

Selectmen's Meeting/Connie's edits  
Tuesday, June 7, 2005  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main St, Ayer, MA

7:00p.m. Open

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 under Public Input:

The Board took this opportunity to welcome back Jim Fay to the meeting and presented Mr. Fay a duplicate framed Certificate of Recognition presented to the Shiver Job Corp upon their 40<sup>th</sup> Anniversary on May 4<sup>th</sup> which recognized Selectman Fay for his assistance re municipal support from the Shriver Job Corp. Chairman Morrison also presented Selectman Fay the customary gavel from the Board engraved with Selectman Fay's tenure on the Board of Selectmen. Mr. Fay thanked all for recognition and pledged his support re helping the Town out whenever possible.

1. George Bacon –Enforcement Order issued by Conservation Com-43 Willow Road, run off coming off property and washing into wetlands/Zone 2 area-Tire Recycling Facility, remediation plan in process to work out solution.
2. Selectman Bresnahan-Freedom's Way Heritage Assoc. Request from Lucy Wallace for Letter of Support from the Ayer Board of Selectmen for Senate Bill #1852 designating Freedom's Way as a state and national heritage area. Selectman Bresnahan moved to support Freedom's Way letter of Support for Senate Bill #1852, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
3. Carolyn McCreary- PACE requesting Board take no action on Spring Town Meeting CPC Warrant Articles due to irregularities. Ms McCreary read letter into record from PACE presented to the Board outlining PACE's concerns re the Community Preservation Committee's handling of the Open Space Warrant articles-specifically requesting response from CPC re six questions. (see attached letter) Selectman Bresnahan requesting CPC Chair be copied letter from PACE. Chairman Morrison stated Town Counsel will be contacted and the matter taken under advisement..

**Agenda item #2. Minutes of following Selectmen's Meetings were reviewed and approved**

5-2-05 Selectman Sullivan moved to approve 2<sup>nd</sup> by Selectman Bresnahan, VOTE: 4-1 Selectman Conley abstained, motion passes.

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

5-6-05 Selectman Sullivan moved to approve 2<sup>nd</sup> by Selectman Bresnahan, VOTE 4-1 Selectman Conley Abstained, motion passes.

5-16-05 Selectman Sullivan moved to approve, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

5-26-05 Selectman Sullivan moved to approve 2<sup>nd</sup> by Selectman Bresnahan, VOTE 4-1 Selectman Conley abstained, so moved.

5-31-05 6:30p.m. Meeting -Selectman Sullivan moved to approve 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

Executive Session of 5-3-05 set back for further review.

**Agenda Item #3. Town Hall Roof Replacement discussion**

The Board met with Shaun Suhoski who updated the Board to tour taken earlier this evening with APAC re Town Hall offices impacted by roof damage/leaks which will run on the public access channel. Mr. Suhoski stated areas of concern range from Selectmen's Meeting room-paint peeling caused by gutters, great hall ceiling-walls, employee's kitchen area, Town Accountant's Office, Clerks Office, Treasurer's assistant's office. Denis Callahan spoke to concerns re Assistant's ceiling/wall leaks you can actually see damage and where it is coming from. Mr. Callahan spoke to barrels in 2<sup>nd</sup> floor kitchen area filled with water from leaks, worry about mold/mildew. The Board urged Town residents to vote on Saturday, June 25, 2005 from 9-2 at the Page School Gymnasium to fix the Town Hall roof.

**Agenda Item #4. Office of Community & Economic Development Fy-06 budget.**

The Board reviewed Mr. Suhoski's Fy-06 Budget which reflected a correction to the Fy-05 salary line item. Mr. Suhoski advised to last weeks spread sheet reflected numbers prior to approval of COLA which was later absorbed through reductions to the professional development/training and professional services line

