

Final

Selectmen's Meeting
Tuesday, September 19, 2000
2nd Floor Meeting Room-Town Hall-Main St., Ayer, MA

7:00p.m. **Open Session** The Board met with Chairman Sullivan, Selectman Bresnahan, Selectman Pena, Selectman Witherow and Selectman Fay.

Public Input: Chairman Sullivan requested if there was anyone present wishing to be heard:

Atty. Roy Pastor: representing David Hirsch-Camper's Inn- regarding reconsideration of Camper's Inn revocation of their Class I License. Mr. Pastor informed the Board to a meeting with the Fire Chief, Building Inspector and Mr. Hirsch being scheduled for Thursday, September 21, 2000, for possible reconciliation in hopes the Board of Selectmen will reconsider their decision. Mr. Pastor stated he is preparing an Appeal to Superior Court re: Board of Selectmen's Order. Chairman Sullivan requested of Atty. Pastor what he hoped to accomplish through a meeting with Town Officials: Mr. Pastor responded: 1. To reach an agreement and 2. Stay the revocation of Mr. Hirsch's License. Mr. Pastor advised Board to Chapter 140 Sections 57-69 not giving Board basis for revocation and wishing to resolve this matter for his client prior to the January 01 renewals. The Board reviewed with Atty. Pastor their feelings re: his request. Selectman Bresnahan stating if License Holder met requirements Board could/would suspend revocation, Selectman Fay stating he is not in favor of stay. Mr. Kreidler going on record stating Atty. Pastor did not ask if there were any regulations that were promulgated nor did he say he would produce that information. Atty. Pastor closed by requesting the Board consider all legal aspects before expending time and money.

Joseph Holmes-representing Seven C's-68 E. Main St., Ayer, MA requesting the Board consider to create two (2) affordable units in the eleven (11) unit condominium project as Local Initiative Units administered by the MA Dept. of Housing & Community Development. The units would serve towards the Town's goal of providing 10% affordable units within the Town. Mr. Holmes stated Seven C's would be required to submit an application for acceptance of the units as LIP detailing their restrictions on use and re-sale as well as a plan for marketing the units. Atty. Holmes advising to maximum allowable sale price for a two-bedroom condominium unit being \$78K and with DHCD having the ability to approve a sale price increase of up to \$10K requesting the Town support Seven C's two units qualifying under DHCD which has the ability to approve this \$10K increase up to \$88K. The LIP units proposed will constitute just over 18% of the total units in the development, a project conceived from the beginning, as an affordable project would have a percentage of 25%. Mr. Holmes stated in addition to Seven C's proposal to create two (2) affordable units in Woodland Village (68 E. Main St.) also requested relief from the permitting fees from the Town so as to not make the two units economically unfeasible i.e. water tie-in fees. Selectman Bresnahan moved the Board reserve Mr. Carpenters 330/gpd until Atty. Holmes submits a written LIP proposal, 2nd by Selectman Pena, VOTE: unanimous, so moved.

AGENDA ITEMS:

1. Public Hearing-Board of Assessors Fy-01 Tax Rate

The Board met with Thomas Hogan Assessors Clerk. The Board reviewed with Mr. Hogan the Fy-2001 Tax Rate information prepared by the Board of Assessors re:

1. Determination of discount factor up to 25% for land identified as Open Space
2. Determination of Residential Exemption up to 20%
3. The Determination of Small Commercial Exemption up to 10%
4. The adoption of a Residential Factor for the purpose of determining the % tax burden to be borne by each class of property.

Chairman Sullivan called for a motion to set the Town of Ayer Fy-01 Tax Rate. Selectman Bresnahan moved to the Board adopt the residential tax rate of \$11.01 and Commercial/Industrial (CIP) tax rate of \$21.48 with residential factor of 67.1747% 2nd by Selectman Pena, VOTE: Selectman Bresnahan aye, Selectman Pena aye, Selectman Fay aye, Chairman Sullivan aye and Selectman Witherow no, 4-1 motion passes.

2. Selectman Sullivan, re: School Committee Meeting

Chairman Sullivan advised the viewing public to a meeting with the School Committee tomorrow evening, September 20, 2000 being two-fold:

1. The Board of Selectmen and School Committee will meet to discuss the contract negotiation status relative to the education of the children living on Devens and;
2. Assist /help Town of Ayer schools with the quality of education. MCAD scores being a big issue and

Ayer scores going up slightly and what can the Town side of Government do to assist the School Com. towards the education of students.

Selectman Bresnahan requested update regarding Chapter 70-State Aid to Schools, the Board met with Lisa Gabree who advised the Board to Town of Ayer receiving an additional \$23K for the education of students the Board will need to vote to accept this additional state aid, which will change the re-cap and delay tax bills going out if a vote doesn't occur soon.

3. Selectman Witherow & Selectman Fay re: Personnel Board Sub-committee Draft Report

Selectman Witherow requested at this time for an extension of time for the Sub-committee stating the Committee has been meeting since 6-29-00 through 9-29-00 requesting an extension to November 14, 2000 be granted to the Sub-Committee stating the Committee will not be able to make the 90 day deadline, a final report will be made available at that time. Chairman Sullivan called for a motion. Selectman Witherow moved the Board grant the Personnel Board Sub-Committee an extension to November 14, 2000, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

4. Public Hearing: Underground/Aboveground Storage Tanks-J.C. Madigan-Shaker Rd., Ayer, MA
Present for the discussion: Fire Chief-Paul Fillebrown. Chairman Sullivan opened the Hearing by requesting the legal notice be read into the record. Selectman Pena read the Legal Notice into the record. The Board was advised to advertisement which ran in the paper not reflecting three (3) one thousand gallon tanks being on site- appearing only as one three thousand gallon tank. The board also expressed their concern re: proximity of tanks to Zone II Aquifer Protection or near Pepsi/CPF well. Selectman Pena moved the Board after a lengthy discussion request the Town Administrator have Town Counsel research legal notice re: if properly advertised, and continued the Hearing to the next Selectmen's Meeting in order for Mr. Madigan to meet with the Board of Health next week re: Zone II-Aquifer Protection & CPF well to review if this By-law applies to Mr. Madigan's property, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. Selectman Bresnahan requested Mr. Kreidler write motion due to lengthiness of discussion around verbiage.

