

**Selectmen's Meeting  
Tuesday, April 6, 2004  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA**

**7:20p.m. Open Session**

The Board met with Acting Chair Paul Bresnahan, Selectman Morrison, Selectman Maxant and Selectman Sullivan. Chairman Fay absent due to death in the family.

**Public Input-**Selectman Bresnahan announced Rep. Hargraves Office Hours from 7-8p.m. at the Ayer Town Hall this evening. Selectman Maxant apologized for his tardiness earlier this evening, partially responsible for delay in opening meeting. Selectman Bresnahan asked if there was anyone present wishing to meet with the Board under Public Input no one stepped forward.

**Selectman Bresnahan called for a motion to approve the Agenda.** Selectman Maxant moved the Board approve the Agenda of 4-6-04 as presented, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Minutes-** Selectman Morrison moved the Board approve the minutes of 2-3-04, 2-17-04, 3-2-04, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous. The Minutes of 3-18-04 were set back for further review.

**Selectman Bresnahan presented the Town's Blue Star on behalf of the American Legion** to Selectman Faye Morrison upon her Daughter (Crystal Felix) safe return from service in Iraq. The Board paused for a few moments for a picture. Blue Star banners are presented by the American Legion to soldiers deployed for duty during conflict.

**The Board met with students from Ayer High School's Capitalism & Democracy Class.**

Selectman Bresnahan updated the room to the class holding a voters registration day at the High School on March 10, 2004 and 87% of the eligible student voters registered. The class now is attempting to challenge Town of Ayer residents qualified to vote to do the same by placing a sign and a banner in front of Town Hall reminding residents to vote in the upcoming Presidential Election by conducting a "Rock the Voter Registration" on April 24<sup>th</sup> and May 15<sup>th</sup> at the Ayer Town Hall. Students took this opportunity to seek donations for a banner and mailing postcards to Town of Ayer residents. Selectman Morrison moved the Board approve the banner and sign to be placed in front of Town Hall, and also to allow the High School Democracy Class use of the Town Hall on the two requested dates-Saturday, April 24<sup>th</sup> and Saturday, May 15<sup>th</sup> 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous. The Board requested the Town Hall custodian work with the students to place both the sign and banner.

**7:30p.m. Public Hearing-Class II License** -David Hirsch, Acton Ma-NO SHOW, the Board postponed the Hearing for later in the meeting if applicants come in.

**The Board met with William Burke, Director of Operations of MADEV.** Present for the discussion Meg Deloria. Selectman Bresnahan welcomed Mr. Burke to the meeting. Selectman Bresnahan updated the Board to a study being conducted by the Towns of Ayer, Shirley and MADEV regarding North Post. The study would include a probe of existing conditions. Ayer & Shirley would work with MADEV for best use possible. The Study would involve the following:

- evaluate environmental conditions i.e. topography, wetlands, soils, areas of critical environmental concern, contamination/hazardous soils to include a review of existing environmental site assessments.
- Evaluate land use policies and their implementation to date
- Evaluate relationships between identified zoning districts and adjacent development outside the gates of Ayer & Shirley.
- Evaluate conditions and capacities of existing infrastructure including roadways, rail, utility plans, previously completed infrastructure studies & traffic studies, review of previous studies, review of alternative development possibilities, infrastructure, environmental and zoning changes needed.

Mr. Burke stated he looked forward to working with Ayer on this regional collaboration advising to his agency working on developing a plan of action for several months now with Ayer & Shirley officials. Mr. Burke echoing Selectman Bresnahan's remarks that working out appropriate land uses for the area would be done in a very open, public process working with local officials in each Town. Mr. Burke updated the Board to various Devens projects i.e. roadwork-Rt.2 interchange June 2004 completion date, Jackson Rd upgrade work beginning in two weeks/ detours in place, new Grant Rd. gate-bypass access, Phase 2 Housing-176 units delayed environmental site issues, Loaves & Fishes relocation received great free assistance from local businesses/unions i.e. Carpenter's Union on Devens. Mr. Burke also noted that Goldsmith Ringwald & Priest moved to Ayer (Page-Moore Building) from Devens and Harvard. Fireworks scheduled for Friday, July 2, 2004 so as not to interfere with Ayer's celebration on Saturday the 3<sup>rd</sup>. Mr. Burke presented the Board brochure depicting Ayer, Shirley, Harvard & Devens area attractions; combined shopping, dining, recreational resources. Mr. Burke stated brochure would be distributed to reservists, businesses on Devens to which brochure encompassed 60% of Ayer businesses looking towards as wide a distribution as possible. Selectman Bresnahan gave the Board a quick update re: Devens Disposition prompted by Selectman Sullivan. Selectman Bresnahan advised to Disposition focusing on Executive Board/formal committee makeup envisioning a board with 5-6 votes-One from Ayer, One from Harvard, One from Shirley, One from MADEV, One from DEC, and perhaps one from Devens residents, but Selectman Bresnahan stated the final report should come from the five groups mentioned in Section 23, of Chapter 498. Selectman Maxant questioned Mr. Burke if his agency had any plans in the future re appealing to the Legislature for any changes/amendments to the 498 Legislation, adding he heard rumors about appealing over raising number of housing units to be built on Devens, Mr. Burke responded that nothing will be done without public process. Mr. Burke closed his discussion by stating he wants to work with the Town and will continue to do so. Selectman Bresnahan thanked Mr. Burke for coming in to meet with the Selectmen and providing the update on

Devens, adding he hoped to invite Mr. Burke more often creating a positive atmosphere for ongoing dialogue.

