

Selectmen's Meeting  
Tuesday, January 3, 2006  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. The Board met with Chairman Morrison, Selectman Sullivan, Selectman Conley, Selectman Bresnahan and Selectman Maxant.

Chairman Morrison opened the meeting by wishing everyone a Happy New Year, and recognizing Ron Engle, Aid to Rep. Robert Hargraves sitting in for the Rep. Hargraves for Office Hours at the Town Hall this evening from 7:00p.m. to 8:00p.m.

**Public Input-**

1. **Rick Gilles-Moment of Silence & Funding request.**

1. Mr. Gilles requested a Moment of Silence be conducted for Charles Helling, member of the Fin-com and Personnel Board who passed away in December 2005. The Board conducted a Moment of Silence for Mr. Helling.
2. Mr. Gilles stated his 2<sup>nd</sup> request before the Board this evening was to request funding for him to be able to attend the annual MMA meeting in Boston Friday January 13, 2006 and Saturday, January 14, 2006. Mr. Gilles stated there was no available source of funds in the Fin-Com Budget or CPC budgets for him to draw from requesting the Board's assistance to be able to access the training seminars. Selectman Conley moved the Board approve Mr. Gilles attendance at the MMA Conference January 13<sup>th</sup> & 14<sup>th</sup> at the cost not to exceed \$250.00 and funding to come from her unexpended stipend in the Selectmen's Budget, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.
3. **Michael Pattenton-Rate of Development By-law**-Mr. Pattenton updated the Board to his submission to the Town Clerk his petition containing 110 signatures calling for a Special Town Meeting justifying impact to Town of 640 new homes. Mr. Pattenton reviewed with the Board the Town of Hadley's and Littleton's recent court challenges re time frame of adoption. The Board advised to Planning Board having to conduct Public Hearing/s by statute and returning to Board of Selectmen with their vote for justification supporting adopting a new Rate of Development Bylaw.

Chairman Morrison called for a motion to approve the Agenda as amended. Selectman Bresnahan moved the Board vote to approve the Agenda of 1-3-06 as amended, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

The Board went off the posted Agenda to Open the Public Hearing for a Class II License requested by Donald Buchikos of 20 Washington Street, for 9 Bishop Rd., Ayer, MA. The Board moved to continue the Public Hearing to 1/17/06 at 7:15p.m. Motion to continue the Hearing made by Selectmen Bresnahan, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**Agenda Item #2. Devens Disposition Executive Board Update**-Selectmen Bresnahan opened the discussion by advising the Board to Mr. Sushoski preparing a brief overview -guidance for Ayer's DDEB re North Post Master Plan. Selectman Bresnahan advised to fourth & final workshop re Ayer's goals & objectives on the reuse of the former Airfield and McPherson Rd corridor completed on 12-20-05. Selectman Bresnahan turned the discussion over to Mr. Suhoski who reviewed with the Board the consensus of the goals and objectives for this reuse:

- Jurisdiction of North Post reverts to Ayer incorporating having control over the redevelopment - returning parcels to the tax roles as they are sold and redeveloped-"ownership vs. jurisdiction" remains Outstanding
- MacPherson Road Corridor Upgrades-road improvements must be completed before development at the airfield can occur which will carry the bulk of North Post traffic to alleviate downtown traffic congestion.

- Revenues must exceed Expenses-redevelopment plan must be structured to provide a net benefit to Ayer's tax base after projected revenues & services are calculated-Mr. Suhoski elaborated to Saski's Report re potential revenue, payroll, job creation, school children assoc. with reuse scenarios of NP. Mr. Suhoski elaborated on Chapter 141 which provides additional school aid for children residing in Smart Growth zoning Districts commencing in 2008 as additional Chapter 70 aid.
- Recreation & Green Space Parcels-ownership of any recreational fields revert back to Ayer of which 20-22 acres of fields are included in the mixed-use concept.
- Road, Infrastructure and Environmental Cleanup Funded Externally-cleanup-environmental remediation remain under Federal Government and MADev.
- Design and Environmental Standards- development standards need to be incorporated into the reuse plan for NP to ensure higher-end development of commercial and industrial parcels and provide protections for underlying aquifers and federal wildlife.
- Use Swapping for infill Development-create housing by infilling absolute, vacant, deteriorated properties near Ayer.
- Mixed-use or Business only-Housing issue on North Post/split opinion.

Selectman Bresnahan requesting the Board be prepared to vote at the next Selectmen's Meeting regarding adopting the above Goals & Objectives as guidance for the Devens Disposition Executive Board's

Representatives from Ayer concerning the disposition of Devens to address Ayer's long-term interests.

**Agenda Item #3-Town Accountant's Letter-**The Board approved the Town Accountant's (Lisa Gabree) Letter be sent out to all Town Departments under the Signature of the Chairman of the Board of Selectmen advising them to all Contracts per MGL the Board of Selectmen and in specific instances the School Com. are the contracting authorities for the Town and that the Board may wish to have additional signatures to indicate concurrence in the contract by a Department Head or Board for all contract is excess of \$5K. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #4-Kleenite, Inc. Deeds-Atty. Ray Lyons-**The Board met with Frank Murphy who updated the Board to Atty. Lyons preparing the revised deeds by Town Counsel re the 10-24-05 Fall Town Meeting Approval of the Release of land (Old County Rd.-Park Street) re Kleenite, Inc. and Robert Donnell (LED Realty Trust). The Board approved of the Released Deeds to Kleenite & Robert Donnell contingent upon the following amendments:

- 5<sup>th</sup> Paragraph 1<sup>st</sup> page Kleenit Deed change Special Town Meeting to Fall Town Meeting
- Change Page 2 Signatory page remove James Fay, insert Pauline Conley, Clerk
- Change Page 2 Signatory page Paul D. Bresnahan from Vice-Chair to Member
- Change Page 2 Signatory page Faye L. Morrison, from Clerk to Chairman
- Change Page 2 Signatory page Notary Section remove Kames M. Fay, insert Pauline Conley

Motion made by Selectman Conley 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Agenda Item #5. Hearing-Police Chief Richard Rizzo and Selectman Frank F. Maxant**

Chairman Morrison opened the Hearing by stating this Hearing is not for disciplinary action only for input for the Board. Chief Rizzo opened by apologizing to the Board for having to bring this matter before them having tried unsuccessfully to resolve it with Selectman Maxant. Chief Rizzo stated he was before the Board re five (5) separate issues re Selectman Maxant's inquires re the performance of the Ayer Police Dept. over the last six months and not bringing his complaints through proper channels circumventing both Selectmen and Department Internal policy throughout his investigation:

1. Reappointment reservations re police officer
2. Violation of Board of Selectmen's General Policy & Procedures-specifically 99-7 Unselfish Service, 1.e & 2B and 99-10 Unprofessional Conduct- Chain of Command-leading to posting of letter on Town Hall Bulletin Board from IBPO Atty. re officer re-appointment, Selectman Maxant stating he had serious reservations last summer and requesting to speak to students at Ayer High School re his 1<sup>st</sup> Amendment Rights.

3. Letter to Judge Killmartin dated 10-5-05 -Selectman Maxant delivered letter to dispatcher on 10-7-05 requesting it be given to Union. Chief Rizzo cited 99-07 violation unprofessional-insulting to Ayer Police Dept. adding that he was in his office when Selectmen Maxant delivered letter to dispatcher, could have delivered letter personally to him.
4. Letter to Judge Killmartin -citing 99-07 embarrassment to Town of Ayer, citing 1-H Behavior insulting to Ayer Police Dept. 2B Recognized Chain of Command, Personnel Policy, 9-3 Supervisor's Code, MGL C23B-268A, use official position for preferential treatment.
5. 10-20-05 hearing at the Ayer District Court citing Chapter 23b of MGL 268a, privilege of position to gain more knowledge, 99-07 & 99-10, Ethics Law, Board of Selectmen Rules & Regulations.

Selectman Maxant explained that civilian oversight over uniform services is necessary for tracking certain internal problems. Selectman Sullivan requesting if Selectman Maxant's behavior had anything with him being removed from a meeting by the Ayer Police Dept., Selectman Maxant stated that a false report had been filed against him but could identify with a similar complaint. Selectman Bresnahan stated he was at that meeting 10 years ago and Selectman Maxant's account was faulty. Selectman Conley stated she read documents and agreed with Selectman Maxant's account. Selectman Sullivan requested what his months of inquired had yielded, Selectman Maxant stated he would share information at later date. Selectman Bresnahan questioned why Selectman Maxant felt he could unilaterally investigate Town departments and why he didn't take his concerns to the Chief? Selectman Maxant stated individuals not performing to the high standards of the Town had 3 choices: strive to do better, continue substandard performance, or leave. Selectman Conley stated she may not agree with Selectman Maxant's behavior but it's a democracy and he has a right to say what he wants, Chairman Morrison condemned Maxant's action taking exception to the written letter to the Ayer district Court on behalf of the Board and without consulting the Board stating he went well beyond what he can do. The Board continued the discussion to a future meeting. Chief Rizzo offering if you don't like how the system works lets sit down and discuss it-communication can help the situation in the future.

**Agenda Item #6. New Town Administrator's Decision-**The Board met with Interim town Administrator Edward McCann. Mr. McCann advised the Board to reference checks being conducted on all three (3) candidates.

**Goddard-Littleton-**hard worker, follows through, cooperative , not negative dealing with departments.

**Ackerman-** Braintree -Team player, seeks input, open minded, knowledgeable

**Suhoski-** Ayer-positive manner, good facts/figures, committed to Town of Ayer, qualified good on details understands politics. Mr. McCann advised to negative statements also available to the Board and he would make himself available re this discussion if the Board members so chose at their convenience. The Board reviewed/shared their individual criteria of the candidates and their own reference checks made. The Board moved to continue the discussion re the Town Administrator's position to Friday, January 6, 2006 at 6:30p.m. a one Agenda Item meeting, Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

#### **Agenda Item #7. Interim Town Administrator's Report**

1. The Board approved Mr. McCann's contract amendments: D. Term- strike appointed replace with extended, remove is signed replace with as signed, remove representation and replace with representative. Motion to approve contract as amended made by Selectman Sullivan 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.
2. The Board approved MRPC use of the Ayer Town Hall on March 21, 22, 2006 for a regional roundabout workshop and waive the Town Hall use fee due to non-profit agency and delegate to new Town Administrator. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
3. The Board deferred the October 2005, Kopelman & Paige bill to 1-17-06 and requested Kopelman & Paige be contacted and advised of delay.
4. The Board reviewed the MBTA's 12-20-05 letter re implementation of a more compreshensive engineering analysis of the findings of the McMahon study, the Board deferred this to Mr. Suhoski.

Selectman Sullivan moved the Board adjourn the meeting, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

10:12p.m. Meeting adjourned.

DATE: \_\_\_\_\_

Pauline Conley, Clerk

AYER BOARD OF SELECTMEN