

Selectmen's Meeting Minutes
 Tuesday, November 1, 2005
 Ayer Town Hall, 1st Floor Meeting Room, Man Street, Ayer, MA

Present and Attending		
Cornelius F. Sullivan	X	Acting Chairman
Pauline Conley	X	Clerk
Paul D. Bresnahan	X	Member
Frank F. Maxant	X	Member

7:00p.m. Selectman Sullivan updated the viewing audience to Chairman Faye Morrison having emergency surgery on Friday and recovering at Nashoba Medical Center. The Board sent along their well wishes for a speedy recovery.

Agenda Item #1. Public Input-

1. Louis Marino-re request to use Town Hall's 2nd Floor Great Hall for daughter's rehearsals (Beauty Pageant) during winter months and requesting hardship waiver fees. The Board granted Mr. Marino's request contingent upon Mr. Marino paying a one time only hardship fee of \$100.00 for the winter months (Nov. 1st 2005 to Feb. 28, 2006) to include a security check in the amount of \$100.00 to be returned if no damages are incurred for the hour of 5:00p.m. to 6:00p.m, days of week to be determined by Town Administrator. Motion made by Selectman Bresnahan, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
2. Selectman Bresnahan-Fire Department Grant Request-Selectman Bresnahan requested the Board vote to ratify his approval of a grant application for the Fire Dept. Loss Control Grant for \$2,500.00 for the development of risk management programs/training, safety equipment, trench rescue, confined space entry training etc. Selectman Bresnahan advising to deadline for application submission to MIA was 10-31-05. Selectman Maxant moved the Board vote to ratify the Fire Dept. Grant Application under the loss control program, 2nd by Selectman Conley, VOTE: unanimous, so moved.
3. Dale Taylor-Chairman Zoning Board of Appeals-Mr. Taylor stated he was before the Board to request permission to enact the Consultant By-law and hire Atty. Thomas Gibbons for a fee not to exceed \$1,500.00 re Ridgeview Heights Proposal currently before the Board. Selectman Conley moved the Board vote to approve the ZBA's request to invoke the Consultant's By-law to hire Atty. Thomas Gibbons for a fee not to exceed \$1,500.00 re Ridgeview Heights Proposal. Consultant's Bylaw fee to be paid by the developer, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
4. Selectman Conley clarifying Town Counsel meeting with Board prior to meeting with Joint Labor Management Counsel (JLMC) re Patrolmen's Contract on 11-8-05 @2pm and Town Counsel to also meet with Dispatchers earlier on 8th. Selectman Conley also requesting to re-organize Agenda items under DPW i.e. Autumn Ridge, DEP letter of 10-27 Spill way, Curb Cut.
5. Chairman Morrison read into record the Winter Parking Ban which begins on 11-15-05 prohibiting motor vehicles parking on Town streets and ending on 4-30-06.
6. The Board re-organized Agenda items #7&8.

Agenda Item #2. Minutes- deferred to 11-15-05. The Board moved to approve in the Board of Selectmen's Policy & Procedures- Meeting Minutes and Procedures Supplement the addition of a new #8. to procedures adopted on 10-4-05 to state Minutes will include a brief but substantive summary of the discussion held on issues before the Board, to the extent possible, this summary should be limited to 1 or 2 sentences. Selectman Conley also proposed an amendment to #7. of the Meeting Minutes and Procedures Supplement -a copy of the APAC recording of Open Sessions will be obtained and Executive Sessions will be tape recorded, with both recordings kept in the Selectmen's Office. Motion made by Selectman Bresnahan, 2nd by Selectman Conley, VOTE: Selectman Bresnahan aye, Selectman Conley aye, Selectman Sullivan aye, Selectman Maxant no 3-1 motion carries.

Agenda Item #3. Public Hearing Board of Assessors-Fy-06 Tax Classification

The Board met with Edward Cornellier-Chairman of the Board of Assessors, Sandi Jones-Assessor, Denis Callahan-Assessor and Thomas Hogan Assessor's Assistant. Chairman Morrison requested the Clerk read

the Public Hearing Notice into the record. Selectman Conley read into the record the legal notice which ran in the Nashoba Publications October 19, & October 26, 2005. Chairman Cornellier turned the discussion over to Thomas Hogan who ran through with the Selectmen, the Open Space discount, Residential Exemption, and Small Commercial Exemption and the adoption of a residential factor to determine the percentage tax burden to be borne by each class of property.

Open Space Discount-Selectman Bresnahan moved the Board not adopt an Open Space Discount, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Residential Exemption-Selectman Bresnahan moved the Board not adopt a Residential Exemption, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Small Commercial Exemption-Selectman Bresnahan moved the Board not adopt a small commercial exemption, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Ayer Fiscal Year 2006 Tax Selectman Bresnahan moved the Board adopt Mr. Hogan's recommended percentage valuation of 64.2769%, 2nd by Selectman Maxant, VOTE: Selectman Conley no, Selectman Maxant no, Selectman Sullivan no, Selectman Bresnahan aye 3-1 motion fails. Selectman Conley moved the Board adopt the residential factor of 63.5314%, 2nd by Selectman Maxant, VOTE: Selectman Maxant aye, Selectman Conley aye, Selectman Sullivan aye, Selectman Bresnahan no, 3-1 motion carries.

The Board of Selectmen thanked Mr. Hogan for his presentation and Board of Assessors for meeting with the Board of Selectmen.

