

Selectmen's Minutes
Tuesday, April 19, 2005
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

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

Public Input:

Chairman Bresnahan requested if there was anyone present wishing to speak under Public Input. Lise Brody of PACE requested to speak re the Community Preservation Committee Warrant Articles for the Spring Town Meeting. Ms Brody stated her concern re numbers not the same that was voted on 6-1 at the March 2005 Meeting, tape reviewed and numbers don't add up 2. Warrant Articles submitted as Citizens Petitions and signed only by four members, 3. Articles listed as being sponsored by CPC and not identified as Citizens's Petitions, 4. Contacting Town Counsel. Ms Brody read a prepared statement into the record. Ms. Brody requested the board investigate the above concerns, remove the words "sponsored by the CPC" and to place the CPC Articles at the end of the warrant. Robert Moore Chairman of the CPC updated the Board and room to a meeting being scheduled for Thursday, April 21, 2005 to examine and address the concerns presented and took this opportunity to advise the Board to his authorization allowing Ms Conley to contact Town Counsel re Town Meeting Warrant Articles.

Pauline Conley re: update on status of tree cutting (clear cutting) in Cambridge Street area. Ms Scheipers Town Administrator advised Ms Conley to the temporary Tree Warden contacted, George Holsombach, who advised to his cutting down the three (3) trees stating two of the trees were dead and one half dead and hanging dangerously over private property.

Agenda Item #2. Minutes

Selectman Sullivan moved the Board pass on the Open Session minutes of 4-5-05, 2nd by Selectman Morrison, VOTE: unanimous, so moved. Selectman Sullivan moved the Board vote to approve the Executive Session Minutes of 4-5-05, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #3. Appointments

1. **Devens Enterprise Commission**-The Board met with Martin Poutry. Mr. Poutry expressed his strong desire to be appointed to the permanent seat on the Devens Enterprise Commission (DEC) vacated by Charles McKinney, having served the past year as alternate. Mr. Poutry reviewed with the Board his background and reasoning for seeking the permanent seat. Selectman Maxant moved the Board recommend Martin Poutry for appointment to the Governor for a permanent seat on the DEC, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
2. **Personnel Board**- Ms Scheipers advised the Board to Mr. Stevens not being available to meet with the Selectmen this evening due to prior commitment. The Board based upon Mr. Stevens being personally known to the members i.e. serving on the Fin-Com and IDFA, moved to appoint Mr. James Stevens to the Personnel Board only to June 30, 2005, motion made by Selectman Fay, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Agenda Item #3. Ayer Housing Authority-Pleasant Street School Update

The Board met with Ken Martin, Director of the Ayer Housing Authority, Judith Pinard, Robert Moore and Paul Gribben. Mr. Martin presented the Board the proposed conceptual plans for the elderly housing proposal for the Pleasant Street School in partnership with MRPC. The proposed concept includes twenty-one, one bedroom units on the 1st -3rd floors along with two top floor (4th floor) luxurious units for a total of twenty three units as well as a park being included in the planning. Mr. Martin stated an application was being prepared for submittal on 5-31-05. Mr. Martin advised the Board to the Housing Authority having the neighborhood's endorsement. Mr. Martin advised to an informational meeting being scheduled for 5-2-05 which will be televised. Mr. Martin closed his remarks by advising the Board to elevator being placed in the center of the building not depicted in the proposed plans. The Board thanked Mr. Martin for the presentation and update.

Agenda Item #4. Archer's Mobil Station-Floor Plan Amendment & Mango Grille All Alcohol License

1. **Archer's Mobile-**The Board met with the Manager of Archer's Mobil and reviewed the new conceptual drawing of Archer's Mobil's revised Floor Plan submitted by George Archer for the Board's approval. New design depicts new wine rack/display built in full view of the sales associate in the front left hand corner of the store. The Board after review of the plan moved to approve the amendment to Archer's Mobil's Beer & Wine License and endorsed revised Form 43 to be submitted to the ABCC. Motion to approve made by Selectman Morrison, 2nd by Selectman Sullivan VOTE: unanimous, so moved.
2. **Mango Grille-** Ms Scheipers advised the Board to ABCC approving the Mango Grille's All Alcohol License on April 5, 2005 and presented the Town's 2005 All Alcohol Common Victualler's License-Form 976A for their endorsement.

