

Selectmen's Meeting
Tuesday, August 16, 2005
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA 01432

7:00 pm OPEN SESSION

The Board met with Chairman Morrison, Selectman Conley, Selectman Maxant and Selectman Bresnahan.

Meeting called to order at 7:00 pm

Selectman Bresnahan moved and Selectman Maxant 2nd to accept the agenda with the addition of two public input items (1) PACE re CPC article investigation request, and (2) Selectman Maxant's request to discuss Town Counsel termination, Vote – unanimous, so moved.

Public Input:

- a) Carolyn McCreary of Pace read a written statement re the June request to investigate the CPX actions regarding the Spring Town Meeting articles. (Statement attached).
- b) Selectmen Maxant passed out the latest opinion memo from Atty. Mark Reich of K&P. Selectman Maxant stated Atty. Reich's statement are untrue and asked if use of the term "defendable" is accurate. He stated that the Town should terminate K&P.

Minutes:

June 7 Open Session – Selectman Conley moved and Selectman Maxant 2nd to approve the OS minutes of 6/7/05. Selectman Bresnahan asked that the vote be deferred to 9/6. No vote taken on this motion. Selectman Bresnahan moved and Selectman Maxant 2nd to defer the 6/7/05 minutes to the Sept 6 meeting. Vote: Selectman Bresnahan aye, Selectman Maxant aye, Chairman Morrison aye, Selectman Conley no, motion carries.

June 7 Exec Session – Selectman Conley moved and no 2nd to approve the Open Session minutes of 6/7/05. No vote. Selectman Conley moved and Selectman Bresnahan 2nd to defer the June 7 Exec Session minutes to 9/6. Vote: Selectman Bresnahan aye, Chairman Morrison aye, Selectman Conley no, Selectman Maxant abstained, 1 abstention, 1 no 2 ayes, motion carries.

July 12 Open Session - Selectman Conley moved and no 2nd to approve the Open Session minutes of 7/12/05. No vote. Selectman Conley moved and Selectman Bresnahan 2nd to defer the July 12 Open Session minutes to 9/6. Vote: Selectman Bresnahan aye, Selectman Maxant aye, Chairman Morrison aye, Selectman Conley no 3-1 motion carries.

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July 12 Exec Session – Selectman Bresnahan moved and Selectman Maxant 2nd to defer the July 12 Exec Session minutes to 9/6. Vote: Selectman Bresnahan aye, Selectman Maxant aye, Chairman Morrison aye, Selectman Conley no 3-1- motion carries.

Aug 2 Open Session and Aug 9 Exec Session – Selectman Conley moved and Selectman Bresnahan 2nd to defer these minutes to the Sept 6th meeting. Vote – unanimous, so moved.

Selectman Conley moved and Selectman Bresnahan 2nd to purchase a new recording device and necessary supplies to assist with taking minutes of meetings. Selectman Conley stated her unpaid stipend could be used as funding source. Vote –unanimous, so moved.

MART Lease: The Town Administrator informed the Board that MART had negotiated a lease with the Berry's to continue to use their parking lot for commuter parking with the provision that as of aprox. Jan 1, 2006, users shall be charged \$2 per day per car. Selectman Bresnahan moved and Selectman Conley 2nd to convey the support of the Board to MART for the concept of this lease but to schedule a meeting with MART and the land owner within 30 days if possible to discuss how the new fee structure will work. Vote – unanimous, so moved.

Pole Hearing: Mass Electric requested permission to erect a pole on Park street to service the new fire station. No Mass Electric rep was present. Selectman Bresnahan moved and Selectman Maxant 2nd to continue pole hearing to the Sept. 6th mtg. Vote – unanimous, so moved.

Dog Hearing Decision: Chief Rizzo summarized the investigation and hearing he conducted re the 2 dogs owned by Rodney Gerace of Gardner Lane. Chief Rizzo asked that the Board accept his recommendation relative to requiring the 2 dogs to be restrained by an electric collar device at all times when outdoors. Selectman Bresnahan moved and Selectman Maxant 2nd to accept the recommendation of Chief Rizzo for required restraint of the dogs as delineated in his July 14, 2005 memo (memo attached.). Vote – all yes.

Chairman Morrison called a two minute break at 8:03 pm.

Chairman Morrison resumed the meeting at 8:05 pm.

