

Signed Copy

Selectmen's Meeting
Tuesday, March 13, 2001
Ayer Public Library-lower level conference room, E. Main St., Ayer, MA

7:00p.m. Selectman Pena moved the Board enter into Executive Session pursuant to MGL, Chapter 39, Section 23b, Exemption #3-IBPO Grievance, 2nd by Selectman Fay, VOTE: Chairman Sullivan aye, Selectman Bresnahan aye, Selectman Pena aye, Selectman Witherow aye and Selectman Fay aye-unanimous, so moved. Selectman Fay moved to amend the motion by requesting the Executive Session at the end of the meeting be moved forward and held at the end of the first Executive Session scheduled for 7pm pursuant to MGL Chapter 39 Section 23B Exemption #3 and continued at the end of open session if not finished, 2nd by Selectman Witherow, VOTE: Chairman Sullivan aye, Selectman Bresnahan aye, Selectman Pena aye, Selectman Witherow aye, Selectman Fay aye-unanimous, so moved.

8:15p.m. Open Session

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

The Minutes of 1-2-01 and 2-27-01 were approved.

Chairman Sullivan called for a motion to approve the Agenda as amended. Selectman Bresnahan moved the Board approve the Agenda of 3-13-01 as amended, 2nd Selectman Pena, VOTE: unanimous, so moved.

Public Input: Chairman Sullivan requested if there was anyone present wishing to be meet with the Selectmen.

1. **Patrick Hughes re: the Community Preservation Act.** Mr. Hughes presented the Board a proposed draft version of warrant article to establish the Community Preservation Committee along with the specifics or organization, project review and overall duties not to be included in the article. Mr. Hughes requested what number on the ballot would the Community Preservation Act would be listed advising the Board to his wishing to begin promoting the article. The Board moved to place the Community Preservation Act as Ballot question #1 contingent upon the Town Administrator verifying with the Town Clerk as to who numbers the ballot questions the Clerk or the Board, and with the Town Clerk's approval. Motion made by Chairman Sullivan 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #1. Public Hearing-Class II License -Walter Godfrey-Ayer Auto Sales formerly Goldstar Auto 63 Fitchburg Rd., Ayer, MA. Chairman Sullivan requested the legal notice be read into the record. Selectman Pena opened the Hearing by reading the legal notice into the record. The Board reviewed the Building Commissioners letters dated 3-8-01 & 2-27-01 with Mr. Godfrey. Mr. Godfrey advised the Board to all work (cleaning up area) requested by the Building Commissioner being completed, as referenced in Mr. Vellante's letter dated 3-8-01 advising to problem with the lot was from the previous owner Philip Lenzi. Mr. Godfrey advised the Board to him being the original owner of the dealership holding the license for seven (7) years and selling the business to Mr. Lenzi two years ago. This is a new license name changed from Goldstar Auto to Ayer Auto Sales. Selectman Bresnahan stating his dismay with the dealership requesting to qualify issues by placing contingencies/restrictions on the license i.e. lot paved, striped, number of vehicles be placed on license, no mechanical work to be done on premise, etc. Selectman Pena requested the Town Administrator prepare a list of conditions using most recent Class II approvals as a guide for the Board to review and voted to continue the Public Hearing to their next scheduled meeting. Motion made by Selectman Bresnahan 2nd by Selectman Pena VOTE: unanimous, so moved.

Agenda Item #2- John Wareham & Mary Spinner, re: Wastewater.

Ms. Spinner opened the discussion by stating Mr. Wareham of Nasoya had come to an Advisory Board Meeting suggesting a Public Hearing be conducted re: educating the Townspeople to Hybrid Option being the best choice for the long/short term solution to the wastewater problem. The wastewater problem caused a critical problem for Nasoya as well as for the Town in terms of growth, jobs creating a strong economy. The pipeline is the bridge to controlling the Town's destiny. Mr. Wareham felt the expansion should be

shared with the SIU's. Selectman Bresnahan moved the Board request the Town Administrator contact the SIU's re: financial assistance promoting the implementation of the Hybrid Option, 2nd by Selectman Pena, VOTE: unanimous, so moved.

Agenda Item #3. Hybricon-UDAG Subordination Request. Mr. McCann announced the cancellation of this item on the Agenda per the request of Richard Leffert earlier today.

Agenda Item #4. PACE-Cleanup/Removal Action Comments AOC-57. The Board reviewed the letter submitted by Richard Doherty on behalf of PACE addressing concerns to the Town's Zone II re: impact to Cold Spring Brook & Grove Pond Wells. Chairman Sullivan advised the Board to a meeting being held next Tuesday at 2:00p.m with Ashley Eagleton from DEP requesting the Board defer submitting comments until after this meeting. Selectman Bresnahan moved The Board approve the letter being submitted to BRAC along with a cover letter from the Board endorsing PACE's comments and going on record supporting Mr. Doherty's/PACE's concerns and letter being fully supported by the Board of Selectmen. The Board requested Mr. McCann get a signed copy of the letter from Mr. Doherty. Selectman Fay requesting the Town Administrator get a briefing re: meeting held last with with Bill Burke re: AOC-57.

