

Selectmen's Minutes  
Tuesday, June 21, 2005  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

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

**Public Input**-Chairman Morrison requested if there was anyone present wishing to meet with the Board of Selectman:

1. Carolyn McCreary re status of her request re CPC Articles on 2005 Annual Town Meeting Warrant. Ms. Scheipers advised to responses received from Town Accountant and Town Counsel but not from CPC Chairmaan Robert Moore. Selectman Conley advising Board to Mr. Moore out of Town on family matter, and CPC will get information to her as soon as available. Selectman Conley requesting CPC be copied all documentation as well. Ms. Scheipers advised to next meeting of Selectmen being on 8-2-05 for further discussion if necessary.
2. James Frasher and Douglas Jenssen re Old Groton Rd./corner of Pleasant Street, present for the discussion were residents of the area. Mr. Jensen stated Old Groton Rd. is a dirt road running between backyards on a hillside between Pleasant/Washington Streets with "Do Not Enter" signs on both ends. Mr. Jensen stated in rainy conditions the road becomes flooded, as deep as twelve inches, and the wet area is also fed by underground springs causing the gravel/earth to run off onto the intersection of Pleasant and Groton Streets. Pictures depicting the condition of the road/street/intersection were presented to the Board. Mr. Frasher advised to dangerous condition of the road left by washout in the intersection informing the Board to his ownership of the corner lot on Pleasant/Groton Streets and having to clean up debris on numerous occasions left by the runoff running onto his lot and street. Mr. Frasher also advised the Board of need to address safety issues i.e. dangerous conditions for children riding bicycles, motorcycles, motorist, etc. Mr. Frasher stated he has reported this to the DPW on several occasions seeking assistance re paving, culvert installation etc. Mr. Jensen suggested avenues the Town should pursue to remedy situation, perhaps road should be made one way, installing a gate mid road to stop through traffic or post road to 10/mph. Mr. Jensen closed his remarks by strongly suggesting the Board appoint a committee of abutters/residents to view road and make suggestions. The Board requested the DPW Supt., Police Chief and Fire Chief be advised of this matter and request their input re comments/remedy re access road accessibility and Board review/resolve ownership issues.

**Agenda Item #2. Public Hearing-Carlin's Restaurant-Alter Premise**

The Board met with Philip Berry owner of Carlin's Restaurant-Depot Square, Ayer, MA. Chairman Morrison requested the Clerk open the Hearing by reading the Legal Notice into the record. Selectman Conley read the Legal Notice which ran in the Nashoba Publications the dates of 6-3-05 & 6-8-05. Chairman Morrison requested if there were abutters present wishing to speak for or against the petition, no one stepped forward. Mr. Berry stated the area being altered is to the rear of the establishment with entrance from restaurant with crash bar for emergency. The patio area would be enclosed so that no beverages would go outside perimeter. Reasoning behind alteration was for restaurant to comply with Board of Health regulations requiring smokers to exit facility, and loss of business due to smoking ban. Selectman Sullivan concerned with Town's Downtown façade improvements wishing to work with Mr. Berry off line to enhance/preserve appearance of patio for commuters/residents. Selectman Maxant echoing Selectman Sullivan's concerns wishing to preserve esthetics of downtown area. Chairman Morrison called for a motion. Selectman Conley moved the Board approve Carlin's Restaurant's petition to alter premise, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #3.** Chairman Morrison announced the cancellation of Kane & Jennette from the Agenda.

**Agenda Item #4. The Board went off the posted Agenda of 6-21-05 to take up the remainder of Public Input items.**

The Board met with Dr. Terrence Hack representing Nashoba Valley Medical Ctr. Dr. Hack presented the Board of Selectmen with a portable defibrillator from the hospital in appreciation to the communities they serve. Dr. Hack Stated the defibrillator can be used by a lay person as well as by police/firefighters. Dr. Hack stated with the growth and awareness re heart disease, CPR and defibrillator use the number of deaths has greatly reduced/dropped. The Board per the recommendation of the Fire Chief will place the defibrillator at the Council on Aging due to response time there for emergency vehicles would be longer than at town hall.

