

Selectmen's Meeting w/**Paul's edits**
Tuesday, March 2, 2004
Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

The Board met with Chairman Fay, Selectman Bresnahan, Selectman Maxant and Selectman Sullivan. Selectman Morrison absent due to prior commitment.

Public Input: The Board requested if there was anyone present wishing to meet with the Board.

1. Julia Alekman-Historical Commission re historical markers placement-business district-downtown Ayer.
2. Chairman Fay-revised Agenda for 3-2-04.

Julia Alekman- Present for the discussion Ruth Rhonemus. Ms. Alekman stated she was before the Board re: the placement of the Historic Mercantile District plaques presented to the Town by the MA Historical Commission. Ms Alekman updated the Board to one the plaques being removed from in front of Town Hall during the restoration. The Town was given two plaques. One marker had been placed across the street near Archer's Mobil Station and the other placed in front of Town Hall. Ms Alekman advised the Board to the Commission seeking permission to place the restored plaque close to the "Bike Path" near P.N. Laggis Clothing Store- plaque to be erected on a pole facing bike trail, the original plaque was placed at Depot Sq. facing Town Hall. The Board considered placing the plaque in the sidewalk, back at Depot Sq., getting a two-faced sign, after short discussion the Board moved to place a temporary Historic Mercantile plaque facing east by the railroad trail on a pole directing pedestrians/bike path users to Historic Mercantile District. Motion made by Selectman Bresnahan, 2nd by Selectman Maxant, VOTE unanimous, so moved.

Chairman Fay-announced the cancellation of IDFA Appointment and under the Economic Development Director's Report the removal of the Court House Grant (drug) and the Moore Tax Increment Financing (TIF) Request.

Chairman Fay called for a motion to approve the amended Agenda. Selectman Sullivan moved the Board approve the amended Agenda of 3-2-04 as stated by the Chair, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Minutes of 2-3-04 & 2-17-04 set back due to absence of Clerk.

Chairman Fay took this opportunity to again congratulate Shaun Suhoski, the Town's Planner upon his performance and handling of complex issues for the Town i.e. grants, IDFA, CDGB, Historical, Housing & Commercial planning assistance and as recent the \$800K+ award to the Town for the Spaulding Building. Selectman Sullivan echoing the Chair's sentiments adding record awards totaling over \$2.5 million have been realized through Mr. Suhoski's assistance for the Town. Selectmen Maxant and Bresnahan also expanded on these remarks recognizing Mr. Suhoski.

Agenda Item #1. Community & Economic Development Director's Report

1. Affordable Housing-LIP Christian Fisher-24 Forest St., Ayer, MA

The Board met with Atty. Ray Lyons of Groton representing Christian Fisher-Builder. Mr. Suhoski updated the Board to Mr. Fisher's receiving approval from the ZBA for a

variance for a single family 3 bedroom modular home to be placed on the corner of Forest Street and Bligh Street conditional upon the house being designated as affordable. Atty. Lyons reviewed with the Board the criteria required by the State in order for this property to be counted with the State affordable unit percentages advising to the need to approve a Local Initiative Program (LIP) and Regulatory Agreement. Mr. Suhoski advised the Board to the need to get this paperwork into the State as soon as possible due to the unit arriving at the site by the end of this week or at the latest early next week. Atty. Lyons advising to the unit cleaning up a vacant lot and removing old buildings there as well. A Lottery will be conducted through a Lottery Market Plan and deed rider to finalize project. Mr. Suhoski will act as the Town's Agent for the Lottery. The Board was also advised to no local preference given due to project only one (1) unit and qualifying families must have a combined income between 70% & 80% of the medium income in the region. Selectman Sullivan moved the Board approve the Local Initiative Program application & Regulatory Agreement for 24 Forest Street-Christian Fisher-BUILDER with Shaun Suhoski being the Town's Agent for the Lottery Marketing Plan which will include development of the deed rider and to authorize the Chairs signature on the LIP and Regulatory Agreement, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

North Post Planning-The Board met with Shaun Suhoski re: Draft Scope & Process re: North Post Planning (Ayer, Shirley, Harvard). Mr. Suhoski presented the Board the IDFA's recommendation to fund up to \$35K of the estimated \$100K to \$125K cost of the Master Planning subject to the Board of Selectmen's approval. Mr. Suhoski also advised the board to \$25K potentially being available for Planning Funds through the Federal Economic Development Administration to supplement Ayer's portion of the Master Planning for North Post. Mr. Suhoski updated the Board to the need of suitable land for future commercial-industrial development and to actively participate in future reuse of the Moore Airfield. Selectman Sullivan moved the Board of Selectmen concur with the IDFA's recommendation of allocating \$35K toward the Master Planning of North Post and approve of Shaun Suhoski to seek \$25K in Federal Economic Development Administration funds, 2nd by Selectman Bresnahan. Selectman Maxant stating his dismay by spending \$35K to allow MADEV to break promise. Selectman Bresnahan elaborating stating there is nothing in writing that MADEV would return land to Host communities. Selectman Sullivan amended the motion to include in his original motion: subject to Town of Shirley and MDFA's match of this \$35K. 2nd by Selectman Bresnahan for discussion, adding the potential Federal Grant would **supplement** the funding. VOTE: Selectman Sullivan aye, Selectman Bresnahan aye, Chairman Fay aye, Selectman Maxant abstained 3-1 motion passes.