Agenda Item #5. Supt. Madigan's Report: cancelled

Agenda Item #6. Town Administrator's Report -

1. Etargo Mammoet - Mr. McCann advised the Board to Town Officials attending the meeting sponsored by the Town of Westford i.e. Fire Chief, Police Chief & DPW-Supt. The Board was updated to Etargo having a \$5 million dollar insurance liability bond with an Umbrella of \$2 million. Mr. McCann advised the Board to insurance carrier not being licensed in Massachusetts and the binder not being made out to Town of Ayer. The Board addressed traffic, liability and notice of 2nd shipment of turbines occurring one month later. Selectman Bresnahan moved the Board approve/support the transport of the turbines contingent upon approvals of all Town officials, and verify the validity of the insurance binder that Ayer is named on the \$5 million liability umbrella, 2nd by Selectman Pena, VOTE: unanimous, so moved. Chairman Sullivan suggested the Town defer on 2nd shipment request, to ensure same insurance and safeguards are in place or problems occurring with 1st shipment, Selectman Bresnahan stating same would be in place and felt 2nd request should also be approved, 2nd by Selectman Pena, VOTE: Selectman Pena aye, Selectman Bresnahan aye, Selectman Witherow aye, Selectman Fay aye, Chairman Sullivan no. 4-1 motion carries.
2. Council on Aging Update: Mr. McCann advised the Board to salary being unattractive to all three finalist interviewed for the Director's position. Mr. McCann reviewed with the Board the Salary survey conducted with eleven communities and Ayer being on the low end of the survey.
3. Cell Tower RFP- Mr. McCann updated the Board to RFP on the street and five request for RFP's have been mailed out. Mr. McCann stated a small addendum might be in order with minor changes.
4. Press Release- Mr. McCann advised the Board to Town of Ayer residents and Town Departments/Committees/Commissions & Boards being informed of last date to submit an article for the Annual Town Meeting of May 14, 2001 being March 30, 2001 by 4pm.
5. Communications Committee-Mr. McCann advised the Board to last day for submittal of an article for the Town's newsletter being 3-21-01. Mr. McCann cautioned the Board regarding advocating for or against Town projects i.e Wastewater Hybrid system.
6. JBOS- Mr. McCann reminded the Board to the JBOS Meeting rescheduled to 3-21-01 due to conflicts with Ayer Board.
7. The Board deferred the CDBG Housing Waivers to the next Selectmen's Meeting.
8. Mr. McCann advised the Board to Capital Planning Committee meeting with Supt. Madigan to review timeline to firm up numbers re: ATM Warrant Article.
9. Mr. McCann presented the Board with a tentative list of people willing to serve on the formation of an exploratory committee re: negotiations with Deven for excess capacity re: wastewater processing. Mr. McCann requested the following people serve on this committee: Lisa Gabree, Shaun Suhoski,

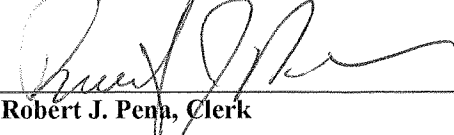
Michael Madigan, George Bacon along with Jack O'Connell from Tata & Howard & Mark Reich
Town Counsel who will serve re: resource assistance. Selectman Pena requesting John
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Wareham of Nasoya also be appointed to serve on this committee.

NEW BUSINESS:

1. The Board approved the 2nd half of Fy-01 Budget for the Economic Development Director's Office. Selectman Bresnahan moved the Board approve the amount of \$69,399.32 for the 2nd half of Fy-01 as presented by the Economic Development Director as recorded on 3-7-01, 2nd by Selectmen Sullivan
VOTE: unanimous, so moved. FUNDING SOURCE: UDAG
2. Mr. McCann reminded the Board to the interviews with finalist for the Town Administrator's position being conducted tomorrow evening at the Ayer Library commencing at 4pm, 7pm and 8pm.
3. The Board approved of one of the Dillingham & Murphy billings in the amount of \$40,862.01 less the 5% (if paid within 30 days) Motion to approve made by Selectmen Witherow, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. FUNDING SOURCE: LEGAL EXPENSE The Board requested the Town Administrator follow up on who authorized the 2nd billing of \$17,208.04 for the consultant as well as the insurance company re: reimbursement of legal fees.
4. The Board approved Earth Tect's wastewater billing in the amount of \$7,500.00 recommended by the Supt. of Public Works. Motion made by Selectman Fay, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. FUNDING SOURCE: UDAG
5. Selectman Fay requested the Board schedule the Personnel Board on the next Selectmen's Meeting re: the approved amendments to the Policy. The Board scheduled the Personnel Board for their 1st meeting in April 2001.
6. The Board approved of the Fy-02 SHAVE Article being placed on the Annual Meeting Warrant. Motion to approve made by Selectmen Witherow and 2nd by Selectman Fay, VOTE: unanimous, so moved.

9:30p.m. Selectman Pena moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3, 2nd by Selectman Fay, VOTE: Chairman Sullivan aye, Selectman Bresnahan aye, Selectman Witherow aye, Selectman Pena aye, Selectman Fay aye, VOTE: unanimous, so moved.


Robert J. Pena, Clerk

DATE:

May 9, 2001

approved May 8, 2001