Chairman Morrison took this opportunity to welcome Representative Robert Hargraves to the meeting advising the viewing audience to the Representatives Office Hours from 7-8pm at the Town Hall this evening.

The Board acknowledged Ann & Glen Garber with Certificates of Recognition upon their departure from the Town as they move to the Springfield, MA area. Ann Garber for her contributions to the School Department serving on the School Committee and Glen for his services to Planning & Conservation. The Board also took this opportunity to acknowledge Reporter Charles David Gordon upon his retirement at the end of June 2005 in grateful appreciation for reporting for over thirty years on Town of Ayer matters/issues with professional and courteous coverage.

**Agenda item #4. Minutes-**

5-31-05-deferred, Executive 5-3-05 Selectman Conley moved to approve, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved, 6-7-05 deferred, Executive 6-7-05 deferred, 6-14-05 Selectman Sullivan moved to approve, 2<sup>nd</sup> by Selectman Bresnahan VOTE 4-1 Selectman Conley abstaining.

**Agenda item 5. Fire Station-KVA Contract-Change Order #3**

The Board met with Fire Chief Paul Fillebrown, Wellman Parker and Lee Keller of KVAssociates. Chief Fillebrown presented Change Order #3 in the amount of \$32K for KV's Associates extension re completion of the new station expected to be September 2005. Chief Fillebrown reviewed with the Board the Committees finagling which features to keep and which to drop i.e. Fire Pole @ \$20K. The Board approved up to \$24K for Change Order #3 removing furniture from this request. Motion to approve made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Maxant, VOTE Selectman Sullivan aye, Selectman Bresnahan aye, Selectman Maxant aye, Chairman Morrison aye, Selectman Conley no 4-1 motion carried. Selectman Conley moved the Board approve Change Order #4 dated 6-16-05 in the amount of \$4,531.39, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved and authorize the Chairman's signature on both change Orders #3&#4. Selectman Sullivan stating the Board had met with the Chief and removed furniture from the budget when cost-cutting needed to be done, questioning how furniture reappeared in the budget. Chief Fillebrown advised to used furniture being purchased arguing the Committee would not have put furniture back without approval and value engineering used cutting out a lot of things to put furniture back in. Selectman Sullivan stating value engineering has always been a necessity re this project. Selectman Maxant stating saving should be put back into UDAG from which some of the funding came from. The Board to take up this matter again at their next meeting on 7-12-05. Ms. Scheipers requesting the Board re-activate the Fire Station re-Use Committee since the new station completion date is nearing. The Board requested the Re-use Committee submit status report for review by the Selectmen in August.

**Agenda Item #6. – Downtown Parking-** the Board met with Shaun Suhoski

1. **Cecil Report-**Mr. Suhoski reviewed with the Board the final proposal submitted by the Cecil Group re Downtown Parking which would develop up to four parking lots/or a modest sized parking garage in the downtown area within one parking plan not to exceed \$17,150.00. The Consultants work would be funded by the Community Development Block Grant Program, no funding impact to residents. The consultants would provide a road map to move forward to refine one design then Montachusett Regional Transit Authority will take it over to move the project forward. Selectman Sullivan requesting the

Consultant move on a fast track not wanting to lose earmarked funding for the commuter rail station/parking facilities. Selectman Maxant encouraging the Consultant to look at privately funded parking lot possibilities as well as lots that will become public property. Selectman Bresnahan posed scenario should no action be taken on parking to be ready to explore other options i.e. moving station to another part of Town rather than loose the MBTA station to other interests/Devens, is it viable to move station and not lose it to the Town. Selectman Sullivan stated improved parking in the downtown area is needed not only for commuter rail users but for downtown businesses as well-adequate parking for commuters and downtown businesses is a win-win situation. Chairman Morrison called for a motion. Selectman Conley moved the Board approve the contract with Cecil Group not to exceed \$17,100.00 with insertion on Page 2. Paragraph 5 contingent the Consultants work is completed within ninety (90) days, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

The Board reviewed the **Purchase of Land RFQ** prepared by Mr. Suhoski for the purpose of establishing municipal parking lots/facility requesting proposals from owners who wish to sell their property. The property being offered must be located within area of MBTA rail station and have marketable title satisfactory to the Town and must be free of liens and encumbrances and real estate taxes paid to date.

