

*Approved*

Selectmen's Meeting  
Tuesday, March 4, 2003  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

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

**Public Input:** Chairman Witherow requested if there was anyone present wishing to speak under Public Input:

1. Pauline Conley, re parking issue on sidewalk side of Cambridge Street (side of Federated Church) requesting no parking signs be placed on street. Chief Rizzo reviewed Ms. Conley's request with the Board suggesting signs state no parking/no stopping. Selectman Bresnahan moved the Board approve the signs, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. Signs to be erected in Spring when weather permits. DPW to be forward sign request.
2. Sue Provencher- Presented the Selectmen with individual Photocompositions in commemoration of the Town Hall re-dedication last April 2002. The Board thanked Ms. Provencher for her thoughtfulness.

**Agenda Item #1. Appointment-Custodian Town Hall/Police Station**

Ms. Hegarty introduced Daniel Sherman of Leominster, MA, finalist for the custodian's position. Ms. Hegarty updated the Board to Mr. Sherman being chosen from a field of 31 applicants who applied for the position, advising the Board to Chief Rizzo and her conducting interviews with the candidates. The Board reviewed with Mr. Sherman his background and interest in this position. Selectman Bresnahan moved the Board vote to appoint Mr. Daniel Sherman to the custodial position at \$12.61/hour for 30/hours a week 15 hours at the Town Hall and 15 hours at the Police Station, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Agenda Item #2. Shriver Job Corp.-Support Request**

The Board met with Modesto Gloria, Director of Shriver Job Corp. re: Shriver Job Corp's request for a letter of support to Federal Elected Officials who will be deciding on Job Corps Budget nationally in the upcoming months. Mr. Modesto reiterated Job Corps support of area activities i.e. Town House Ball, School functions, Council on Aging, etc. Selectman Fay recused himself from discussion due to being a Job Corp employee. Selectman Bresnahan moved the Board vote to support Mr. Modesto's request by having a letter sent to the Town's congressional delegates, 2<sup>nd</sup> by Chairman Witherow, VOTE: Chairman Witherow aye, Selectman Bresnahan aye, Selectman Maxant abstained and Selectman Fay recused, 2-0 motion passes.

**Agenda Item #3. Economic Developer's Report**

The Board met with Shaun Suhoski, Community and Economic Development Director and Timothy Hansen, Grant Administrator.

**1. Timothy Hansen-Lead Paint Abatement Program-Notice of Funding Availability.**

The Board met with Mr. Hansen who requested the Board's permission to submit an application under this round to DHCD to aid the Town's CDBG Grant which would assist with administration, indirect cost associated with each applicant, and relocation of homeowners during the lead abatement process. Selectman Bresnahan moved the Board approve Mr. Hansen's application request estimated to be in the range of \$106K to \$107K and to approve the Chairman's endorsement when application is ready, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**2. Shaun Suhoski-CDBG Grant-Supplemental Round for Downtown Related Projects**

The Board met with Mr. Suhoski who updated the Board to funds available under Fy-03 CDBG. Downtown Related Project grant has approx. \$1.4 million available statewide advising to competition going to be fierce for these funds. Mr. Suhoski advised to applications due April 1<sup>st</sup> and funds can be used for streetscape improvements, i.e. trees, banners, benches, trash receptacles, or funding commercial rehabilitation i.e. sign facades. Possible uses also addressed with the Board was replacement of the dead elm tree on the corner of Columbia & Main or improve screening between Main St. and railroad with additional street trees and plantings. Mr. Suhoski to bring detailed application back before the Board at their next meeting. Selectman Bresnahan moved the Board support the grant application as described in a Memo dated 2-28-03 from Mr. Suhoski, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #4. Crabtree-Ridgeview Heights-Rick Roper**