Agenda Item #4 Groton Street Residents-The Board met with Doug Jaansen representing the Groton Street residents. Mr. Jaansen thanked the Board for sending out copies of the Assessors Asst.'s formal findings of 9-14-05. Mr. Jaansen stated the residents were not comfortable with assessment requesting more legal research be done re ownership. The Board voted to have the Interim Town Administrator contact Town Counsel Kathleen O'Donnell to receive a good faith cost estimate of hours needed to research documentation and determine legal opinion re ownership. The Board requested Groton Rd. be continued to be plowed by DPW until issue resolved. Motion made by Selectman Conley, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #5. Park Commissioners-re Bid Awards-The Board met with Jeremy Januskiewicz, Chairman of the Park Commissioners, and Commissioners Timothy Taylor, Denis Voorhies and Jeff Thomas.

Sandy Pond Beach Improvements

Mr. Januskiewicz presented the Board the memo of 10-28-05 from Shaun Sushoski re the low bidder for the Sandy Pond Beach Improvements-Heimlich Landscaping \$194,480 with add alternate of \$6,490 to install nine trees. Based upon approval of CPA Funding at Town Meeting and recommendation of low bidder by Weston & Sampson, the project architects, Mr. Januskiewicz requested to issue a Notice of Award to Heimlich Landscaping & Construction in the amount of \$187,900 subject to receipt of Federal Grant Contract and whereas the low bidder has agreed in writing to hold its bid through Nov. 7th to initiate construction after receipt of the Federal Grant Agreement. Mr. Januskiewicz requested the Board endorse the Park Dept. and Mr. Sushoski Notice of Award to lock in this favorable price. Motion to lock in Heimlich Landscaping & Construction low bid of \$187,900 made by Selectman Conley, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Pirone Park Irrigation Project-Mr. Januskiewicz advised the Board to the Bids opened on 10-26-05 and five qualified bidders submitting bids for project. Mr. Januskiewicz recommended the Board award the Pirone Park Irrigation Project to GTA Landscaping, Inc. of Everett, MA for the bid award of \$46,000.00. Selectman Conley moved the Board award the Pirone Park Irrigation Project to GTA Landscaping, Inc in the amount not to exceed \$46K contingent upon final approval of the CPC and authorize the Chairman's endorsement, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #6. Street Renaming Public Hearing Continuation-Shirley Groton Rd to James Brook Way- Selectman Conley opened the Hearing by reading the Legal Notice of 10-18-05 into the record. Mr. McCann advised the Board to notices being sent out to residents of both Shirley Groton Rd. and Groton Shirley Rd. The Board moved to change the name of Shirley Groton Rd. to James Brook Way per the

recommendations of both the Fire and Police Chief re public safety and security issues. Motion to rename Shirley Groton Rd. to James Brook Way made by Selectman Conley, 2nd by Selectman Maxant, VOTE: unanimous. The Board requested residents of both street be notified of renaming (Shirley Groton Rd. and Groton Shirley Rd.).

Agenda Item #7. Supt. Madigan's Report- The Board met with Michael Madigan.

1. Draft Water & Sewer Distribution System Study-Present for the discussion Susan Honnywell, Project Mrg. from Tata & Howard. Supt. Madigan reviewed with the Board the draft of 11-05 re: water supply, average daily demand-maximum daily demand (5-year), replacement wells recommendations, expansion of Grove Pond Water Treatment Facility, Grove Pond Well #3 and Implementation of water bank to monitor available water supply. (see draft included w/minutes). Selectman Conley moved the Board approve the Draft Summary of the Water Supply & Distribution System Study dated 11/05, 2nd by Selectman Maxant w changes by Supt. Madigan, VOTE: unanimous, so moved. Copies of the report to be placed at Library, Town Hall, DPW when finalized.

2. Tata & Howard Contract-Replacement Well-Grove Pond

The Board moved to approve the contract with Tata & Howard for the design and engineering of the replacement well at Grove Pond for the sum not to exceed \$52K recommended in Supt. Madigan's memo to the Board dated 9-21-05, funding authorized at prior Town Meeting, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

10:05p.m. The Board moved to continue the meeting for seventeen minutes being that the meeting had gone over the 10:00 adjournment time. Motion to continue the meeting to 10:22 made by Selectman Bresnahan, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #8. -Screening Committee-Town Administrator's position

The Board met with Interim Town Administrator Edward McCann. Mr. McCann presented the list of candidates to the Board for their consideration to serve on the Screening Committee for the Town Administrator's position: Robert Pena, Pauline Hamel, Charles McKinney, James Stephen, Gary Luca, Michael Guzzo, Lore Nielsen, and Nicholas Laggis. The Board voted individually per a chart made for them by Mr. McCann and then voted to appoint all of the candidates per a motion of Selectman Bresnahan and 2nd by Selectman Maxant VOTE: unanimous, so moved. The Board to decide if a sitting Selectman will sit on Screening Committee at their 11-15-05 meeting.

3. Legal bills-The Board authorized Chairman's signature on legal bills prior to Mr. McCann's permanent status as interim.

4. Places-The Board was advised to Places removing their request due to documentation found.

5. The Board approved DDEB Contract for Anderson & Kreiger hourly Consultant's rate subject to availability of funding of funds from Com. of Ma and authorized the Board's signature.

6. The Board approved a Lien Subordination for the CDBG-Housing Rehab Program.

7. The Board requested the letter from Ms. Paige be forwarded to Building Commissioner and Zoning Board of Appeals for comment back to the Board.

10:32p.m. Selectman Conley moved the Board enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3, no 2nd motion fails.

Selectman Conley moved the Town Administrator instruct Town Counsel David Jenkins not to negotiate anything on 11-8-05 on behalf of the Board until he receives direction from Board of Selectmen, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

10:41p.m. Selectman Bresnahan moved the Board adjourn the meeting, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

DATE: _____

Pauline Conley, Clerk
Ayer Board of Selectmen