**Agenda item #6. Fy-06 Appointments**-Ms. Scheipers advised to submitted list being preliminary, finalized version to be presented at the Board's 7-12-05 Meeting when the Board will be making the FY-06 Appointments.

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

Ms Scheipers presented the Board the draft Town Hall Roof Replacement Contract to S.O.M. the low bidder in the amount not to exceed \$477,777.00. Selectman Conley moved the Board approve the Contract subject to Town Counsel's approval to form and the success of the Town Hall Roof Replacement Ballot Question on the June 25, 2005 Special Town Election and authorize the Chairs signature, 2<sup>nd</sup> by Selectman Bresnahan, so moved.

1. Mitigation Agreement with Willow Rd. Development. Selectman Conley moved the Board vote to approve the Agreement and waiver of \$100K as outlined in the 6-14-05 Agreement, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
2. Fy-06 Compensation Schedule-The Board approved the Fy-06 Compensation Schedule prepared by the Town Accountant for non-union employees. Selectman Sullivan moved the Board approve the Fy-06 Compensation Schedule prepared by the Town Account, and authorize the Chairman's/Vice-Chairs signature 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.
3. The Board approved water & sewer permits for the following properties: #1, Iris Lane, #4 Iris Lane, #5 Iris Lane and #8 sewer permit only for #8 Groveland St. Motion to approve and authorize the Chairs signature made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
4. Town Office Computer Technical Assistance Assignment-The Board approved Tim Hansen be assigned the tasks associated with the general Town Hall computer support with an annual compensation of \$1K, motion made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.
5. Cancer Relay for Life Sign Request-The Board moved and 2<sup>nd</sup> to approve up to 3 signs is placed at the Town Hall, Library and Park & Main/Mobil Station with permission of landowners. Motion to approve made by Selectman Conley, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
6. Pleasant Street School use by Harvard Town Band-The Board approved the use of the building contingent upon written Agreement with Housing Authority be prepared re keeping the building clean, electric bills paid and establish clear date re vacating the building. Motion to approve made by Selectman Bresnahan 2<sup>nd</sup> by Selectman Maxant, VOTE unanimous, so moved.

7. Pleasant Street School Open Space-The Board voted to establish a committee to review the open space issues and make recommendations to the Board. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.
8. Beasley Complaint-Selectman Bresnahan moved the Board authorize the Town Administrator to send a letter to Ms. Beasley supporting the decision made by Supt. Madigan that there are no errors or inaccuracies in the handling of their billing, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. Selectman Bresnahan advising to giving them the option to come before Board on the 12<sup>th</sup> if they feel the wish to further pursue issue.
9. Fire Station Re-use Committee-Selectman Bresnahan moved the Board authorize the Town Administrator to notify the Committee to re-start efforts and submit report of status to the Selectmen for their August 17<sup>th</sup> meeting, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. Selectman Maxant advised to owner of old Len-Art Building (presently Church) offering to swap building for old Fire Station.
10. Ms. Scheipers advised the Board to PACE scheduling a Public Information Meeting at the Town Hall on Thursday, July 14, 2005 at 7pm re Devens Recycling Facility and encouraging comments from Town officials and residents.
11. Ms. Scheipers updated the Board to Devens Disposition Executive Board conducting important information work-shop on Thursday, July 23, 2005 and requesting the Board to contact her if they wish to attend.

