

Selectmen's Meeting
Tuesday, August 14, 2001
Ayer Public Library-lower level meeting room, East Main Street, Ayer, MA

7:00p.m. Open Meeting

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

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

Chairman Pena announced the cancellation of Nashoba Publications taken off the Agenda this evening. Selectman Bresnahan requested the Board amend the Agenda this evening to take up a One-Day Beer & Wine License for St. Mary's Lawn Party. Chairman Pena placed the St. Mary's One-Day Beer & Wine License request in the Nashoba Publications Agenda allotted time period.

The Minutes of 7-31-01 were read and accepted. Motion to approve the minutes made by Selectman Fay, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #1.-Volunteers of America-Assisted Living Proposal-Old Ayer Hospital (Woodford)

The Board met with Alan Zimlicki and Thomas Bierbaum representing Volunteers of America (VOA) re: the feasibility of locating an affordable assisted living residence in Ayer. Mr. Zimlicki reviewed with the Board the not-for-profit program that offers first rate services and accommodations for lower and moderate seniors and their families. VOA is the nation's largest non-profit provider of affordable housing for the elderly and disabled. The Board was updated to the Building's renovation plans/new addition will provide an additional 23,986sq ft for a total building size of 47,587sq ft containing 54 dwelling units and 4 common areas accommodating 69 residents of which would be prioritized for Ayer residents. The discussion focused on services, residential features, affordability, financing, proposed layout of building, and projected cash flow, annual operating expenses and development schedule. Mr. Zimlicki requested the Town's assistance with: permitting and site review, demonstration of project support, Historic review, a Tax Increment Financing Plan, community review assistance, assistance with public financing to include Federal Home Loan Bank and CDBG funding. In exchange Volunteers of America would develop 54 units of affordable housing, the Town's frail seniors would be able to stay in Town, reuse of a vacant and deteriorating building, a use which is compatible to the neighborhood, assist the Town to meet its 40B targets of 10% low-income housing, a building which would slowly come off the tax roles, 25 full-time jobs and facilities to accommodate be made available to the Town's elderly community on a scheduled basis. Mr. Suhoski advised the Board to DHCD-support Housing Grant siting \$400K-\$500K in deferred payment loan money could be a good candidate for this project. Volunteers of America would write the application and the Town would submit it. Selectman Witherow moved Mr. Suhoski go forward with Notice-of-Intent to be prepared by the proponent, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. Selectman Witherow moved the Board basically support the proposal but eliminate the TIF until further information is made available 2nd by Selectman Fay no vote taken. Selectman Sullivan suggested to recind that motion and offered another motion to support the TIF over a ten (10) year period, 2nd by Selectman Pena for discussion, the Board reviewed current taxes, which would be foregone at onset, which has never happened before. Selectman Bresnahan suggested to move Selectmen's Sullivan's motion in concept but not foregoing current Real Estate Taxes-VOTE: Selectman Sullivan aye, Selectman Bresnahan aye, Selectman Pena aye, Selectman Witherow no, Selectman Fay no...3-2 motion passes.

Agenda Item #2. Michael Alfieri, re: Grove Street -sewer extension request

The Board met with Michael Alfieri of 23 Grove St., Ayer, MA. The discussion focussed around Mr. Alfieri seeking to have the number of bedrooms located at 23 Grove Street being documented as ten (10) in order for him to subdivide the parcel on which the structure is located so that a three (3) bedroom building may be constructed on this parcel. Assessor's records dating back to 87 listed the total of bedrooms as six (6) another one in 96 listed the structure as having eight (8) and presently the property is listed as having five (5). The Board advised Mr. Alfieri per the Assessors records and Supt. Madigan's research there is no documentation/recording that 23 Grove St. ever having ten bedrooms and without documentation the Board

is unable to grant an extension. The Board suggested Mr. Alfieri contact the original appraiser/broker who listed the property in 96, and get something in writing documenting his claim of ten (10) bedrooms.