Agenda Item #5. Supt. Madigan's Report

1. **Main Street Lights-**Supt. Madigan updated the Board to new estimates in regarding cost to change all of the 60 lights (double globe) along Main Street from yellow (high pressure sodium) to white light (metal halide) estimated to be approximately \$180.00/globe – total cost to change from yellow to white \$10,800.00. Supt. Madigan advising the Board to new lights will substantially increase the lighting from 100 watts to 175 watts. Electric costs will also increase approximately \$2K/yr. The Board requested Supt. Madigan forewarn downtown merchants of the new lighting and to possibly look at areas where lights could be shut off. Selectman Fay moved the Board approve the cost to upgrade the downtown street lighting from yellow to white lights at an estimated cost of \$180.00/globe or approximate total project total of \$10,800.00, 2nd by Selectmen Sullivan, VOTE: unanimous, so moved.
2. **Covanta Contract-** Supt. Madigan submitted the three (3) Covanta Contracts for the Board's review and endorsement for the Town of Ayer's solid waste disposal for a five (5) year contract period with initial cost per ton for the first year of \$73.50. This initial year rate to accelerate yearly at the annual cost index. Supt. Madigan explained the initial rate of \$73.50 per ton represents a saving of approximately \$8K based upon a yearly household solid waste volume of 1,000 tons. Selectman Sullivan moved the Board enter into a five (5) year Solid Waste Disposal Contract with Covanta per Supt. Madigan's recommendation 2nd by Selectman Fay, VOTE: unanimous, so moved.
3. **Ridge View Heights Water Tank-**Supt. Madigan reviewed with the Board the proposed Crabtree Dev. Corp. design of the 1.0 million gallon Storage Tank to be provided to the Town of Ayer. Supt. Madigan also appraised the Board to initiated discussions with Willow Development on Willow Rd to provide additional funding (engineering & construction) to expand the water storage tank to 1.5 million gallons. Supt. Madigan stated Dufresne-Henry the design company has submitted basic tank designs depicting both the 1.0 MG tank and the 1.5 MG tank... Supt. Madigan stated he was before the Board to recommend Dufresne-Henry moving forward with the 1.0 MG tank to MADEP seeking their approval, however if and when, Willow Development agrees to provide additional funding for engineering and construction of the expanded 1.5 MG tank, Dufresne-Henry would modify the project documents reflecting the expansion to the 1.5 Mg tank. Supt. Madigan recommended the Board approve the 1.0 MG tank and sign Dufresne-Henry letter of 4-15-05 approving the 1.0 MG tank... Selectman Fay moved the Board approve Supt. Madigan's recommendation to approve Dufresne_Henry approving the 1.0 MG water storage tank to be located on Pingry Hill within the Ridgeview Heights Development based upon the proposed tank and location, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

Agenda Item #7. Fy-06 Omnibus Budget

Chairman Bresnahan re-opened the Public Hearing on the Fy-06 Omnibus Budget. Ms Scheipers presented the Board the Fy-06 revised Omnibus Budget per the prior Public Hearing continuation on 4-5-05 and updated tie-in sheets prepared by the Town Accountant. The Board after review and discussion moved to approve the Fy-06 Omnibus Budget as presented by the Town Administrator. Motion to approve made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda item #8. Spring Town Meeting Warrant

Scheipers presented the Board the edited version of the last review from their meeting on May 9, 2005 Spring Town Meeting Warrant for their final review. Ms Scheipers requested the Board's comments re additional funds remaining after tie-in of \$95,561.00. Ms. Scheipers requested if the Board wished to place funding in the general Stabilization Account or consider applying the funds to the Capital Stabilization account, as well as any new money from Town Meeting. After a brief discussion whether to split the funds 50/50 into the two accounts, or leave it alone applying all to general Stabilization the Board voted to apply \$45,561.00 to Capital Stabilization and \$50,000.00 to general stabilization with any new money from Town Meeting to be applied to general stabilization. Motion made by Selectman Morrison, 2nd by Selectman Maxant, VOTE: Selectman Fay aye, Selectman Maxant aye, Selectman Morrison aye, Chairman Bresnahan aye, Selectman Sullivan no, 4-1 motion passes. Chairman Bresnahan called for a motion to close the Public Hearing. Selectman Morrison moved the Board close the Fy-06 Budget and Town Meeting Warrant Public Hearing, 2nd by Selectman Fay, VOTE: unanimous, so moved.