**Agenda Item #9. Selectmen's Questions/new Business**

*Selectman Sullivan-*

- Development of 5 Year Budget Plan-to assist with Contractual impacts i.e. health insurance, Chairman Morrison updating the Board to MMA assistance seminar scheduled for September 2005.
- Litter-enlist Community Service Assistance from courts re litter picked up in town
- Sidewalks repair-cracked-needing repair utilize Chapter 90 Funds

*Selectman Maxant-*

- Back Talk article from citizen-urging Town to use Stabilization Fund to replace Town Hall Roof Ms Spinner/Fin-Com addressed reasoning why not to use Stabilization per Auditors i.e. Town's Bond rating

*Selectman Conley*

- Tree on Central Avenue on Town property dead request Tree Warden have removed
- Crosswalk repairs-advised to two DPW Highway employees out/injuries
- Pattendon request status/Westford Rd-advised to letter from Building Inspector out next week. ZBA & Board of Health copied
- Request Agenda of 7-12-05 be expanded to cover other items. Board requested to leave Executive Session as is but will open for ten minutes re: Appointments, Reserve Fund Transfer/s, etc. The Board not entertaining additional meetings in July due to vacations.
- Supt. Madigan's Contract -\$2.00/addition to base wage. Selectman Conley advised to \$2.00 differential is for Supt. Madigan's Engineers License, Selectman Conley requesting how funded, along with 3% COLA? Ms. Scheipers advised to September Town Meeting addressing Budget shortfalls.

**NEW BUSINESS:**

1. **Tata & Howard-General Service Agreements**

1. Existing Agreement Amendment #1. To clarify the time period of the Agreement to a two year calendar period, it does not change the not to exceed fee. Selectman Sullivan moved the Board approve Tata & Howards Amendment #1 and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

2. The Board approved Tata & Howard's Engineering Agreement to provide technical assistance for General engineering effective July 1, 2005 to June 30, 2006 not to exceed \$10K. Motion to approve made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
  3. DPW- Reserve Fund Transfers-
    1. Administrative utilities-\$10,300.00
    2. Street Lighting- \$1,000.00
    3. DPW Fuel- \$6,000.00 Motion to approve made by Selectman Conley, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved. Selectman Bresnahan requesting Ayer Fire Dept. & Ayer Police Dept. is charged back their fuel consumption in the future.
    4. Selectman Conley expressed concern re DPW overspending their Equipment Repair Budget re purchasing excessive tool replacements, etc. advising to Reserve Fund Transfers only for unforeseen emergency expenses not for direct purchases of equipment. Selectman Sullivan moved the Board approve \$3K for equipment repair to the DPW, 2<sup>nd</sup> by selectman Bresnahan and authorize the Chairman's signature on the four Reserve Fund Transfers for the DPW, 2<sup>nd</sup> by Selectman Sullivan, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Maxant aye, Chairman Morrison aye, Selectman Conley no. 4-1 motion passes.
- 10:00p.m. Selectman Conley moved the Board adjourn, 2<sup>nd</sup> by Selectman Sullivan.
- 10:00p.m. Open Session concluded.

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

Pauline Conley, Clerk  
AYER BOARD OF SELECTMEN

Selectmen's Minutes  
Tuesday, June 21, 2005  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

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

**Selectman Bresnahan moved, 2<sup>nd</sup> by Selectman Conley to accept agenda with the addition of several public input items. Vote – 4 – 0, so moved. Selectman Sullivan was not present at the time the vote was taken.**

