

Selectmen's Meeting  
Tuesday, September 21, 2004  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

The Board met with Chairman Bresnahan, Selectman Morrison, Selectman Maxant. Selectman Fay absent due to illness and Selectman Sullivan absent-traveling this week.

**Agenda Item #1. -Public Input:** Chairman Bresnahan requested if there was anyone who wished to meet with the Board under Public Input: Mr. O'Callahan-Senior Housing-Pond Street.

Mr. O'Callahan apologized for placing the signs up along Main Street advertising the Senior Housing Fall Harvest Fair to be held on 10-2-04 at the Senior Housing on Pond Street and requested the Board vote to ratify their approval for the placement of signs along Main Street, Town Hall and Court House. Motion to approve/ratify approval of the Senior Housing Harvest Fairs signs and removal 10-3-04 made by Selectman Morrison, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

**Agenda Item #2. -Minutes of 9-7-04:** The Board set back the 9-7-04 Minutes due to Selectman Sullivan's absence.

**Agenda Item #3. -Public Hearing-Common Victualler's License-Country Good Takeout-63 Main St.**

The Board met with Shirley Jeffries, Sylvia Touloupis and Thomas Jones. Chairman Bresnahan requested the Legal Notice be read into the record. Selectman Morrison read the Legal Notice which ran in the Nashoba Publications the weeks of 9-10-04 and 9-15-04. Chairman Bresnahan requested if there were abutters present wishing to speak for or against the petition. Ms. Touloupis stated the restaurant is located on the side street off of Main Street (West St.) on the right side of Roux's Mkt. for B-B-Q takeout and open for business on the following days: Monday-closed, Tuesday-Thursday 11am-9pm, Friday & Saturday 11am-11pm and Sunday 12-5pm. Ms. Jeffries gave the Board a brief background of her working experience in the food industry and advised to Nashoba Boards of Health approving the restaurant's Food Handler's License. Chairman Bresnahan called for a motion. Selectman Morrison moved the Board approve the Common Victualler's License for Country Good Take-out at 63 Main Street, Ayer, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous.

**Agenda Item #4. Office of Community and Economic Development**

The Board met with Shaun Suhoski re the Chandler Place Local Preference language. Mr. Sushoki presented to the Board the revised preference language modified from the Selectmen's 9-7-04 meeting.

Preference for the sale of up to 70% of the affordable units shall be given to persons or families who are either:

- Ayer residents, and/or
- The parents or children of current Ayer residents, and/or
- Employees of the Town of Ayer, and/or
- Graduates of Ayer High School who resided in the Town of Ayer at the time of their graduation, and/or
- Active military or veterans living within the Ayer portion of Devens

Selectman Morrison moved the Board vote to approve the Local Preference Criteria submitted by Mr. Suhoski, and authorize the Chairman's signature to execute the Local Initiative Program (LIP) Application to count two (2) condominiums affordable at Chandler Place, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. Mr. Suhoski updated the Board to the two (2) bedroom townhouse style condo's which the developer is marketing the market-rate units at \$279K and suggested \$160K as the sale price for the affordable units.

Mr. Suhoski also updated the Board to the deed-rider being approved by the State on 9-21-04 for the Shirley Street Habitat for Humanity project and reminding the Board to the Ground Breaking being this Thursday, 9-24-04 at 5:45p.m. at the Shirley Street site.

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

1. **Mechanic Appointment-**The Board met with Supt. Madigan who introduced William Dempsey, of Shirley, MA to the Board. Supt. Madigan reviewed with the Board Mr. Dempsey's strong background and extensive experience in truck and trailer maintenance and repair. Supt. Madigan advised to seven applicants responding and interviews conducted by himself, Larry Caldwell on July 19, 2004 and again

on September 2, 2004. Both Larry Caldwell and Supt. Madigan mutually agreeing Mr. Dempsey was the most qualified candidate. References checked, pre-employment physical completed satisfactorily. Selectman Morrison moved the Board appoint William Dempsey of Shirley, MA to the Mechanic's position in the Department of Public Works contingent upon his obtaining a Hoisting License within six months of employment 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

