-01 re: reduction to Moore Dr. residents for sewer tie-in.
2. Richard Harrison-Sandy Pond Rd., Ayer, MA -thank you to Ayer DPW for work done at his property repairing the berm on Sandy Pond Rd.-applauding the efforts of Larry Caldwell, Foreman and his crew for professional and expedite job done.
3. Selectman Fay. re: the Board's consideration of appointing a military liaison re: recent deployment of Reserve Troops/National Guard re: war with Afghanistan to coordinate information between Devens and Citizens. Selectman Fay updated the Board to six (6) Ayer residents being called up including his son and nephew. The Board requested the Veteran's Agent be contacted re: this service.
4. Selectman Sullivan requesting the Board add an Executive Session on to the end of the meeting agenda, under Exemption #3, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

Chairman Pena called for a motion to accept the Agenda. Selectman Bresnahan moved the Board approve the amended Agenda of 10-9-01, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Agenda Item #1. Public Hearing-Fy-02 Tax Classification Hearing**

The Board met with the Board of Assessors-Present for the discussion: Thomas Hogan, Assessor's Clerk, Edward Cornellier, Chairman, Board of Assessors, Denis Callahan, Assessor, Sandi Jones, Assessor and Claire Adams Assessor's Secretary. Chairman Pena requested the legal notice be read into the record by Selectman Fay, Clerk of the Board of Selectmen. Chairman Pena opened the Fy-02 Tax Classification Public Hearing. Edward Cornellier turned the discussion over to Thomas Hogan, Assessor's Clerk re: the presentation. Mr. Hogan presented to the Board the following:

1. Determination of a discount factor up to 25% for land identified as Open Space. Selectman Bresnahan moved the Board accept the Board of Assessors recommendation and not approve a 25% discount for land identified as Open Space, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
2. Determination of Residential Exemption of up to 20%. Selectman Bresnahan moved the Board accept the Board of Assessors recommendation and not adopt a residential exemption of up to 20%, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
3. Determination of Small Commercial Exemption up to 10%. Selectman Bresnahan moved the Board accept the recommendation by the Board of Assessors and not approve a Small Commercial Exemption of up to 10%, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
4. Mr. Hogan reviewed with the Board the historic levy percentages adopted by the Town of Ayer for tax years 1997 through 2001 for the tax rate summary. After a lengthy discussion the Board voted to accept the Board of Assessors recommendation and approved the split tax rate of \$9.86 for residential and \$20.74 for property classified as commercial, industrial and personal property (CIP) for 2002. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved.

7:50p.m. Chairman Pena closed the Hearing. The Board thanked the Board of Assessors for their presentation and effort put into the Hearing classification documentation.

**Agenda Item #2. Zelda Moore, re: Woodlawn Cemetery**

The Board met with Zelda Moore re: repair to the Tomb at Woodlawn Cemetery. Ms. Moore reviewed with the Board history of the tomb, and present need for immediate plans for its preservation. The Board

reviewed with Ms. Moore ownership of the tomb whereas Woodlawn Cemetery is owned privately. The Board requested to investigate whether or not the tomb is town property and if so have Supt. Madigan look at the building re: estimate of repairs/maintenance necessary. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved.

**Agenda Item #3. Public Hearing-Proposed Fee Increases: Water/Sewer, Alcohol, Building Dept. & Sewer Connections.**

***All Alcohol Licenses:***

Chairman Pena opened the Hearing by requesting the Legal Notice be read into the record by Selectman Fay. Present for the discussion Mary Spinner, Chairman of the Advisory Board. Ms. Spinner opened the Hearing by requesting the Board increase the license fees re: all Alcohol Licenses from \$3K to \$4K stating this recommendation is based upon last years review and survey re: the need to implement step increases to justify direct and indirect cost to Town. The Board received comment from various Town restaurant licensees present for the Hearing i.e. Robert Rakip-Nashoba Club, James Januskiewicz-Lasita and Phil Berry-Carlin's who opposed fee increase based on fees paid by surrounding towns as well as voluntarily taking alcohol training program last year. Selectman Bresnahan stated the Board increased fee by 33% last year which was very significant. Selectman Sullivan echoing Selectman Bresnahan's sentiments as well as present state of economy stating increase puts small businesses at disadvantage. The Board stated more information is needed and should keep fee where it is now and have the Advisory Board and Town Administrator work together to research current established fees/logic behind increases and to conduct new survey with neighboring Towns. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Fay aye, Chairman Pena aye, Selectman Witherow no 4-1 motion passes.

***Sewer Tie-in Connections:*** The Board met with Mary Spinner, Chairman Advisory Board. Ms. Spinner recommended the Board increase the fee for sewer tie-ins from \$500.00 to \$1,500.00. The Board requested this fee increase be withheld until such time as the Town Administrator, Town Accountant and Dept head have analysis done to arrive at actual cost for service provided.

The Board took up the Moore Drive Sewer Tie-in fee at this time. Discussion focused on past performance regarding other sewer tie-in connection fees in Town where sewer lines have been installed and cost to those residents living on Snakehill and Oakridge Drive areas. Selectman Bresnahan moved the Board charge a \$200.00 tie-in fee for residents living on Moore Dr. and upper Washington St. for eighteen-month period, 2<sup>nd</sup> by Chairman Pena. Selectman Sullivan offering a friendly amendment by requesting to change the dollar amount from \$200.00 to \$100.00, 2<sup>nd</sup> by Chairman Pena VOTE: Chairman Pena aye, Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Fay aye, Selectman Witherow abstaining VOTE: 4-1 motion passes.