Agenda Item #2. Supt. Madigan's Report

1. Snow Account Status-

The Board approved Deficit Spending for the Town's Fy-04 Snow Removal per Supt. Madigan's request. Supt. Madigan advised the Board to \$156K expended to date of a budget allocated at \$114K. Supt. Madigan stated he has applied for a Federal Gov. FEMA reimbursement of \$33K which would reduce this year's deficit to approximately

\$9-\$10K. Motion to approve the Deficit Spending made by Selectman Sullivan, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
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2. CPF Overflow Enforcement-Supt. Madigan updated the board to CPF's Wastewater violation on 2-18-04/sewage discharge. Supt. Madigan requested the Board issue a minimal fine of \$500.00 as the situation was a violation of their IPP Permit with the Town- which included the cost of the vacuum truck and is consistent with the Town's enforcement practices. Selectman Sullivan moved the Board approve the fine as recommended by Supt. Madigan to CPF in violation of their IPP Permit, 2nd by Selectman Bresnahan. Selectman Maxant suggesting the Board soften the penalty against CPF. Supt. Madigan advised to the DPW responding quickly with clean up and the fine reflects situation. Chairman Fay called for a vote, VOTE: unanimous, so moved.

Agenda Item #3. Town Administrator's Report-

1. Planning Board Contract for services with Tata & Howard-

The Board approved the Planning Board's request for engineering services needed for Ridge View Heights for Tata & Howard for the sum not to exceed \$11,000.00 and authorize the Chairs signature. Motion to approve made by Selectman Sullivan 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

2. Stonybrook Park Site Walk-The Board set Saturday, March 13, 2004 at 9:00am for the Site Walk to look at the land donation by Stoney Brook Park Trust with the Conservation Commission and Planning Board.

3. PACE Request- The Board approved Carolyn McCreary's request to allow PACE to contact the Town's significant water users in writing letters to EOEa undersecretary/James Stergios stating their concern re impact to their businesses should the public water supply be reduced due to contamination at Spec. Pond. Selectman Bresnahan moved the Board approve this request which would help out the Town, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

4. Selectman Bresnahan requested the Board go off the posted agenda to meet with Supt. O'Malley and Dan Sallet re: the School's Fy-05 Budget Request. Motion to approve this requested made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

The Board met with Supt. Kevin O'Malley and Dan Sallet, School Committee Chairman. Mr. Sallet requested the Selectman authorize the following to **help towards** level funding versus the projected 9% cuts the School anticipated last year:

1. Full amount of interest earned by School Choice and Tuition projected at \$50,000.00.
2. Medicaid- Give the School the full amount of Medicaid funds received vs. the last year's agreement to split between the School and Town projected at \$80,000.00
3. Override-Allow the School to cancel out increases in employee's health care (\$2,600K) by being more flexible on the School's share of the override vs. how much we keep for the Town's Stabilization Fund. Override share to result in level-funded School budget. The Board agreed to support separate line items re: Medicaid, Interest/School Choice-Tuition and to go forward with Fy-05 Budget Public Hearing prior to **decision on splitting Override funds** until Board has a handle on Municipal side.

5. Long Pond Dam Repair-The Board authorized the dam to be repaired at the lower threshold 50/year storm, developer to bear cost of repair to Long Pond Dam. (Threshold determined later in evening). The Board requested this matter be placed on their next

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Agenda. Motion made by Selectman Sullivan, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

6. JBOS Phase 2 Housing-Ms Scheipers advised the Board to Harvard wishing to expand local preference to residents from the three host communities, MADEV employees working on Devens, and current Devens residents; requesting the Board get back to her with their suggestions.

FYI's

- 1. Open Positions:** Ms Scheipers announced vacancies on the Open Space & Recreation Committee and alternate to serve on the Devens Enterprise Commission (DEC). The Board requested these positions be advertised on Cable.
- 2. Groton Resident wishing to tie-in the Town Water/Sewer-**Ms. Scheipers advised the Board to Groton Water Commissioners not supporting request.
- 3. Safe Haven-**Ms. Scheipers advised to delay in Legislation –House/Senate. Senator Resor advising the Board to move ahead on local initiative.

Selectmen's Questions-

Selectman Maxant-Requested to meet with Legislators re: Protect Town of Ayer interest **By requiring agreement of the three towns prior to legislature amending Chapter 498..** Selectman Bresnahan suggested Mr. Maxant put his concerns in writing and the Board delegate two members to **first** meet with State Representatives **to determine whether they would support this restriction on the legislature.**

Selectman Bresnahan-updated the Board on the Devens Disposition Com. handout from Bill Crosby **which defines Disposition Committee role.** Selectman Bresnahan reviewed his flow chart with the Board .

Chairman Fay-complimented Supt. Madigan on the new lights on West Main Street looking great, big improvement-but Selectman Bresnahan questioning if they are casting better glow on street when pedestrians are crossing.

9:00p.m. Selectman Maxant moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b re: Exemptions 2 & 3 to adjourn from Executive Session to re-enter Open Session for the sole purpose of adjourning the meeting.

Executive Sessions re: DPW Union, Town Administrators Contract and employee disciplinary action request, 2nd by Selectman Sullivan, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Chairman Fay aye, Selectman Maxant aye, VOTE: unanimous, so moved.

9:00p.m. Open Session concluded.