2. **CPF-Administrative Order**-Supt. Madigan presented to the Board CPF's revised Administrative Consent Order (AO) (04-005-01) penalty fee of \$500.00 for domestic waste discharged to the ground in the vicinity of the CPF loading dock area on 2-19-04. Selectman Maxant moved the Board approve CPF's Administrative Order, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
3. **WWTP-Change Order #2**- Supt. Madigan presented to the Board Change Order #2 for the Wastewater Treatment Facility Upgrades in the amount of \$28,346.02 for the relocation of duct banks C & D due to site conditions, additional work requested by Sewer Dept. for additional light installed at the anoxic tank, additional 1" fire alarm electrical conduit, rewiring of existing control panel, chemical feed conduit to aeration tank, additional trench drain for sludge loading area. The adjusted price for the project would be: \$3,480,000.00 contract award, plus \$4,143.51 change order #1, plus \$28,346.02 change order #2 for a total adjusted contract of \$3,512,489.53 for Tata & Howard. Selectman Morrison moved the Board approve the Change Order #2 recommended by Supt. Madigan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
4. Supt. Madigan presented to the Board of Selectmen acting as Water & Sewer Commissioners the Water & Sewer Liened Accounts for unpaid bills to be added to property taxes of the Town of Ayer for 2004. Selectman Maxant moved the Board approve the report of liened accounts as presented by Supt. Madigan to establish a lien on each of the submitted property owners for unpaid water & sewer services, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

#### **Agenda Item #6. Town Accountant, re Independent Audit Award**

The Board met with Lisa Gabree, Town Accountant. Ms. Gabree updated the Board to the three (3) year contract for independent audit services being expired. Ms. Gabree submitted the Board a prepared proposed contract for Fy-04, Fy-05, & Fy-06 prepared by Giusti, Hingston and Company for the proposed annual fee of \$21K (decrease from 2003's fee of \$22K). Ms. Gabree stated the proposed fee is reasonable based upon a comparison poll of neighboring Town's. Ms. Gabree advised to the next contract to be bid out for audit services. Ms. Gabree recommended the Board vote to approve the proposed contract as presented. Selectman Morrison moved the Board approve the Contract to Giusti, Hingston and Company for auditing services for Fy-04, Fy-05 and Fy-06 not to exceed \$21K annually, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

#### **Agenda Item #7. Town Administrator's Report** -The Board met with Anita Scheipers.

1. **Notice of Intent Filing to ConsCom for Snake Hill Road reconstruction**-per the Planning Board's settlement with Crabtree Dev. Corp. the developer has agreed to make the necessary improvements to Snake Hill Rd. which requires filing with ConsCom for work near wetlands which must be signed by "owner"/Town of Ayer-Chairman of the Board of Selectmen is only eligible party able to do this. Selectman Maxant moved the Board authorize the Chairman's endorsement on the Snake Hill Rd. N-O-I prepared by Steve Mullany of Mullany Engineering Inc. dated 9-17-04, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
2. **Habitat for Humanity Water & Sewer Permits**-Ms. Scheipers presented the Board the Habitats Water & Sewer Permits prepared by Supt. Madigan to be waived to keep the cost of the project as low as possible. Ms. Scheipers updated the Board to Fee requests waivers being: Water-\$1,400.00 and for Sewer-\$1,500.00. Selectman Morrison moved the Board approve the Water & Sewer permits for Habitat for Humanities Housing unit at 22 Shirley Street be waived of fees and to authorize the Chairman's signature on the waived permits, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
3. **Fall Town Meeting Warrant**- Ms. Scheipers advised to the Community Preservation Committee requesting to open the Fall Town Meeting Warrant to allow for the inclusion of two new articles. 1. CPC Administrative Article and 2. PACE Article to set aside monies for Open Space preservation. Ms. Scheipers also advising to the receipt of a third late submission article from citizen making the use of