**Water main-**The Board approved the fee increase for a ten inch (10") water main tie-in to \$15,000.00 motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Witherow, VOTE: Chairman Pena aye, Selectman Sullivan aye, Selectman Bresnahan no- wishing to do a more comprehensive analysis, Selectman Witherow aye, Selectman Fay aye 4-1 motion passes. Town Administrator Anita Hegarty updated the Board to \$5K set aside for a comprehensive analysis under DPW-funds from prior year encumbered.

**Water/Sewer Rates:** The Board moved to withhold making decision until Town Accountant, Town Administrator and Dept Head work together on analysis with regard to Devens WWTP coming on line and research incomplete at this time-analysis needing to be done by Accountant before the Board make informed decision.

**Building Dept.-3% across board-** The Board held off increasing the Building Dept. fees until current fee information is available from other Towns. The Board being told fees in Ayer is higher than other areas. The Board requested Gabe Vellante do comparison study with other Towns. Department Heads to gather information/surveys to get done quicker. Selectman Bresnahan moved the Board table review of changes to give staff time to compile information/research to complete study, 2<sup>nd</sup> by Selectman Sullivan. VOTE unanimous, the Board requesting information is made available in eight weeks/prior to budget season.

**Transfer Station Stickers**-The Board requested the Town Administrator contact Town Counsel regarding who set rates and mandates recycling, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved.

**Agenda Item #4. Water/Sewer Liens Fy-02**

The Board reviewed the Fy-02 water/sewer liens. Selectman Bresnahan moved the Board endorse the Fy-02 Water/Sewer Liens submitted by the Dept. of Public Works in the amount of \$76,346.76 in unpaid accounts to be transferred to the Board of Assessors pursuant to MGL C40, S42C, as amended, to be placed on real estate taxes, 2<sup>nd</sup> by Selectman Witherow, VOTE unanimous, so moved.

**Agenda Item #5. Historical Commission-Historical Preservation Restriction-Volunteers of America**

The Board met with Ruth Rhonemus who informed the Board to the Historical Commission meeting with Volunteers of America (VOA) on Friday, September 21, 2001, and voted to unanimously support concept of the restoration of the former Community Memorial Hospital on Winthrop Ave. as presented by VOA. The Commission to work with current property owners to research and prepare the nomination form to be submitted to the MA Historical Commission for listing on the State and National Register of Historic Places. The submission of the nomination form subject to the final approval of the Ayer Historic Commission. Selectman Bresnahan cautioned the Historical Commission to take care not to get this status changed prematurely Town Administrator informing the Board to no action being necessary regarding this item, this item being informational only.

**Agenda Item #6. Review & Acceptance-Devens 5 Year Report & Review & Communities Connected by Water Report.**

Town Administrator Ms. Hegarty requested the Board approve the Devens 5 year Phase 1 report prepared by Community Design Partnership, Inc./in association Bennett Assoc. dated May 2001 with amendments to be submitted to JBoS. Selectman Bresnahan requesting the following concerns be included:

1. Lack of commitment for development of the North Post/Airport.
2. Suitability of Vicksburg Sq. for housing. (don't need white elephant left to us)
3. Limits on growth of new housing. (impact to Ayer/Shirley housing stocks)
4. Stress Downtown Devens was pledged not to cause economic damage to Ayer/Shirley

Selectman Pena requesting his concerns as well:

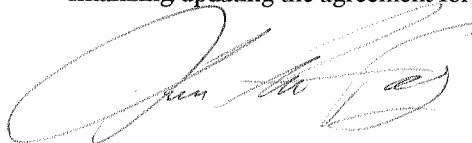
1. Core area/outlining parcel development plan (increased density without changing re-use plan)
2. Vicksburg Sq. reuse as housing
3. Support creation of more housing

Selectman Bresnahan moved the Board accept report with reservations/amendments so stated, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved.

The Board moved to accept the Communities Connected by Water Report-Executive Summary prepared by ENSR International for the Joint Boards of Selectmen Document No. 6727-001-400 dated June 2001. Motion to approve made by Selectman Witherow, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

**Agenda item #7-Town Administrator's Report**

1. Ms. Hegarty presented to the Board DEP's draft of second amendment to the Consent Order (ACOP-CE-97-1007) which incorporates the latest schedule provided by the Town at the September 20, 2001 meeting at the DPW. Ms. Hegarty stated this draft was received late today suggesting the Board get a response back to DEP as soon as possible requesting the Board review and comment back to her by the end of the week.
2. Ms. Hegarty reviewed with the Board updated cost from Devens Wastewater Agreement-Capital & O&M along with issues and points to be resolved to put in place a plan for Devens to receive all Ayer sewer flows during the reconstruction period & excess flows over what the Ayer plant can handle. Ms. Hegarty stated capital cost anticipated at \$3.6 million for Ayer's upgrade and additional \$85K for the inceptor line to connect with Devens. Ms. Hegarty updated the Board to the next meeting with the Devens Wastewater Exploratory Committee on Monday, Oct. 16, 2001 @3pm. who will be finalizing/updating the agreement for the Board's approval.

 Witherow 10/23/01