Agenda Item #3. One Day Beer & Wine License-St. Mary's Lawn Party replacing Nashoba Publications

Selectman Bresnahan read the license into the record and moved the Board approve a One Day Beer & Wine License for St. Mary's Lawn Party to be conducted on Friday, September 7, 2001 and Saturday, September 8, 2001, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #4. Public Hearing-Alcohol License Application-Amy Cozzens for Amy's Provision's 1-Barnum Rd., Ayer, MA

Chairman Pena opened the Hearing by requesting the legal notice be read into the record by the Clerk. Selectman Fay read the legal notice into the record which appeared in the Nashoba Publications the weeks of August 1, 2001 and August 8, 2001. Chairman Pena requested if there were abutters present who wished to speak, no one stepped forward. The Board met with Atty. Robert Gardner representing Amy Cozzens. Present for the discussion were Mrs. Cozzens parents and husband. Atty. Gardner opened the discussion by requesting if the Board had received his disclosure statement. Selectman Fay read Atty. Gardner's letter into the record. Atty. Gardner gave the Board a brief background re: Amy Cozzens background in the culinary arts field and reasoning behind the request for a Wine Alcohol Application for her shop. Ms. Cozzens stated she makes specialty baskets and would like to have upscale bottles of wine for sale or to be placed in the baskets she makes for her customers. Ms. Hegarty, Town Administrator advised the Board to the Chief of Police submitting a statement recommending his approval of the license. Selectman Witherow requested change package store to specialty shop and to remove Beer & Wine and insert WINE ONLY on her application. Ms. Cozzens agreed to the changes. Richard Rakip former owner of the Jack-O-Lantern of Ayer and Mark Fermanian partner of TCL Inc. new owner of the Jack-O-Lantern addressed traffic concerns and stated they were not in objection to Ms. Cozzens application. Selectman Sullivan stated his support and congratulated and wished Ms. Cozzens success. Chairman Pena called for a motion, Selectman Sullivan moved the Board approve a WINE ONLY alcohol license for Amy's Provisions 1 Barnum Rd., Ayer, MA, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #5. Public Hearing Change of Manager-Ayer Gun & Sportsmen's Club

Chairman Pena opened the Hearing by requesting the Clerk read the legal notice into the record. Selectman Fay read the legal notice which ran in Nashoba Publications the weeks of August 3, 2001 and August 8, 2001. The Board met with Daniel Scott-President of the Ayer Gun & Sportsmen's Club and Donald C. Anderson the new manager elect. Mr. Scott updated the Board to Mr. Anderson being a long time resident of the Town and member of the Club. Selectman Bresnahan also advising the Board to his long-standing membership and knowledge of the Club. Selectman Bresnahan moved the Board approve the Change of Manager of the Ayer Gun & Sportsmen's Club to Donald C. Anderson, 2nd by Selectman Fay, VOTE: unanimous, so moved. Selectman Witherow requested if Mr. Anderson had formal ABCC training. Mr. Anderson stated he had received his certificate last December when the TAP's Training Class was run in Ayer. Mr. Scott advised the Board to the Gun Club sponsoring another class at the end of the month and invited all local restaurants/taverns in Ayer to attend as well as new license applicants. The Board requested this class be advertised on Cable.

Agenda Item #6. Community & Economic Development Director's Report

The Board met with Shaun Suhoski re: Change Orders for the Town Hall Restoration Project. Mr. Suhoski ran through Change Order #2 with the Board stating these items have been reviewed by the architect, Town Administrator, Chairman Pena and himself. Mr. Suhoski advised the Board even with Change Order #1 and Change Order #2, the budget is tight but project remains viable. The Board reviewed cost saving measures taken and to be taken approving of a local contractor being hired to do the concrete pad the cannon will sit upon, motion made by Selectman Fay, 2nd by Selectman Sullivan VOTE: unanimous, so moved. Selectman Sullivan requesting lawn sprinkler system be installed on East side of the building & back of Town Hall possibly through donations, the Board directed Mr. Suhoski to contact local

businesses/Veterans Groups re: donating services, equipment or funds to maintain the Veterans Memorial side of Town Hall's lawn, with a sprinkler system 2nd by Selectman Fay, VOTE: unanimous, so moved.

The Board approved of Change Order #2. Not to exceed \$29,184.40. Motion made by Selectman Sullivan, 2nd by Selectman Brenshan, VOTE: unanimous, so moved.

HUD Community Planning and Economic Adjustment Grant. Mr. Sushoski advised the Board to funds remaining in the Town's Comprehensive Plan Update in the amount of \$3,704.26. Mr. Suhoski recommended the Board use the funds for the planning & design of historic building code and Americans with Disabilities Act improvements to the Town Hall under the existing contract with J. Stewart Roberts. Selectman Bresnahan moved the Board direct Mr. Suhoski to proceed to close out the grant, 2nd by Chairman Pena, VOTE: unanimous, so moved.