The Board moved to open the Class II Public Hearing re: David Hirsch-Littleton Rd., Ayer, MA . Selectman Morrison read the Legal Notice into the record. Selectman Sullivan moved the Board continue the Hearing to May 6, 2004, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**May 10, 2004 Annual Town Meeting Warrant-The Board approved the following**

Article 2. Town Administrator to advise Board to reporting Boards/Committees, etc.

Article 3. 2% COLA approved by Board of 4-5-04

Article 4. Omnibus amendments: Treasurer \$1,500.00+

Fire/Casualty/Liability \$4,000.00+

Workman's Comp \$10,000.00 –

Police/Fire Ins. \$5,000.00

Article 5.-8 Enterprise Funds-Solid Waste, Ambulance, Water approved Sewer to be Confirmed after Sewer Rate Review 4-20-04

Article 9-11 Revolving Funds –Fire Alarms, Hazardous Materials, & 4<sup>th</sup> of July approved.

Article 12. Capital Borrowing-Items 1-9 approved –Item 10 School Parking Lot Paving Removed \$160K

Article 13. Debt Exclusion-approved. \$313K & \$26K

Article 14. Debt Exclusion-not approved-\$130K article removed

Article 15. Ballot Question-Fire Station to be numbers to be determined.

Article-A&B Park Dept.-removed \$180K Sandy Pond Beach Improvements  
-removed \$135K Sandy Pond Beach Improvements

Article 16. Vote to support-Additional 3 Firemen

Article 17. Park-Safety netting -\$5K approved

Article 18. Approved- 10% matching funds-brush fire truck

Article 19. Approved SHAVE \$10,200.00

Article 20. Approved amount to be determined after 4-20-04

Article 21. Approved \$39,400 1<sup>st</sup> Years Interest-ATM 2004

Article 22. Approved amount to be determined later

Article 23. Approved to support –TIF Page Moore Realty Trust

Article 24. Approved to leave on warrant (if land is obtained for Public Water Supply not necessary to have on warrant)

Article 25. Baby Safe Haven-Vote to support

Article 26. Citizen's Petition- Public Hearing-Rate of Development By-law Hearing  
Public Hearing 4-14-04 @ 6:30p.m.-Planning Board

Article 27. Recall –change to read 10% of voters

Article 28. Amendment to Chapter 498

**Town Administrator's Report**

1. **Veteran's Agent Appointment**-The Board moved to approve a temporary appointment of Manuel Velez to the Veteran's Agent position until June 30, 2004.

#### **BOSMIN4-6-04/PG.4**

Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous

2. **Spec. Pond Well #1. Contract Award**-The Board awarded the bid to the low bidder DMH Electrical Inc. of Clinton, MA for bid amount not to exceed \$36K and authorize the Chair to sign the award. Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
3. **Sewer Permit**-The Board approved a sewer permit for 24 Forest Street-3BR house. Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
4. **Holmes Mngt.** Littleton Line Apartments Water & Sewer Request.-The Board scheduled to meet with Homes Mgt. & Supt. Madigan at their 4-20-04 Meeting.
5. **Regional Trash Disposal**-The Board approved of Supt. Madigan working with the Towns of Littleton & Groton representative re: collaboration for trash disposal
6. The Board voted to appoint Selectman Maxant to the CDBG Advisory Committee. Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
7. The Board congratulated Supt. Madigan upon his successful FEMA reimbursement application of \$34,001.42.

#### **Selectmen's Questions/New Business:**

##### **Selectman Sullivan-**

1. Requested Board of Health & Fire Dept. review regulations re beaver trapping due to residents complaining about tree lose along Fletcher's Pond due to beavers.
2. **Signs**-Sandwich Board signs placed at Town Hall, Park St. & Rotary notifying residents of Town Election & Town Meeting dates.

##### **Selectman Maxant-**

Requested the Board request Joint Boards of Selectmen place on their Agenda discussion to hold session re: State Legislators protecting the Devens enabling Legislation-Chapter 498 from changing/being amended, requiring changes/amendments go through Town Meetings in Ayer, Harvard & Shirley before they are sent to the Legislature and to also request Senator Resor if a means exists to prevent bills from being filed to get around official approach. The Board voted to approve requesting to place this matter on JBoS Agenda. VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Maxant aye, Selectman Morrison no 3-1 motion passes. (No vote was taken to endorse Mr. Maxant's specific proposal-the vote simply approved his request for a JBoS agenda item).

**Selectman Bresnahan**-Requested to place the Paul McGuane License fee matter on the next Selectmen's Meeting Agenda of 4-20-04.

**9:25p.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: Superior Police Officer's Contract, DPW Contract, & Smith 61A Land Sale, to adjourn from this Executive Session to reenter into Open Session for the sole purpose of adjourning the meeting 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Bresnahan aye, Selectman Maxant aye, Selectman Sullivan aye, Selectman Morrison aye. Unanimous, so moved.

**9:25p.m. Open Session ended.**