items. Mr. Suhoski advised to including budget summary for fy-05 which breaks out the UDAG funded economic development activities and project expenses through the consolidated department which showed the Town's investment at 5.59% of the total department. Selectman Conley moved the Board vote to approve the Economic Development Budget for Fy-06 in the amount of \$75,644.00 from UDAG funding, 2<sup>nd</sup> by Selectman Sullivan. Discussion: Selectman Conley requesting in the future each time Mr. Suhoski submits his budget he check to ensure it is consistent not different as represented in earlier submissions this past year. Mr. Suhoski stated not possible when his budget changes due to State aid figures. Selectman Maxant requested removing administrative salary line i.e Grants Mr. Suhoski applies for and receives compensation being returned to UDAG i.e. Court Grant/Steering Grant/Devens Disposition etc... The Board entered into a lengthy deliberation on this issue, Selectman Maxant requesting to amend motion by Selectman Conley to state any grant money received in administrative line be deducted from UDAG, 2<sup>nd</sup> by Selectman Bresnahan for further discussion, amendment fails. After further discussion Chairman Morrison reverted back to the original motion made by Selectman Conley, VOTE: Selectman Conley aye, Selectman Sullivan aye, Selectman Bresnahan aye, Chairman Morrison aye, Selectman Maxant no 4-1- motion carries to approve Fy-06 Budget presented by Mr. Suhoski. The Board reviewed Mr. Suhoski's Goals & Objectives: to pursue Downtown and Gateway Improvements, Inform & Implement Local and Regional Plans, Improve Existing Housing Stock & Promote Housing Options, Support Regional, Cultural and Historic Resources, strengthen Business Assistance/IDFA. Mr. Suhoski defended his budget reviewing with the Board how diligent and committed he and his staff has been with improving the Housing stock-improving homes, business assistance including visibility provided to merchants, water tanks, traffic issues Devens related, deed restrictions i.e Pleasant Street School advising to his Goals & Objective being included in Master Plan. Selectman Maxant again moved the Board minimize UDAG by maximizing Grant Administration by exploring other resources, 2<sup>nd</sup> by Selectman Conley. Selectman Sullivan stated Grants that give stipends depend upon UDAG, time devoted to Department will be billed against grant not UDAG and unfair to include in Shaun's performance evaluation UDAG stipend/s being reimbursed. Selectman Conley stating the Board should not loose sight of administrative activities (stipend) and if Mr. Suhoski does the work he should get rated/compensated for it. Chairman Morrison called for a vote: VOTE: Selectman Sullivan no, Selectman Bresnahan no, Selectman Maxant aye, Selectman Conley aye, Chairman Morrison no 3-2 motion fails. The Board took researching UDAG stipend being reimbursed under advisement. Ms Scheipers reminding Board to her conducting Mr. Suhoski's evaluation re compensation, goals and objectives.

Selectman Maxant took this opportunity to announce MaDev's Public Hearing re allowing a gas station on Devens stating the Town of Ayer has option to comment and wants to be sure residents/businesses are aware of this.

#### **Agenda Item #5. Supt. Madigan's Report**

1. **Equipment Operator**-Supt. Madigan updated the Board to his promoting John Gamelin, former Meter Reader at the DPW to the vacant position in the Highway Department as Equipment Operator based upon John's work ethics and quality of his work.
2. **Ayer Sludge Landfill Agreement for Fy-06**-The Board awarded the Sludge Landfill Agreement to Weston & Sampson for Engineering Services for the Town's Post Closure Monitoring for the period of July 1, 2005 to June 30, 2006 for the sum not to exceed \$20,400.00 and authorize the Chairman's signature. Motion to approve made by Selectman Conley, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
3. **Willows 40B Development-Draft Agreement**-Ms Scheipers presented the Board the MCO-Willows 40B Development revised mitigation agreement for their review depicting minor edits, and advising the Board to Mr. O'Hagen stating he would prefer the discount being taken up front but, understands the Town's position and readily agreeing to the pro-rated approach – which would be done at the end of the project so that the \$100K water and sewer connection fee waiver shall be equally distributed to reduce the amount paid for each of the 94 units. Motion to approve made by Selectman Bresnahan subject to resolution of water & sewer fees, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. (see attached agreement)

4. **FEMA Award**-Supt. Madigan announced the notification from MA Emergency Mngt. Agency (MEMA) of the Town's award of \$36,391.28 in disaster recovery cost reimbursement re record snow

removal for the period of January 22/23, 2005. Supt. Madigan applauding the efforts of his staff-Pam Martin, Office Manager and Larry Caldwell Highway Dept. Foreman for being instrumental in this reimbursement.

**5. DEP Water/Sewer System Application-Stratton Hill**

The Board approved Supt. Madigan's request and recommendation to submit to DEP Stratton Hill Subdivision's Sewer System Improvement Application for 32 units/144 bedrooms representing approximately 15,840 gallons of wastewater per day advising to sufficient capacity at the Town's wastewater treatment plant to accept these additional flows (water/sewer) and to authorize the Chairman's signature. Motion to approve made by Selectman Conley, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

The Board entered into a short discussion re Long Pond Dam Selectman Sullivan requesting where do we stand and to get something in writing from developer. Selectman Conley inquired re location of water tower and if Con Com had responded to Selectman Bresnahan's memo. Supt. Madigan and Selectman Bresnahan spoke to Wright Rd. area for 3<sup>rd</sup> Water Tank siting-Standish Ave. area low location problems with water back up, concerns with run off. Conservation Commission to advise Board to their findings re storm water/detention ponds.

6. **Replacement Well-Spectacle Pond Well #1 Agreement**- The Board moved to approve the Engineering Agreement presented by Supt. Madigan in a memo dated 6-3-05 to the Board to Tata & Howard for construction services re the replacement well at Spectacle Pond Well #1. for the amount not to exceed \$16,500.00. Motion made by Selectman Bresnahan 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Agenda Item # 6. Article 97.**

Ms. Scheipers advised the Board to Jeanne McKnight-Town Counsel's review of Article 97 dated 6-3-05 -Fort Devens Open Space Land designated as "permanent open space" in the Fort Devens Reuse Plan is subject to Article 97 of the Amendments to the MA Constitution does not apply to disposition of use changes of any of the Fort Devens land including land designated as open space land under the reuse plan. Selectman Bresnahan moved the Board vote to accept Town's Counsel's opinion that Article 97 does not apply to the disposition of land use changes under the Reuse Plan and to send a letter to MADEV letting them know Town Counsel's opinion on this issue 2<sup>nd</sup> by Selectman Conley VOTE: Selectman Sullivan aye, Selectman Bresnahan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1 motion carries. The Board agreed to send a letter to JBOS advising we concur Article 97 does not apply to Devens open space and any decisions regarding it will remain at the local level. Letter to be signed by the Chair.