"Jake Brakes" illegal. Ms. Scheipers advised the Board to Town Counsel stating if you open the warrant for two articles you must also add the third late submission article by citizen. Selectman Maxant moved the Board open the Fall Town Meeting Warrant, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved. Selectman Morrison moved the Board add two late received CPC articles (one in final form and one in place-holder form) and one late received citizen petition article and to close the warrant after the addition of these articles, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

4. **Pleasant Street School UST Removal Contract-** Ms Scheipers updated the Board to the Historical Commission selecting the vendor to remove the old fuel tanks. Ms. Scheipers requested the Board approve the contract with Dowling Corp. of Wrentham, MA for the removal of the underground storage tanks at the Pleasant street School not to exceed \$8,500.00. Motion to approve made by Selectman Morrison 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
5. **Parking Ticket Processing Contract-**Ms Scheipers presented the contract with Municipal Management Associates Inc., of Marlborough, MA for the three (3) year contract commencing August 31, 2004 through August 31, 2007 for the per ticket processing fee of \$1.85 plus postage and estimated annual cost to the Town of Ayer of \$500.00. Motion to approve made by Selectman Maxant, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
6. **High School Homecoming Parade-** The Board approved the High School's Homecoming Parade for Friday, October 8, 2004 at 4:00p.m. Parade route: Pirone Park, Main Street, to Washington Street ending at the High School Parking Lot and for permission to erect signs to be located at the Town Hall, Tidal Wave, and Park Street at Mobil from 9-22-04 to 10-8-04. Ms Scheipers advising to Police & Fire approving route request. Motion to approve made by Selectman Morrison, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

#### **Agenda Item #8. Selectmen's Questions/New Business**

Ms Scheipers advised the Board to another resignation being received from the Conservation Commission that being Adrea DeSilets. The Board requested letters of appreciation is submitted to the three resigning long term members: Robert Eldredge, Thomas Poole and Andrea DeSilets with regrets.

#### **Selectman Maxant-**

1. Selectman Maxant suggested the Board keep tabs on the cost of the new Fire Station and progress of construction and pass it along to the community.
2. Re-evaluate the lines of communication between Ayer and MADEV re economic growth of Devens ie recent communications from Devens re new conference center not being necessary because it was not retail raising concern with him re establishment of retail businesses on Devens not competing with Ayer. Selectman Morrison & Chairman Bresnahan suggesting the Board would do better dealing with existing channels of information that being local senior management before we talk to Governor. Chairman Bresnahan suggested Selectman Maxant work with Town Administrator to draft a letter on the matter to DEC.

**Selectman Bresnahan-**The Devens Disposition Executive Board has established a Selectmen's Sub-Committee (three Town Selectmen, MDFA and Devens resident) to define how the "final" decision process on disposition should work. Selectman Bresnahan explained that Section 23 of Chapter 498 requires a study to be submitted to the State (by the Boards of Selectmen, MDFA, and DEC) but it doesn't dictate how the Towns make their decision. Selectman Bresnahan stated the decision could be made by the Board of Selectmen, by the Town Meeting votes, or by Town elections. At this initial point, Selectman Bresnahan stated that his position would be that we probably want to have the decision/s made by Town elections. The selectmen present concurred with this position.

**Town Administrator-**Ms. Scheipers updated the Board to communication received from School requesting Board members join the new Strategic Planning Committee formed by the School Department to address resources of facilities, technology, communications, curriculum, and professional development. The request also suggested a member of the Capital Planning Committee be included on resources and facilities and the Town Accountant be included on information and technology. Ms. Gabree stated she would like to

investigate long term planning for the departments operating budget which she advised desperately needs to be done stating its not an immediate concern but needs to be done.

8:05p.m. Selectman Morrison moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b, Exemption #3, re: contracts and present litigation, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous so moved.

Faye L. Morrison DATE: 10-19-04  
Faye L. Morrison, Acting Clerk  
AYER BOARD OF SELECTMEN