

Selectmen's Meeting-with Jane's edits  
Tuesday, April 1, 2003  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main St., Ayer, MA

7:00p.m. Open Session

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

**Public Input:** Chairman Witherow requested if there was anyone present wishing to speak under Public Input: 1. William Oelfke-Leash Law not being enforced in Grove St.-Forest St. neighborhood, dogs becoming quite a problem, referring to vicious dog affecting postal employee/neighborhood requesting Selectmen's assistance. The Board requested the Police Chief investigate this complaint.

2. Selectman Bresnahan-Announced the Town of Shirley's 250<sup>th</sup> Anniversary Celebration encouraging Town of Ayer residents to join in on the celebration kicking off with dinner/dance, April 26, 2003, tickets on sale at local merchants.

Chairman Witherow called for a motion to accept the Agenda. Selectman Bresnahan moved the Board approve the amended Agenda of 4-1-03, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Minutes:** Minutes of March 4, 2003 were read and accepted. The Minutes of 3-18-03 were amended and sent back. Chairman Witherow requested February 2003 Selectmen's Minutes be re-submitted for official vote by the Board at the Board's next meeting scheduled on 4-15-03.

**Agenda Item #1. P.Y.O. d/b/a Brew Locker -All Alcohol License Transfer.** The Board met with Atty. Robert Casey on behalf of P.Y.O. -Seng Bae new owner, who advised the Board to the Alcohol Beverage Control Commission approving Ms. Bae's All Alcohol License Transfer Application on March 21, 2003 for the Brew Locker 203-205 West Main St. Ayer, MA. Atty. Casey advised the Board to the Fire Chief's building concerns being addressed. Selectman Bresnahan moved the Board approve the All Alcohol License Transfer for PYO Inc. d/b/a The Brew Locker for Seng Bae new owner, 2<sup>nd</sup> by Selectman Maxant VOTE: Selectman Sullivan recused, Selectman Witherow aye, Selectman Fay aye, Selectman Bresnahan aye, Selectman Maxant aye, 4-1 motion passes. Atty. Casey advising to all fees being paid by new owner. Atty. Casey requested the Sunday Entertainment License, Common Victuelers License and Amusement License also be transferred to Ms. Bae. Selectman Bresnahan moved the Board transfer the Sunday Entertainment License, Common Victuelers License and Amusement License be approved for transfer, 2<sup>nd</sup> by Selectman Maxant VOTE: Selectman Sullivan recused, Selectman Witherow aye, Selectman Bresnahan aye, Selectman Fay aye, Selectman Maxant aye, 4-1 motion passes.

**Agenda Item #2. Atty. Robert Collins, re: Stratton Hill**

The Board met with Atty. Robert Collins representing Fox Meadow Realty Corp. (35 proposed homes in Ayer) David Moulton & Robert LaCombe. Atty. Collins distributed overview plan of land depicting Stratton Hills proposed sub-division and Land in Groton/Ayer to be incorporated into Audubon donation with conservation restriction. Atty. Collins advising Board that land can be donated to Ayer outright and he would draft deed/Trust language. Other issues discussed: water tower, frontage to Long Pond, emergency access road improvements, berm improvements, Wright Rd. improvements and water main looping to elevate water capacity & pressure in that area. The Board requested Atty. Collins be given Open Space language for reference in deed. Selectman Sullivan moved the board vote to accept the proposal in concept subject to seeing proposal in detail, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. The Board rescheduled this matter for their April 29, 2003 meeting.

**Agenda Item #3. Public Hearing-Change of Location-All Alcohol License-C.R. Pierce d/b/a**

**Bookberry.** The Board met with Atty. Charles Lessa and Philip Berry. Chairman Witherow opened the Public Hearing by requesting Selectman Maxant read the legal notice into the record. Chairman Witherow requested if there were any abutters present, no one stepped forward. Atty. Lessa advised the Board to Mr. Berry moving his place of business from 25 Main St. to 11 Depot Sq. requiring a Change of Location petition to the ABCC and Town. Selectman Bresnahan moved the Board approve the Change of Location for CR Pierce d/b/a Bookberry from 25 Main St. to 11 Depot Sq., Ayer, MA, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**Agenda Item #4. Public Hearing-Change of Location-Beer & Wine License-Amy's Provisions, Inc.**

The Board met with Atty. Richard Sullivan and Amy Cozzens. Chairman Witherow opened the Public Hearing by requesting Selectman Maxant read the legal notice into the record. Chairman Witherow

requested if there were abutters present, no one stepped forward. Atty. Richard Sullivan stated Ms. Cozzens was seeking a Change of Location for her Beer & Wine License from 1 Barnum Rd. to 9 Depot Sq., Ayer, MA which requires a petition to the ABCC and approval from the licensing authorities. Selectman Bresnahan moved the Board approve the Change of Location for Amy's Provisions, Inc. Beer & Wine License from 1 Barnum Rd. to 9 Depot Sq., Ayer, MA., 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**Agenda Item #5. Personnel Board-Position Classification & Reclassification Process**