DPW -Supt. Madigan's Report: (see report dated September 15, 2000)

1. Moore Drive-Washington St. Sewer Extension-The Board met with Supt. Madigan and Town Administrator James Kreidler. Mr. Kreidler updated the Board to set aside re: sewer bank for this project estimated by the Town's Consultant originally at 3,700/gpd- 5 homes on Washington St. were not included in this estimate and today the number of gpd for this project is estimated at 7,300. Selectman Bresnahan requested Supt. Madigan solicit all the homeowners in the project area to conduct a street audit re: exact number of houses and bedrooms in each home, 2nd by Selectman Pena, VOTE: unanimous, so moved.
2. Bid Award: The Board awarded the solar rock salt to Granite State Minerals for the Bid Award of \$29.68/ton. Motion made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
3. Street Opening: The Board approved a sidewalk permit for 19 Williams Street. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
4. The Board approved Supt. Madigan's proposal to delegate Street Openings, Sidewalk & Driveway permits to DPW Supt.- Supt. Madigan to forward policy & procedures to Board, 2nd by Selectman Pena, VOTE: unanimous, so moved.
5. WATER/SEWER PERMITS:
Shadow Lane- The Board approved of David Canney's sewer agreement submitted by Town Counsel Contingent upon revisions to Item #5. Change to six months and items from #5 on are properly numbered in Agreement. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
18 Wright Rd.,-The Board held off approval of sewer permit until clarification of tax delinquency by applicant. Motion made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
4. Hydrant Flushing-Supt. Madigan updated the Board to hydrant flushing commencing October 2, 2000 from 3-5pm and 7-11pm.

Town Administrator's Report:

1. The Board appointed Laurie Sabol to the Communications Committee per the recommendation of the Communications Committee. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
2. The Board approved 2 Sunday Entertainment Licenses (Pool Tables (2) and Juke Box (1))for Carlin's Restaurant, Depot Sq. Ayer, MA-duplicate copies of each one for file with Dept. of Public Safety and one to be remitted back to Carlin's. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
3. The Board took the Room Occupancy Tax under advisement pending feedback from community.
4. The Board was updated to the Fire Station Progress. Selectman Bresnahan moved the Board take whatever legal action necessary to move forward with project and requested the return of services by Constable be scheduled for the next Selectmen's Meeting, 2nd by Selectman Pena, VOTE: unanimous.
5. The Board approved of the following appointments for the Historical Commission: Frank Maxant appointed to June 30, 2003, Pauline Hamel and Ida Naparstek to June 30, 2001, Josephine Wallace and Thomas McLain to June 30, 2002 and Zelda Moore & Ruth Rhonemus to June 30, 2001. Motion to approve made by Selectman Witherow, 2nd by Selectman Pena, VOTE: unanimous, so moved.
6. The Board approved the Veteran's Agent's appointment to March 31, 2001. Appointment to March 31, 2001 to be in compliance with State Statute. Motion to approve made by Selectman Pena, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
7. RFP Telecommunication Tower-Draft. The Board requested the Town Administrator contact the Wireless Communication Companies Radio Frequency Technicians who had responded to first RFP, and request them to provide the Town information at minimum where they would like to place their cell towers using DPW yard as favorite parcel as well as other Town owned property. Selectman Witherow moved the Board move forward with the 2nd RFP favoring Town owned property by Grove Pond Treatment Plant along with verification concerning safety of towers, 2nd by Selectman Pena, VOTE: Selectman Witherow aye, Selectman Pena aye, Selectman Fay aye, Selectman Bresnahan aye, Selectman Sullivan naye, 4-1 motion carries.

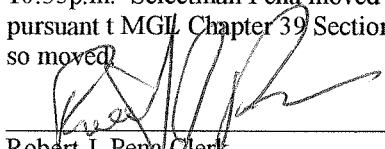
NEW BUSINESS:

1. The Board was given a Guilford update by Town Administrator & Chairman Sullivan. Town Administrator advising the Board to confidential information being submitted by Town Counsel requesting the Selectmen schedule some time to discuss this.
2. The Board was advised to re-classification freeze expiring in ninety (90) days and suggesting the Board extend the freeze to November 14, 2000 due to Personnel Board Sub-Committee requesting extension to November 14, 2000. Motion made to extend re-classification freeze made by Selectman Bresnahan, 2nd by Selectman Witherow, VOTE: unanimous, so moved. Selectman Bresnahan requesting Supt. Madigan get involved re: re-classification of his employee currently before the Personnel Board.
3. The Board was advised to Wellhead Protection Grant approved by State in the amount of \$33,100.00. The Board expressed their appreciation to Shaun Suhoski and Tata & Howard for all their work getting this grant. Mr. Kreidler updated the Board to issues still remaining & DEP being kept advised of situation.

SELECTMEN'S QUESTIONS:

1. Selectman Witherow requesting Monthly Reports be followed up by Department Heads still not submitting on timely basis, stating the only reports being submitted to date are from the Fire & Police Chiefs.

10:35p.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 Bresnahan, VOTE: unanimous, so moved.


Robert J. Pena, Clerk
AYER BOARD OF SELECTMEN

Date: Nov 22, 2000

approved Nov 21, 2000