

Selectmen's Meeting with Paul's edits  
Tuesday, January 20, 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 Fay, Selectman Bresnahan, Selectman Morrison, Selectman Sullivan and Selectman Maxant.

Public Input- Chairman Fay requested if there was anyone present wishing to meet with the Board under Public Input. No one stepped forward.

Chairman Fay announced Representative Hargraves Office Hours this evening from 7-8pm at the Ayer Town for Town of Ayer residents.

Town Administrator requested at this time to bring up new items for the Board's deliberation under New Business this evening: Shirley ETA, JBOS issues per Selectman Bresnahan, and letter sent to Economic Development Director.

Chairman Fay called for a motion to accept the agenda as amended. Selectman Bresnahan moved the Board approve the Agenda as amended for 1-20-04, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**Agenda Item #1. Public Hearing- renewal of Common Victualler's License-Ah Gin Wong-220 W. Main Street. Relocated from 207 W. Main St., Ayer, MA**

The Board went off the Agenda due to tardiness of Agenda Item #1.

**Agenda Item #2. Appointments-Cultural Council.**

The Board met with the Cultural Council's recommendations re new candidates for appointment to the Council: Max Bridges, Marilyn McMillan, Lisa White, Don Vuong, Maureen Lafortune, Vi Barnes, Penny Kelley and Janet Lewis. Absent due to conflict with work: Laura Bridges, Paul Fillebrown Jr., Julie Lacey. The Board moved to appoint Max Bridges and Marilyn McMillan effective 1-20-04 and Dan Vuong, Maureen Lafortune, Lisa White, Julie Lacey, Laura Bridges, Paul Fillebrown Jr., Viola Barnes and Penelope Kelley and Janet Lewis effective February 2, 2004 with all appointment dates ending June 30, 2004. Motion to approve made by Selectman Morrison 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

**Agenda Item #1. Public Hearing-Common Victualler's License-Ah Gin Wong**

The Board met with Bai Zhuo of Shirley MA. Selectman Morrison read the legal notice into the record. Chairman Fay requested if there were abutter's present -no one came forward. The Board reviewed with Mr. Zhuo the restaurants relocation and if the restaurant has alcohol. Mr. Zhuo responded no alcohol. The Board was advised to proper permits obtained from Nashoba Board's of Health-Food Handler's License and Building Dept-Occupancy Permit. Selectman Bresnahan moved the Board approve Ah Gin Wong's Common Victualler's License for their new location, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Agenda Item #4 – Smith Family Land Sale/Right of 1<sup>st</sup> Refusal**

Mr. Smith advised the Board they were still waiting for members of their group to come in requesting to delay appearance for later in the evening.

**Agenda Item #5. StoneyBrook Realty Trust-land donation- no show.**

**The Board went off the posted Agenda to the Town Administrator's Report**

1. Subordination Request: The Board approved Case #02-208 Subordination Agreement of the Certificate not to encumber to the new first mortgage in the amount not to exceed \$30,000.00 and to authorize the Chairman's signature. Motion to approve made by Selectman Maxant, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
2. Sewer Connection Permit- The Board approved the Sewer Permit for 14 Rosewood Ave, Ayer, MA based upon Supt. Madigan's recommendation. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
3. Fy-05 Capital Request: The Board reviewed the draft Capital Request submitted by the Town Administrator. The Board approved three Capital Expense items **for submission to the Capital Review Com. for consideration.** \$25,000.00 Town Hall Slate Roof- \$10,000.00 six (6) Computers for the Town Hall and \$10,000.00 for a document archival storage system. Motion made by Selectman Bresnahan to approve the Fy-05 Capital Requests as submitted, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Bresnahan aye, Selectman Maxant aye, Selectman Morrison aye, Chairman Fay aye, Selectman Sullivan no VOTE 4-1 motion passes. Selectman Sullivan expressed his concern re: looking at another expected year of budget cuts and opting to not approve the Document Archival storage system.
4. Federal Railroad Administration Train Horn Ruling-Town Administrator referred the Board to new legislation becoming effective next December and requested the Board to advise if the Board wishes to look at establishing quiet zones under these new guidelines to prepare for effective date.
5. Baby Safe Haven-Ms. Scheipers advised to draft warrant article being prepared.

**Agenda Item #4. Smith Family-land sale-Right of 1<sup>st</sup> Refusal-**The Board met with Steve Smith, representing the Smith Family. Present for the discussion: Beverly Smith, Justin McCarthy, P.C., Steven Gillis-Gillis Homes of Topsfield, Cal Goldsmith of Goldsmith, Prest & Ringwall Inc, Zelda Moore, James Lucchesi-Ayer Planning Board and Patrick Hughes, CPC.