**Public Input**-Chairman Morrison requested if there was anyone present wishing to meet with the Board of Selectman:

1. Carolyn McCreary **inquired on** status of her (**PACE's??**) request re CPC Articles on 2005 Annual Town Meeting Warrant. Ms. Scheipers advised responses **have been** received from Town Accountant and Town Counsel but not from CPC **Chairman** Robert Moore. Selectman Conley advised Board **that** Mr. Moore **was** out of town on family matter, ~~and CPC will get information to her as soon as available.~~ Selectman Conley requested CPC be copied all documentation as well. Ms. Scheipers advised to next meeting of Selectmen being on 8-2-05 for further discussion (**if necessary. ???**)
2. James Frasher and Douglas Jenssen re Old Groton Rd. /corner of Pleasant Street, present for the discussion were **several** residents of the area. Mr. Jenssen stated Old Groton Rd. is a dirt road running between backyards on a hillside between Pleasant/Washington Streets with "Do Not Enter" signs on both ends. Mr. Jenssen stated in rainy conditions the road becomes flooded, as deep as twelve inches, and the wet area is also fed by underground springs causing the gravel/earth to run off onto the intersection of Pleasant and Groton Streets. Pictures depicting the condition of the road/street/intersection were presented to the Board. Mr. Frasher advised to dangerous condition of the road left by washout in the intersection informing the Board to his ownership of the corner lot on Pleasant/Groton Streets and having to clean up debris on numerous occasions left by the runoff running onto his lot and street. Mr. Frasher also advised the Board of need to address safety issues i.e. dangerous conditions for children riding bicycles, motorcycles, motorist, etc. Mr. Frasher stated he has reported this to the DPW on several occasions seeking assistance re paving, culvert installation etc. Mr. Jenssen suggested avenues the Town should pursue to remedy situation, perhaps road should be made one way, installing a gate mid road to stop through traffic or post road to 10/mph. Mr. Jenssen closed his remarks by strongly suggesting the Board appoint a committee of abutters/residents to view road and make suggestions. The Board requested the DPW Supt., Police Chief and Fire Chief be advised of this matter and request their input re comments/remedy re access road accessibility and Board review/resolve ownership issues.

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**Agenda Item #3.** Chairman Morrison **advised** the cancellation of Kane & Jennette is rescheduled to 8-2-05.

**Agenda Item #4.** The Board went off the posted Agenda of 6-21-05 to take up the remainder of Public Input items.

3. The Board met with Dr. Terrence Hack representing Nashoba Valley Medical Ctr. Dr. Hack presented the Board of Selectmen with a portable defibrillator from the hospital in appreciation to the communities they serve. Dr. Hack Stated the defibrillator can be used by a lay person as well as by police/firefighters. Dr. Hack stated with the growth and awareness re heart disease, CPR and defibrillator use the number of deaths has greatly reduced/dropped. The Board per the recommendation of the Fire Chief will place the defibrillator at the Council on Aging due to response time there for emergency vehicles would be longer than at town hall.

4. Chairman Morrison took this opportunity to welcome Representative Robert Hargraves to the meeting advising the viewing audience to the Representatives Office Hours from 7-8pm at the Town Hall this evening.

5. The Board acknowledged Ann & Glen Garber with Certificates of Recognition upon their departure from the Town as they move to the Springfield, MA area. Ann Garber for her contributions to the School Department serving on the School Committee and Glen for his services to Planning & Conservation.

6. The Board also took this opportunity to acknowledge Reporter Charles David Gordon upon his retirement at the end of June 2005 in grateful appreciation for reporting for over thirty years on Town of Ayer matters/issues with professional and courteous coverage.

**Agenda item #4. Minutes-**

**5-3-05 Executive Session:** Selectman Conley moved to approve, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Open and Executive Sessions 5-31-05 deferred**

**Open and Executive Sessions 6-7-05 deferred**

**Open Session 6-14-05, 4:15 PM, Ayer Town Hall:** Selectman **Bresnahan** moved to approve, 2<sup>nd</sup> by Selectman **Maxant**, VOTE 4-0-1, Selectman Conley abstained.

**Open Session, 5 PM, Shirley Town Hall:** Selectman **Sullivan** moved to approve, 2<sup>nd</sup> by Selectman **Bresnahan**, VOTE 4-0-1, Selectman Conley abstained.

**Agenda item 5. Fire Station-KVA Contract-Change Orders**

1. The Board met with Fire Chief Paul Fillebrown, Wellman Parker and Lee Keller of KVA Associates. Chief Fillebrown presented Change Order #3 in the amount of \$32K for KVA's Associates extension for completion of the new station expected to be September 2005. Chief Fillebrown **advised** the Board that the **Fire Station Bldg Comm. reviewed and re-reviewed flagging** which features to keep and which to drop, e.g., the fire pole @ \$20K. **Selectman Conley moved the Board approve Change Order # 3 in the amount not to exceed \$32,000, 2<sup>nd</sup> by Selectman Bresnahan. In response to Selectman Sullivan's inquiries, Mr. Keller advised that 75 to 80% of the Change Order was for construction, the balance for procurement.**