MA Historic Emergency Fund- Mr. Suhoski updated the Board to possibility of accessing MA Historic Emergency Funds to complete plastering of Town Hall requesting the Board reconsider their vote and allow JRJ to stay on job through Rogan Construction. Mr. Suhoski advised the Board to job site meeting with architect, contractor, Town Administrator, Chairman Pena, and JRJ earlier today, and all in agreement including Town Counsel to have JRJ stay on job. A walk through was conducted with JRJ documenting the full scope of work for the entire Town Hall through written records with JRJ and the architect. A contract will be readied with Rogan for early next week encompassing all of the plastering sub-bid for the Town Hall. Selectman Bresnahan moved the Board reconsider their vote and approve JRJ Plastering's contract, 2nd Selectman Sullivan, VOTE: unanimous, so moved.

Agenda Item #7. Town Administrator's Report-Ms. Hegarty presented the following items:

1. The Board approved BATG's Contract for providing unlined landfill cover soil and other services approved by Town Counsel and refined by Tata & Howard. Motion to approve made by Selectman Sullivan 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
2. The Board approved the Moore Drive & Washington Street Sewer Extension approved by Town Counsel. Motion to approve the Chairman's endorsement made by Selectman Bresnahan 2nd by Selectman Sullivan VOTE: unanimous, so moved. Selectman Fay requesting the Clerk's signature be approved if so required, Selectman Bresnahan moved to allow the Clerks signature if required, 2nd by Selectman Fay, VOTE: Selectman Pena aye, Selectman Bresnahan aye, Selectman Witherow aye, Selectman Fay aye, Selectman Sullivan no-4-1 motion passes. Selectman Sullivan feeling as he read the document the Clerk's signature is unnecessary.
3. The Board approved Michael Madigan Project Manager for the West Main Street Water Main Project and Shaun Suhoski for the West Main St. roadway/sidewalk portion of the project for approval of change orders not to exceed \$5K per change order up to a total not to exceed \$25K. Motion to approve made by Selectman Fay, 2nd Selectman Sullivan, VOTE: unanimous, so moved.
4. The Board approved of a Grade Change for Pamela Martin Office Manager at the DPW. The Board approved Ms. Hegarty's recommendation to place Ms. Martin at a Grade 7 Step 3 (\$16.19/per hr.) retro to July 1, 2000 and Grade 7 Step 4 retro to July 1, 2001 for Fy-02. Selectman Bresnahan moved the motion 2nd by Selectman Fay, VOTE: unanimous, so moved. Selectman's Sullivan's motion to place Ms. Martin at Grade 7 step 4 retro to July 1, 2000 and Grade 7 Step 5 retro from July 1, 2001 failed by a 3-2 vote.
5. The Board requested draft of the resolution proposed by Mr. Casey re Citizens Group-Stop the Noise-that speaks against the aviators stunt flying/buzzing homes in the Town. Motion made by Selectman Bresnahan, 2nd by Selectman Witherow, VOTE: unanimous, so moved.
6. Fy-02 Appointments-The Board appointed George Bacon to the Historical Commission motion made by Selectman Witherow, 2nd by Selectman Fay, VOTE: unanimous, so moved. The Board appointed Nicholas Laggis to the IDFA motion to approve made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved. The Board appointed the Auxiliary Police Officers presented by Civil Defense Director Wellman Parker under the Ayer Police Dept. Appointments, motion to approve made by Selectman Witherow, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

7. The Board postponed the Public Hearing on increasing Town fees to October 2001-the Selectmen's 1st meeting in October. Motion made by Selectman Sullivan 2nd by Selectman Bresnahan, VOTE: Selectman Sullivan aye, Selectman Bresnahan aye, Chairman Pena aye, Selectman Fay aye, Selectman Witherow no motion passes 4-1.
8. The Board approved funding up to \$20K re: the Guilford Law Suit, to cover current bills and allow a small amount for any new cost incurred. Motion made by Selectman Bresnahan 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
9. Ms. Hegarty updated the Board to the outstanding balance re: Horsley bill advising the Board to the possibility of Town Meeting having to decide whether or not to approve the additional funds over the \$5K authorized by the Selectmen. Ms. Hegarty to submit letter to Horsley & Whitten at the end of the week stating the Town's position re: negotiating the difference of the balance.

9:40p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL 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 enter into Open Session for the sole purpose of adjourning the meeting., 2nd by Selectman Fay, VOTE: Chairman Pena aye, Selectman Witherow aye, Selectman Fay aye, Selectman Bresnahan aye, Selectman Sullivan aye, VOTE: unanimous, so moved


James M. Fay, Clerk

DATE: 9/25/01