Mr. Smith stated the smith Family owns 68 acres of residential land, which is currently classified under MGL Chapter 61A. Mr. Smith advised the Board to the family entering into negotiations with Calvin Moore and Steven Gillis to purchase the land and to develop the land as a 55 Year & Older Active Adult Community-consisting of 54 units. Mr. Smith advising when that land is directed to another use the town has a right of first refusal to seek to purchase the land and has 120 days from the date of the Agreement to exercise its option. **Mr. Smith stated Moore & Gillis**

**presented the best proposal.** The Board requested what the purchase price of the land was. Mr. Smith advised \$2.7 million. Mr. Smith introduced Cal Goldsmith who conducted a visual presentation of the proposed development to the Board and described the layout of the land on which it will be built. Mr. Goldsmith advised the Board to the 54 units being clustered within a 12 acre portion of the 68 acres reserving 82% of the land as conservation within which hiking trails will be built that will be open to the public. Access to the development will be from Groton Road with Snakehill Road as the alternate road out. Mr. Gillis displayed an overview of his latest development in Groveland and passed out CD-ROMs for a virtual tour of the interiors/exterior. Mr. Gillis stating the Town would receive sizable property tax revenue while homeowners would not strain the Town's infrastructure & school district. Patrick Hughes stated his compliments to the project design working out the cluster development. Mr. Hughes presented the Board with financial assistance organizations should the Town wish to pursue its option. Mr. Lucchesi, Chairman of the Planning Board stated this was the 3<sup>rd</sup> plan the Planning Board has reviewed and each plan just gets better & better. Chairman Fay requested a joint meeting be scheduled with the Town Boards/Committees to review the Town's options as soon as possible. The Board thanked Mr. Smith and his group for coming in to meet with the Board.

**Agenda Item #6 Public Hearing-Pole Petition/MA Electric-Shirley Groton Rd.** The Board met with MA Elec. Representative Iris Parks. Selectman Morrison read into the record the Legal Notice which ran in the Nashoba Publications Newspaper the weeks of Dec. 31, 2003 & Jan. 7, 2004. Chairman Fay requested if there were abutters present. No one stepped forward. Selectman Bresnahan moved the Board approve the petition as presented, 2<sup>nd</sup> by Selectman Morrison. VOTE: unanimous, so moved. Selectman Sullivan requesting the approval is contingent upon road cut and paving not be conducted until the end of April when weather conditions are more favorable. Motion made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #7: Supt. Madigan's Report-**

1. The Board appointed Laurie Milan to the Recycling Coordinator's position due to retirement of Vivian Winchester the end of December 2003 contingent Ms. Milan obtains her CDL B License within her six (6) month probationary period. If Ms. Milan does not obtain her license she will be removed from the position and placed back in her present position at her present rate of pay in accordance with the existing Collective Bargaining Agreement. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
2. The Board approved Tata & Howard's Engineering Agreement for the Replacement Well at Spectacle Pond-Well #1 for the sum not to exceed \$10,000.00 for the design, bid and award of a new gravel packed replacement well as the existing Spectacle Pond Well #1. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
3. The Board approved Tata & Howard's General Engineering Service Agreement For the period of two years at \$7K/per year and a total of \$14K for the two years.

Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

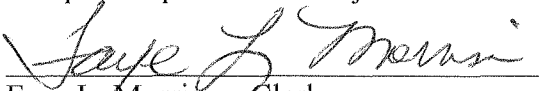
4. The Board took no action re the request of David Luther of 518 Farmer's Row, Groton for water & sewer services for a proposed sub-division of his land. The Board requested the Town Administrator contact Groton's Town Administrator for more info re this development.
5. Supt. Madigan updated the Board to five (5) street lights along the north side of W. Main Street from the railroad overpass changed from the yellow light ( high pressure sodium) to white lights (metal halide) to test re effectiveness and appearance. Supt. Madigan requesting the Board's comments re if the yellow lights should be changed to white lights. Cost to change approximately \$165/per globe =60 globes for a total cost of \$9,900.00. The Board set this matter back for their next meeting.
6. Long Pond Dam Repair-The Board scheduled a site walk for Saturday morning the 31<sup>st</sup> of January at 9:00am at the Long Pond Dam.

**NEW BUSINESS:**

1. The Board requested Selectman Maxant to submit in writing his issues re: Economic Development Director's Office **pursuing planning issues with Devens without Board of Selectmen approval.**
2. Selectman Bresnahan presented the draft minutes of JBoS Meeting re: DEC mission and make-up of members.
3. Town Administrator presented Shirley's request to amend Chapter 498 to include the Town of Shirley to the list of Economic Target Areas (ETA). Selectman Bresnahan moved the Board support the Town of Shirley's amendment, 2<sup>nd</sup> Selectman Maxant VOTE: unanimous. **Selectman Bresnahan commented that Ayer needs assurances that Ayer businesses would not be lured to Shirley by the new TIF availability.**

9:05p.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: outstanding litigation ie police-Littleton Env., J. Stewart Roberts-Town Hall Change Orders.

9:05p.m. Open Session adjourned

 DATE: 2/17/04  
Faye L. Morrison, Clerk  
AYER BOARD OF SELECTMEN