Selectman Sullivan stated the Board had met with the Chief and removed furniture from the budget when cost-cutting needed to be done **and** questioning how furniture reappeared in the budget. Chief Fillebrown advised **that** used furniture **was** being purchased, **stating** arguing the **Fire Station Bldg Committee** would not have put furniture back without approval and **that using** value engineering **cut out** a lot of things **allowing for furniture to be put back in**. Selectman Sullivan stated value engineering has always been a necessity **on** this project. Selectman Maxant stating saving should be put back into UDAG from which some of the funding came from. **There was further discussion regarding the Town Meeting votes to reallocate funds from other projects to the Fire Station, approximating 230K. The Board decided to take up the furniture matter again at the meeting on 7-12-05.**

**Selectman Sullivan moved to amend Selectman Conley's motion to reduce the amount to \$24K until the prior minutes could be reviewed and the issue regarding the furniture resolved, 2<sup>nd</sup> by Selectman Bresnahan. VOTE on the amendment:** Selectman Sullivan aye, Selectman Bresnahan aye, Selectman Maxant aye, Chairman Morrison aye, Selectman Conley no 4-1 motion **to amend** carried. **VOTE on amended motion: unanimous, so moved.**

2. Selectman Conley moved the Board approve Change Order #4 dated 6-16-05 in the amount of \$4,531.39, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved. **The Chairman is authorized to sign both change Orders #3&#4.**

Ms. Scheipers requesting the Board re-activate the Fire Station Re-Use Committee since the new station completion date is nearing. The Board requested the Re-use Committee submit status report for review by the Selectmen in August.

**Agenda Item #6. – Downtown Parking-** the Board met with Shaun Suhoski

**1. Cecil Report-**Mr. Suhoski reviewed with the Board the new proposal submitted by the Cecil Group re Downtown Parking. The consultant **will explore two options: whether to continue with parking and station improvements or not.** ~~develop up to four parking lots/or a modest sized parking garage in the downtown area within one parking plan~~ **The estimated cost of the proposed work is not to exceed \$17,150.00. Since the Consultants work would be funded by the Community Development Block Grant Program there will be no financial impact to residents.** ~~would provide a road map to move forward to refine one design then Montachusett Regional Transit Authority will take it over to move the project forward.~~ Selectman Sullivan requested the Consultant move on a fast track not wanting to lose earmarked funding for the commuter rail station/parking facilities. Selectman Maxant encouraged the Consultant to look at privately funded parking lot possibilities as well as lots that will become public property. Selectman Bresnahan posed **the scenario that should no action be taken on parking the Board should be ready to explore other options i.e. moving station to another part of Town rather than loose the MBTA station to other interests/Devens. , is it viable to move station and not lose it to the Town.** Selectman Sullivan stated improved parking in the downtown area is needed not only for commuter rail users but for downtown businesses as well, **that** adequate parking for commuters and downtown businesses is a win-win situation. **Selectman Conley asked who the Consultant would meet with to formulate his conclusions. Mr. Suhoski advised the Consultant would meet with the Board of Selectmen and town staff.** Chairman Morrison called for a motion. Selectman Conley moved the Board approve the contract with Cecil Group not to exceed \$17,100.00 with insertion on Page 2. Paragraph 5 contingent the Consultants work is completed within ninety (90) days, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

**2.** The Board reviewed the **Purchase of Land RFQ** prepared by Mr. Suhoski for the purpose of establishing municipal parking lots/facility requesting proposals from owners who wish to sell their property. The property being offered must be located within area of MBTA rail station and have marketable title satisfactory to the Town and must be free of liens and encumbrances and real estate taxes paid to date. **No action was taken.**

**Agenda item #6. Fy-06 Appointments**

Ms. Scheipers advised to submitted list being preliminary, finalized version to be presented at the Board's 7-12-05 Meeting when the Board will be making the FY-06 Appointments.