Fire Station: 1) KVA Change Order - Selectman Conley moved and Selectman Bresnahan 2nd to approve the KVA contract CO#4 in the NTE amount of \$8000 with new term date of Sept. 30, 2005. Vote – unanimous so moved.. 2) Barr Change Order – Selectman Conley moved and Selectman Bresnahan 2nd to approve the Barr contract CO#5 in the NTE amount of \$3010.03 with signature by the chair. Vote – unanimous, so moved.. 3) Order of Taking – Selectman Bresnahan moved and Selectman Maxant 2nd to approve the order of taking needed on the small triangle of the Pirone property to clarify an improper deed reference. Vote Selectman Bresnahan aye, Selectman Conley aye, Chairman Morrison aye, Selectman Maxant abstained, motion carries.

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Appointments: 1) Capital Planning – Selectman Bresnahan moved and Selectman Maxant 2nd to appoint Carolyn McCreary to the Capital Planning Committee for a one year term. Vote: unanimous, so moved.
2) Communications Committee – Selectman Bresnahan moved and Selectman Conley 2nd to appoint Rayellen Gillis to complete a 3 yr term of Communication Committee with term ending June 30, 2006. Vote – unanimous, so moved.

Town Administrator Report: 1) Selectman Bresnahan moved and Selectman Conley 2nd to approve a one day beer and wine license to St. Mary's for Sept. 9 and Sept 10 for their annual lawn party. Vote – unanimous, so moved.. 2) Selectman Bresnahan moved and Selectman Maxant 2nd to accept the Fy06 / FY07 Budget Prep schedule as prepared by the Town administrator. (see attached.) Vote: unanimous, so moved. 3) The new APAC policy was presented for Board and public information regarding by who and how tapes of meetings can be requested. 4) The new Insurance Services Office rating was presented for public information which can affect cheaper insurance rates for homes and businesses within the community. Credit was given to the Fire Dept. and DPW for the water supply improvements they have recently made which caused our rating to improve.

Selectmens Questions/New Business:

- 1) Selectman Bresnhana requested the Board look into how to deal with the non-permitted newspaper dispensing boxes which have been placed in the downtown area, with the topic to be placed on the Sept. 6th agenda.
- 2) Selectman Maxant discussed his concerns on the suitability of the Town using K&P to provide town counsel services. This will be addressed on Sept. 6th when Atty Reich of K&P will be present.
- 3) Selectman Conley moved and Selectman Maxant 2nd that a new fax machine be purchased for the Board of Selectmen's office with Selectman Conley's unpaid stipend to be used as a funding source. Vote – unanimous, so moved..
- 4) Selectman Conley requested status of the Old Groton Road request. The Board requested that a clear answer relative to ownership of land area to be given by the assessors in time for the Sept. 6th meeting.
- 5) Selectman Conley asked for a Cecil Study Update from Shaun Suhoski.
- 6) Selectman Conley suggested that the balance on the Pleasant Street School upgrades article be closed out to free cash. The Town Accountant shall contact the HisCom relative to their opinion.
- 7) Selectman Conley stated the balance on the Veterans Agenda Benefits line be closed out to free cash. No vote taken.
- 8) Selectman Conley questioned why the FinCom had not been informed of the proposed the DPW Supt. Stipend prior to the signing of that contract amendment.
- 9) Shaun Suhoski of OCED requested the Board approve and authorize the Chair to sign the agreement for the new \$445,000 of CDBG grant funds. Motion made by Selectman Maxant, 2nd by Selectman Bresnahan VOTE: unanimous, so moved.

10) Selectman Conely moved and Selectman Bresnahan 2nd to approve reallocation of \$17,000 from the Housing Rehab budget construction line to the admin line to allow the additional units be rehab'd per the Aug. 8th memo from Shaun Suhoski. And authorize the Chairs signature, VOTE: unanimous, so moved.

11) Selectman Bresnahan moved and Selectman Conley 2nd to approve subordination of the certificate not to encumber a new first mortgage so as not to exceed the 80% loan to value ration per the program policy for Case No. 01-201. Vote – unanimous, so moved.

12) The Town Accountant-Lisa Gabree read a statement of correction relative to her incorrect statement made at a prior Selectmen's meeting regarding that it be required that the Town have a contract with Town Counsel. (See attached.)

9:35p.m. Selectman Conley moved and Selectman Bresnahan 2nd to enter into Exec Session pursuant to MGL C39 s23B re Exemption #3. Roll call vote – Selectman Bresnahan aye, Selectman Conley aye, Selectman Maxant aye, Chairman Morrison aye, unanimous, so moved.

Date: _____

Pauline Conley, Clerk

AYER BOARD OF SELECTMEN