**Agenda Item #7. Ayer/Devens Disposition Evaluation Criteria**

The Board restated their areas of concern re: Ayer's criteria

1. Jurisdiction back of North Post-all land north of West Main Street and east of the Nashua River which encompasses Moore Army Airfield, the MacPherson and Bishop Rd. corridor including the McPherson Well.
2. Playing Fields (sports) within the boundaries of the Town of Ayer. Selectman Sullivan suggested a cost benefit analysis be done to determine the value of the fields. Selectman Conley volunteered to meet with Park Dept re this issue.
3. Conservation Restrictions re future development on Devens developers be required to purchase Conservation Restrictions from property owners in surrounding towns.

**Agenda Item #8. Town Administrator's Report**

1. Ms Scheipers presented to the Board a Reserve Fund Transfer request from the Conservation Commission seeking a transfer in the amount of \$1,135.00 for beaver remediation (consultant-Beaver Solutions) at the Shaker Rd./Snake Hill cart path culvert/flooding caused by beaver dam. The Board moved to approve the Reserve Fund Transfer in the amount not to exceed \$1,135.00 and to include Beaver Solutions culvert maintenance guarantee, Motion to approve made by Selectman Conley 2<sup>nd</sup> by Selectman Bresnahan, VOTE:

- unanimous, so moved. Selectman Conley requested Mr. Bacon obtain a copy of the Consultant's certificate of insurance in event the guarantee fails. Mr. Bacon indicated that consultant did not guarantee results.
2. The Board approve a Reserve Fund Transfer for Town Hall Maintenance in the amount not to exceed \$4,160.00, Selectman Conley inquired why the RFT request had a different amount than the Town Accountant recommended. Ms. Scheipers explained that the additional \$200 was to purchase latex gloves and this had been discussed with the Town Accountant. Motion to approve made by Selectman Conley, 2<sup>nd</sup> by Selectman Bresnahan.
  3. Ms Scheipers presented a request from Building Dept. and Fire Dept./Ambulance re street renaming requests for Groton Shirley St. and Shirley Groton Street, and Mountain View Ave./Street re emergency services response time and complaints received from Building Dept. Selectman Bresnahan requested a Public Hearing be conducted as soon as possible re these proposed street renaming, and residents living on these streets be contacted as soon as possible re impact to them. Selectman Bresnahan placed this request in the form of a motion, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.
  4. Ms. Scheipers advised the Board of a failure to repay a loan by a local family that had requested financial assistance from the Town re handicap accessible ramp to their residence. Selectman Conley recommended the Chair contact the family directly. Chairman Morrison indicated this would be handled by the Town Administrator. The Board approved of Ms. Scheipers calling the family to discuss and then submitting a letter to family re paying back funds moved by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Conley VOTE: Selectman Sullivan no, Selectman Maxant aye, Selectman Bresnahan aye, Selectman Conley aye, Chairman Morrison aye, 4-1 motion carries.
  5. Ms. Scheipers presented the Board the Town's NPDES PII Small MS4 General permit Report re Storm Water control measures submitted by Supt. Madigan to be submitted to DEP and EPA. Motion to approve report made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

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

##### **Selectmen Sullivan**

1. Selectman Sullivan requested a letter be sent from the Board to BRAC/RAB re: PACE concerns submitted in a letter to the Selectmen re: Shepley Hill Landfill. Selectman Sullivan placed this in the form of a motion, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.
2. Selectman Sullivan addressed letter received by Board from concerned residents in the Town re the proposed Recycling Center to be located on Devens to keep Town Ayer residents informed and made aware of Public Hearing date on Devens.
3. Selectman Sullivan reviewed with resident Michael Pattenton his letter re: residence on Westford Rd. and advised by Mr. Pattenton to his letter sent to Building Commissioner for action per Town Administrator.

**Chairman Morrison**-requested Board work with town Moderator to address email received by Board from Lori Sabol re: appropriate future opening Town Meeting.

##### **Selectman Conley**

Raised a concern regarding the change of meeting location to the Shirley Town Hall re North Post discussion with MADEV officials, which was originally planned for the discussion to be held in Ayer in the evening to accommodate the full Board. Selectman Conley advising change in time/location prohibits her attendance. Selectman Bresnahan urging to keep things moving and accommodate Shirley's request.

9:35p.m. Selectman Conley moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Maxant aye, Selectman Conley aye, Selectman Bresnahan aye, Selectman Sullivan aye, Chairman Morrison aye, unanimous, so moved.

9:35p.m. Open Session concluded

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

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 Clerk

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 TOWN BOARD OF SELECTMEN