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- 1. Mitigation Agreement with Willow Rd. Development.** Selectman Conley moved the Board vote to approve the Agreement and waiver of \$100K as outlined in the 6-14-05 Agreement, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
- 2. Fy-06 Compensation Schedule-**~~Selectman Maxant moved the Board approve the Fy-06 Compensation Schedule prepared by the Town Accountant for non-union employees. Selectman Sullivan moved the Board approve the Fy-06 Compensation Schedule prepared by the Town Account, and authorize the Chairman's/Vice-Chairs signature-2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.~~ **Selectman Conley moved the Compensation Schedule be signed by the Chair and Vice-Chair, 2<sup>nd</sup> by Selectman Bresnahan. VOTE: unanimous, so moved.**
- 3. The Board approved Water & sewer permits** **Selectman Bresnahan moved to approve water and sewer permits** for the following properties: #1, Iris Lane, #4 Iris Lane, #5 Iris Lane and a sewer permit only for #8 Groveland St, ~~Motion to approve and authorize the Chair to sign signature made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.~~



4. Cancer Relay for Life Sign Request- **Selectman Conley moved the Board moved and 2<sup>nd</sup> to approve up to 3 signs be placed at the Town Hall, Library and Park & Main/Mobil Station with permission of landowners Motion to approve made by Selectman Conley, 2<sup>nd</sup> by Selectman Maxant. VOTE: unanimous, so moved.**
5. Town Office Computer Technical Assistance Assignment- **Selectman Sullivan moved the Board approve Tim Hansen be designated the MIS facilitator for Town Hall assigned the tasks associated with the general Town Hall computer support with an annual stipend compensation of \$1000, motion made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Bresnahan. Mr. Hansen's work will not involve the financial software. Selectman Conley inquired where the funding is for the stipend and about the promise from the school dept. for assistance. Ms. Scheipers advised the stipend is in the Management Support budget and the school is providing assistance, including training. VOTE: unanimous, so moved.**
6. Pleasant Street School use by Harvard Town Band- **Selectman Bresnahan moved the Board approve the request of the Harvard Town Band's request for use of the PSS building contingent upon written Agreement be prepared by the Town Administrator re keeping the building clean and paying utility costs through Labor Day, electric bills paid and establish clear date re vacating the building. Motion to approve made by Selectman Bresnahan 2<sup>nd</sup> by Selectman Maxant. Selectman Sullivan suggested checking with the Housing Authority first. VOTE unanimous, so moved.**
7. Pleasant Street School Open Space- **Selectman Bresnahan moved the Board to establish a committee to review the open space issues and make recommendations to the Board, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved. This will be done at the July 12 meeting.**
8. Beasley Complaint- **Selectman Bresnahan moved the Board authorize the Town Administrator to send a letter to Ms. Beasley supporting the decision made by Supt. Madigan that there are no errors or inaccuracies in the handling of their billing, and advising to giving them of their option to come before Board on the 12<sup>th</sup> if they feel the wish to further pursue issue. 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.**
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10. Town Hall Roof Replacement Contract- **Selectman Conley moved the Board approve the draft contract presented by Ms. Scheipers, 2<sup>nd</sup> by Selectman Bresnahan. VOTE: unanimous, so moved.**
11. Ms. Scheipers advised the Board to PACE scheduling a Public Information Meeting at the Town Hall on Thursday, July 14, 2005 at 7pm re Devens Recycling Facility and encouraging comments from Town officials and residents.
12. Ms. Scheipers updated the Board to Devens Disposition Executive Board conducting important information work-shop on Thursday, June 23, 2005 and requesting the Board to contact her if they wish to attend.
13. The Willows Draft Conditions- **Ms. Scheipers updated the Board on the ZBA's progress re The Willows 40B development, providing a copy of the draft conditions being discussed with the developer. No action is required of the Board.**

#### **Agenda Item #9. Selectmen's Questions/new Business**

##### *Selectman Sullivan-*

- Development of 5 Year Budget Plan-to assist with Contractual impacts i.e. health insurance, Chairman Morrison updating the Board to MMA assistance seminar scheduled for September 2005.
- Litter-enlist Community Service Assistance from courts re litter pick up in town
- Sidewalks repair-cracked-needing repair utilize Chapter 90 Funds