The Board met with Personnel Board members Chief Richard Rizzo, Pauline Conley and new member Faye Morrison. Chairman Witherow expressed her concern re: the Personnel Board having the ability to not approve a new position (Section 5.6) and Selectman Bresnahan expressed his concern re #2. Approval/Denial of Reclassification who should this go to Board of Selectmen, Town Administrator? And of time period of 30 review, and 15 day for Personnel Board to take action on questioning if time periods adequate. The Personnel Board to review/edit back to the Board. The Board requested this matter be rescheduled for their next meeting on the 15<sup>th</sup> of April.

**Agenda Item #6. Supt. Madigan's Report-The Board met with Supt. Michael Madigan.**

**1. Water Permit-25 Fitchburg Rd.**

The Board approved a 2" water line and 4" fire line for Anderson Funeral Home 25 Fitchburg Rd., Ayer, MA. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan VOTE; unanimous, so moved.

**2. Wastewater Treatment Plant Operator position-Discussion continued from 3-18-03 meeting.**

The Board reviewed with Supt. Madigan key points of issue re: hiring individual at a Grade 4 MA level.

1. Staff report sent to DEP
2. Position advertised internally-no responses/externally-three (3) responses
3. DEP requires Staffing changes must be approved by them.
4. Staffing analysis-shows need for seven (7) people
5. Past practice of salary decided by licenses required for position.

The Board reviewed with Supt. Madigan extra cost of hiring Grade 6 over Grade 4 \$3.30/hr=\$6,864.00 Selectman Bresnahan questioning staffing organization being thrown off with higher-grade employee. Mr. Madigan responded existing structure will stand and stated job responsibilities. Town Administrator advised to Board negotiating with individual & Union as to what will be offered for remainder of contract. Selectman Bresnahan moved the Board appoint Larry Thomas to the Wastewater Treatment Plant Operator's position based upon Supt. Madigan's recommendation at \$14.91 per hour plus license increment adjustment under Appendix B1 of the contract contingent on the Union agreeing to pay @ Grade 4 and not at Grade 6, 2<sup>nd</sup> by Selectman Sullivan, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Fay aye, Selectman Maxant aye, Chairman Witherow no 4-1 motion carries.

**3. The Board removed off the Agenda under Supt. Madigan's Report-Procedures for Sewer Accts. Billed in error.**

**4. HTA Agreement for Engineering Services-Phase II of I&I.** Selectman Fay moved the Board approve HTA Phase II Engineering Services Agreement for I&I Removal for the sum not to exceed \$2,300.00, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #7 Town Administrator's Report**

**1. Intersection Design Park & W. Main Sts.** Ms Hegarty updated the Board to the modifications to the design per the Selectmen's input.

1. Limit project to start of Park St. north to Dunkin donuts to include one (1) crosswalk in intersection.
2. Retain sidewalk on west side of Park St. Include sidewalk on east side of Park St. at bank to eliminate easement.
3. Retain existing island modifying east side of island entering westward if necessary toward retaining wall.
4. Establish crosswalk at West Main Street side of intersection to new Fire Station.

Selectman Bresnahan moved the Board approve the summary of design modifications, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**2. Fire Station ReUse Committee-Mission Statement-see attached**

Selectman Bresnahan moved the Board approve the Mission Statement prepared by Town Administrator Anita Hegarty and project tasks so stated, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**3. Travel Reimbursement Policy-The Board reviewed the mileage policy submitted by the Town**

Administrator after review and clarification of current practices. Ms Hegarty updating the Board to this matter being scheduled for the next Selectmen's Meeting.

**New Business/Selectmen's Questions**-Selectman Fay advising the Board to a new article to be placed on the Annual Town Meeting Warrant re; the Veterans plaque. Chairman Witherow stated the warrant is closed. Selectman Fay advised to Town Clerk advising to Town not having a By-law officially closing the warrant.

**FYI's**

1. Veterans' Agent appointment-scheduled for 4-15-03
2. Weed Control-Conservation Commission notified to respond to need.

9:48p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL chapter 39 Section 23B Exemption #3-Patrolmen's Contract Negotiations to adjourn from that Executive Session to enter into Open Session for the sole purpose of adjourning the meeting.

9:48p.m. Meeting adjourned



Frank Maxant, Clerk

AYER BOARD OF SELECTMEN

DATE:

5/4/3