The Board met with Steve Mullaney of David Ross & Assoc. and Rick Roper developer for Ridgeview Heights sub-division. Mr. Mullaney advised the Board to Mr. Roper being denied to file an application for a Comprehensive permit due to the denial of the Planning Board four years ago. Mr. Roper is eligible to pursue Chapter 40B Development. Mr. Mullaney stated the reasoning behind the Planning Board denial is based on the proponents plan to have the truck traffic from the proposed light industrial park accessing Rt2A through the residential portion of the proposed sub-division. Mr. Roper tried again to negate this issue again in 2001 by placing a restriction on the plan to the light industrial land to those uses allowed in the LI District and A1 residential District-as comprehensive permits are allowed in all zoning districts. Mr. Mullaney stated his client is able to acquaint the Selectmen with this matter without affecting the litigation. Mr. Mullaney updated the Board to Mr. Roper seeking 40B development under the MA Housing Finance Agency which requires 25% of the housing units developed be designated as affordable or at or below 80% of the median income. The ZBA conducts the permitting process at the local level. One of the conditions is that the developer meets with the local officials to seek initial reaction. Mr. Roper has already met with the Housing Authority, Planning Board, Town Administrator, Economic Development Director and DPW Supt. Mr. Mullaney reviewed with the Board infrastructure improvements, exceptions to local requirements, and necessary municipal support through a lottery for awarding the affordable units. James Lucchesi stated the Planning Board's denial of this 40b application due to two members on the Board voting against application one of which being the Chairman and consensus of Board feeling that they should back the Chair. Park Department Director requested clarification re set aside for recreational fields i.e. where located, who builds, who maintains-Mr. Mullaney advising to land in center of sub-division which would be accessible to all streets, fields not laid out yet re sq. ft./no irrigation proposed and land would be deeded to Town. Mr. Hanley of the Advisory Board reviewed \$2 million plus upgrades which would be given to the Town, new water tower, reconstruction of Snakehill Rd., and new athletic fields would be lost-Advisory Committee member Mary Spinner requesting the Planning Board reconsider their decision. Selectman Maxant stated he likes what he sees in the proposal. Selectman Fay requesting if Planning Board took official vote? Profit margin? --- RESPONSE 20% profit and five-year build out. Mr. Lucchesi again related the Planning Board's vote: 2 members expressed willingness to negotiate, one member said no, and 2 deferred to Chairman's decision. Selectman Bresnahan moved the Selectmen meet with the Planning Board in an Emergency Executive Session on 3-16-03 @6:15p.m. prior to the Planning Board's regular meeting at the Town Hall, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #5. Fire Chief-Fire Station Budget discussion-**The Board met with Fire Chief Paul Fillebrown and former Fire Chief Wellman Parker of the Fire Station Construction Committee. Mr. Parker reviewed with the Board options for consideration re: construction deficit due to unanticipated cost of environmental cleanup of site OPTIONS discussed: 1. Construction Committee Requested up to \$1 million loan of UDAG funds, 2. or Fire Station Construction Committee to request additional funds on floor of Town Meeting in May 2003. Shaun Suhoski explained request to MASDEV re Brownfield Loan advising Board to full \$500K being requested, interest free with a 35% payback within five years; which the Town requested 65% of the loan be deferred-payment ( paid back only from proceeds of eventual disposition of the Fire Station site, if any) The Agreement reflecting a 50-50 match with environmental insurance required. Ms. Gabree-Town Accountant updated the Board to funds in current balances Selectman Bresnahan moved the Board approve letter to MASDEV proposed by Economic Development Director-Shaun Suhoski once drafted the Board allow the Vice-Chair to sign off 2<sup>nd</sup> by Selectman Maxant VOTE: Selectman Bresnahan aye, Selectman Fay aye, Selectman Maxant aye, Chairman Witherow recused 3-1 motion passes. Selectman Bresnahan moved the Construction Committee move forward with process to the Planning Board- project commitment subject to Town Meeting Approval of additional funds required, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #6.-Town Administrator's Report**

1. **Dept. of Defense-Institutional Controls**-document not received from Town Counsel . Selectman Bresnahan moved the Board approve letter when it comes in and authorize the Chairman's signature, 2nd Selectman Maxant, VOTE: unanimous, so moved.

2. **DEM Rail Trail Memorandum of Understanding**-The Board approved the draft new MOU for rail trail parking/bathroom facilities reviewed and approved by Town Counsel to form. Selectman Bresnahan moved the Board approve the MOU with DEM for the rail trail parking/bathroom facilities 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
3. **DPW filter Media Bid Award**-The Board awarded the Filter Media Bid to Waterline Industries Corp of Seabrook, NH for the bid award not to exceed \$92,050.00. Town Accountant Lisa Gabree advised to Water Enterprise funds to pay the balance needed for the purchase per DOR approval. Motion to award bid made by Selectman Fay, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.
4. **DPW Moving Floor Trailer Bid Award**-The Board approved the moving floor trailer bid to the sole bidder Sterling Trailer & Equipment for a 2003 aluminum Mac Trailer for the bid award not to exceed \$42,927.00. Motion to award bid made by Selectman Fay, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
5. **Affordable Housing Definition**-Selectman Maxant moved the Board vote to support Harvard's definition of "Affordable Housing" for 25% of units 80% of medium income, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Maxant aye, Selectman Fay aye, Selectman Bresnahan aye, Chairman Witherow recused 3-1- motion carries.
6. **Draft Town Hall Use Policy** -Selectman Bresnahan moved the Board approve the Town Hall Use Policy as presented by Town Administrator with additional language to include \$25.00 key charge added to fee schedule, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.
7. **Caritas request for use of Great Hall for non-profit show**-The Board deferred Caritas request for acoustic improvements in lieu of fee to Town Hall Sound Committee to meet with school and come back to Board with a recommendation.
8. **Phase 2 Stormwater Management permit Application**-The Board requested Town Administrator Anita Hegarty to send EPA a letter advising them to the Town not able to meet the March 10, 2003 deadline due to lack of available form and info from key Town Departments. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Maxant. VOTE: unanimous so moved.
9. **Presidential Award**-The Board delegated this matter to Shaun Suhoski to develop letter for presentation to MA Historical.

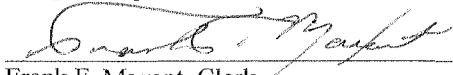
#### SELECTMEN'S QUESTIONS

**Selectman Fay**-Requested the Board review current policy as it relates to travel reimbursement.

**Selectman Maxant**-Requested the Board request from DEC criteria as it relates to future retail businesses proposed by Ryan-Downtown Devens.

**Anita Hegarty**-updated the Board to Ed Kelley, Chip Guercio requesting Town Counsel review DEC Downtown Devens Application. Selectman Maxant requested the Downtown Merchants establish a Gift Account with the Treasurer's Office to pay for Town Counsel services. The Board to re-visit this request. 9:45p.m. Selectman Maxant moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 re: Contract negotiations & Guilford litigation, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Maxant aye, Selectman Fay aye, Selectman Bresnahan aye, Chairman Witherow aye, unanimous, so moved.

9:45p.m. Open Session ended.

  
Frank F. Maxant, Clerk

AYER BOARD OF SELECTMEN

DATE: 7/20/03