##### *Selectman Maxant-*

- Back Talk article from citizen urging Town to use Stabilization Fund to replace Town Hall Roof Ms Spinner/Fin-Com addressed reasoning why not to use Stabilization Fund per-Auditors i.e. impact on Town's Bond rating

##### *Selectman Conley*

- **Public Hearing on Street Renaming – a date will be discussed at 8-2 meeting**
- Tree on Central Avenue on Town property dead - request Tree Warden have removed

- Crosswalk repainting – Supt. Madigan advised **this is slow due** to two DPW Highway employees out/injuries
- Pattendon letter re status/Westford Rd - Ms. Scheipers advised to letter from Building Inspector out next week. ZBA & Board of Health copied.
- Request **July 19 meeting since** Agenda of 7-12-05 **has been** expanded to cover other items. **The Chair advised** requested to leave **July 12** Executive Session as is but will **have an Open Session** for ten minutes re: Appointments, Reserve Fund Transfer/s, etc. The Board **will not have entertaining** additional meetings in July due to **the Chair's and Town Administrator's** vacations.
- Supt. Madigan's Contract - \$2.00/addition to base wage. Ms. Scheipers advised the \$2.00/hour differential is for Supt. Madigan's Engineers License. Selectman Conley requesting how funded, along with 3% COLA? Ms. Scheipers advised to September Town Meeting addressing Budget shortfalls.

NEW BUSINESS:

1. Tata & Howard - General Service Agreements
  - A. Existing Agreement Amendment #1: **Selectman Conley moved to approve Tata & Howard's Amendment #1 which clarifies** the time period of the Agreement to a two year calendar period, it does not change the not to exceed fee ~~Selectman Sullivan moved the Board approve Tata & Howards Amendment #1~~ and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman **Maxant**, VOTE: unanimous, so moved.
  - B. **FY-06 Engineering Agreement: Selectman Sullivan moved** the Board approve Tata & Howard's **General Engineering Service** Agreement to provide technical assistance ~~for General engineering~~ effective July 1, 2005 to June 30, 2006 **in an amount** not to exceed \$10K, ~~Motion to approve made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Bresnahan,~~ VOTE: unanimous, so moved.
2. DPW- Reserve Fund Transfers-
  - A. Administrative utilities - \$10,300.00. **Supt. Madigan advised the amount needed for this request is actually only \$8,400. Selectman Conley moved the Board approve the request for a transfer from the Reserve Fund to the DPW admin account # 01410, utilities-bldgs account # 52100, in the amount of \$8,400, 2<sup>nd</sup> by Selectman Bresnahan. VOTE: unanimous, so moved.**
  - B. Street Lighting - \$1,000.00. **Selectman Conley moved to approve the request for a transfer from the Reserve Fund to the street lighting account # 04124, 2<sup>nd</sup> by Selectman Maxant. VOTE: unanimous, so moved.**
  - C. Fuel - \$6,000.00. **Selectman Conley moved the Board approve the request for a transfer from the Reserve Fund to the DPW fuel account # 01425, fuel account # 54810 in the amount of \$6,000, made by Selectman Conley 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.** Selectman Bresnahan requesting Ayer Fire Dept. & Ayer Police Dept. ~~be~~ charged back their fuel consumption in the future.
  - D. **Equipment Repair - \$4000. Supt. Madigan advised the amount needed for this request is actually only \$3,000. Selectman Conley expressed concern re DPW overspending the Equipment Repair Budget by purchasing new excessive tools and supplies replacements, etc., advising explaining the Reserve Fund Transfers is only for unforeseen emergency expenses not for direct purchases of equipment. Selectman Sullivan moved the Board approve \$3,000 for equipment repair to the DPW, 2<sup>nd</sup> by selectman Bresnahan and authorize the Chairman's signature on the four Reserve Fund Transfers for the DPW, 2<sup>nd</sup> by Selectman Sullivan, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Maxant aye, Chairman Morrison aye, Selectman Conley no. 4-1, motion passes.**

10:00p.m. Selectman Conley moved the Board adjourn, 2<sup>nd</sup> by Selectman Sullivan.

10:00p.m. Open Session concluded.

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

Pauline Conley, Clerk

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