8:30p.m. Fy-06 Budget & Warrant Public Hearing Closed.

Agenda item #9. Devens Disposition –Town of Ayer Evaluation Criteria-Chairman Bresnahan reviewed with the Board the criteria developed from the two Public workshops the Selectmen held earlier this year. This criteria is the final draft participants felt would be necessary to be in place before Ayer would feel comfortable with accepting the Devens Disposition decision. Selectman Maxant stated his concern re verbiage of wording completion of the Reuse Plan stating the Reuse Plan can never be completed. Chairman Bresnahan called for a motion to accept the Town of Ayer's Devens Disposition Evaluation Criteria as presented. Selectman Morrison moved the Board approve the criteria as presented, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #10. Town Administrator's Report

1. **Executive Sessions Requirements**-Ms Scheipers updated the Board to allegations made at the last Selectmen's Meeting re legality of discussing a complaint against a Town Official. Ms Scheipers advising that the Selectmen were absolutely within their rights to enter into Executive Session as they started to at their last meeting. Ms Scheipers offering a training class is scheduled for all Town officials re public meeting law by Town Counsel this spring to avoid delaying important business in the future.
2. **Central MA Emergency Systems Corporation**-The Board appointed Paramedic Bresnahan and Donna Laggis to the CMEMSC per Chief Fillebrown's recommendation. Motion to approve made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.
3. **Public Safety Equipment Grant**-The Board approved Chief Fillebrown be authorized to sign equipment grant documents and contract on behalf of the Town. Motion to approve made by Selectman Fay, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
4. **Ayer Drug Court DWI Training Grant**-The Board approved Mr. Suhoski's State Grant Agreement with the Office of Public Safety to facilitate the grant funded training for the drug court team. Motion to approve made by Selectman Morrison, 2nd by Selectman Fay, VOTE: unanimous, so moved.
5. **Sign Request**-Ms. Scheipers updated the Board to a Slow Children Sign Request coming in from residents on Grosvenor Street due to speeding motorist. Ms. Scheipers advised to Chief Rizzo's recommendation received later this afternoon and to allow for proper review placing this item on the next Selectmen's Meeting Agenda. Ms Scheipers advised the Board to Executive Session items before them this evening: Town Official Complaint, DPW-Supt. and Patrolmen's contracts and litigation

Selectman Sullivan took this opportunity to publicly apologize to the Town Accountant Lisa Gabree for verbal exchange/s at a Selectmen's Meeting a month ago. Selectman Sullivan stating both he and Ms Gabree are very passionate re their commitments to Town and if he embarrassed Ms. Gabree that it was certainly not his intention. Ms. Gabree responded at this time with "apology accepted".

Selectman Fay took this opportunity to express his sincere gratitude to the residents and Board this being his last meeting and urging new Selectman on board to participate in all the training/workshops available to them stating he can not elaborate enough on how important this is to a new Selectman. Selectman Maxant also announcing his may well be his last meeting also; hoping that it would not be, stating that he has enjoyed his three years working with officials, staff and volunteers and looking forward to continuing.

Agenda Item #11. New Business/Selectmen's Questions

The Board voted to ratify the Chapter 40B Technical Assistance Grant Application to provide technical assistance to the ZBA relative to Proforma, cost of development, development profit margin assistance. Selectman Fay moved the Board approve to ratify and authorize the Chairman's signature on the 40B Technical Assistance Grant Application, 2nd by Selectman Morrison, VOTE: unanimous, so moved.

Chairman Bresnahan elaborated on the need to have a Committee to re-look at the role and responsibility of Department Heads and establish a policy/protocol i.e. expectations of employee. Chairman Bresnahan suggested Committee could possibly consist of Town Administrator, Police Chief, Board of Selectmen. This item to be revisit later.

10:05p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 & 2 to adjourn from this Executive Session for the sole purpose of adjourning the meeting, 2nd by Selectman Morrison, VOTE: Selectman Morrison Sullivan aye, Selectman Morrison aye, Selectman Fay aye, Selectman Maxant aye, Chairman Bresnahan aye, unanimous, so moved.

10:05p.m. Open Meeting ended.

Date: _____

Cornelius F. Sullivan, Clerk