

Selectmen's Meeting Minutes
Tuesday, October 1, 2002
Ayer Town Hall, 1st Floor Meeting Room-, Main Street, 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-no one stepped forward.

Chairman Witherow called for a motion to accept the Agenda. Selectman Bresnahan moved the Board approve the Agenda of 10-1-02 as presented, 2nd by Selectman Maxant: VOTE: unanimous, so moved.

Agenda Item #1. Appointments:

1. Devens Enterprise Commission (DEC)

The Board met with Eddy Hamilton of 75 Sandy Pond Rd., Ayer, MA. The Board thanked Mr. Hamilton for coming in and reviewed with Mr. Hamilton his background & reasoning why he would like to serve as the Town's representative to DEC. Mr. Hamilton advised the Board to his 40+ years as a marketing manager, as well as serving on the Groton Finance Com & Democratic Town Com. stating he was very impressed with Devens development and could serve the Town well in an advisory capacity feeling he has a great deal of experience to offer now that he is retired. Selectman Maxant urged Mr. Hamilton to review and oversee the Devens original charge and to communicate with the Selectmen by reporting back to the Board with any and all documentation. Selectman Bresnahan reminding Mr. Maxant and advising Mr. Hamilton that the Board of Selectmen members speak for themselves. Selectman Bresnahan moved the Board approve the appointment of Mr. Hamilton to the Devens Enterprise Commission, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

2. Devens Transportation Committee:

The Board met with George Bacon, 80 Pleasant St., Ayer, MA. The Board thanked Mr. Bacon for coming in this evening to meet with the Selectmen. Selectman Fay opened the discussion by requesting if Mr. Bacon had the time to take on another committee, due to his current service to the Town. Mr. Bacon stated he currently serves the Town in the following various capacities: Historical Com.-Chair, Advisory Com., Conservation Com., Capital Planning Com., Community Preservation Com. and advised the Board to Devens Five Year Com charge ending. Mr. Bacon stated he enjoyed working with the Devens development and would like to continue this work by working on the transportation committee to help resolve traffic issues and there effect on the Town as well as future development demands on the Town's resources. Selectman Sullivan requested two areas be targeted for consideration by the Committee those being 1. Rumor mill that the Ayer railroad station will be done away with and the creation of a regional station 2. Increase of traffic through Ayer from Devens. Selectman Sullivan requesting research be conducted.

The Board met with the 2nd applicant requesting to serve on the Devens Transportation Committee: Lora Haines of 24 Washington St., Ayer, MA. The Board thanked Ms. Haines for coming in to meet with the Board. Ms. Haines stated she was a recent resident of the Town moving here from the Boston area. Ms. Haines stated she is fiercely protective of the character of Ayer's preservation, especially with possibility of the railroad station leaving. Her goal would be to look at all avenues to protect the Town of Ayer while developing Devens. The Board after meeting with both applicants moved to approve the appointments of Lora Haines & George Bacon to the Devens Transportation Committee. Motion to approve made by Selectman Sullivan 2nd by Selectman Fay, VOTE: unanimous, so moved.

3. Devens Economic Development & Finance Committee

The Board met with Daniel Sallet of 30 Highland St., Ayer, MA. Mr. Sallet gave the Board a brief statement re his professional, community, and personal background associations. Mr. Sallet stated he felt his financial & Community involvement could be significant re impact of Devens development. The Board agreed and voted to appoint Mr. Sallet to the Devens Economic Development & Finance Committee. Motion to appoint made by Selectman Sullivan 2nd by Selectman Fay, VOTE: unanimous, so moved.

4. Temporary Firefighter: The Board met with Chief Fillebrown and William Rolph re: temporary replacement of Firefighter Chuck Dillion's position who was deployed for the War against Terrorism to Afghanistan. Chief Fillebrown introduced Mr. Rolph a five-year veteran call firefighter to the Board who has Firefighter 1&2 Program qualifications to include EMT basic, driver and communications training. The Board reviewed with Mr. Rolph his background and reasoning re the temporary position with the Fire Dept. The Board based upon the Chief's recommendation voted to approve the temporary appointment of William Rolph to the Ayer Fire Dept. not to exceed one (1) year. Motion to approve made by Selectman Fay, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Agenda Item #2. Supt. Madigan's Report

1. Water Ban Status Update: The Board met with Supt. Madigan and Richard Linde -Foreman Water Dept. The Board reviewed with Mr. Linde his report on violators to the ban advising the Board to no fines being paid to date. Ms. Spinner, Chairman of the Advisory Com. stated the ban has been in effect five (5) years now-rules are set and should be followed re: the collection of fines. The Board discusses the on-going water break on Main St. caused by Town Contractor- leak should have been prevented. Board not in favor of enforcing fines when Town Officials have a serious water leak/problem presently. Supt. Madigan advising to contractor having problem fixed with next few days. The Board noted Mr. Linde's report reflecting excellent numbers regarding cross connection violations down and ban being enforced by residents.
2. Shirley Street- The Board reviewed with Supt. Madigan and Mr. Linde the water main break on Shirley St.- Supt. Madigan updated the Board to hydrant installed, paving remaining to be done, granite culvert always connected. Mr. Linde advised to crew response immediate upon call. Decision made to shut down water to area (5 hours without water) while repairs were made. The Board questioned why an alternate source of water was not done for residents/businesses prior to work. Mr. Linde responded it was a judgement call.
3. WATER BAN Hours. The Board did not change the hours of the Water Ban and left the hours of water ban the same to not confuse residents plus factoring in new cost of signage regarding notifying residents to new hours, would cause more confusion.
4. Chapter 90 Project Requests
 1. Groton Shirley Rd. Culvert Replacement (Game Farm Rd.)
The Board approved Supt. Madigan's Request not to exceed \$79,420.00 for the reconstruction of the Groton Shirley Rd. Culvert. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: unanimous, so moved.
 2. Purchase of new six (6) wheel dump truck
The Board approved the purchase of new six- (6) wheel dump truck to be utilized by the Dept. of Public Works not to exceed \$68,475.00. Motion to approve made by Selectman Fay, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #3. Town Treasurer-Health Insurance/Joint Purchase Group Agreement

Ms. Hegarty informed the Board to Treasurer updating the Board to fire destroying documentation at Minuteman Nashoba Health Group last year and of need by Treasurer to have the Board execute the Group Benefits Agreement for record purposes/ having a hard copy at Minuteman's main office. Selectman Sullivan moved the Board approve the Treasurer's request and execute another duplicate copy for Minuteman Health Group, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #4. Town Administrator's Report

Ms. Hegarty requested the Board review Town Meeting Calendar for Town Meeting 2003 and get back to her with their recommendations. Chairman Witherow requested the town Administrator push back the Public Hearing until late March 2003 due to calendar being very tight.

1. Water/Sewer Rate Study RFP- The Board approved the alternate rate structure as presented by Town Accountant Lisa Gabree. Motion to approve made by Selectman Fay, 2nd by Selectman Bresnahan, VOTE: Chairman Witherow aye, Selectman Bresnahan aye, Selectman Fay aye, Selectman Sullivan no, Selectman Maxant no 3-2 motion carriers.
2. Economic Development Director-Loaves & Fishes Contract-The Board requested Mr. Suhoski get a full opinion from Town Counsel re: Legal Aide Societies referrals and have Mr. Suhoski furnish the Board with a copy of the contract agreement with Loaves & Fishes, 2nd by Selectman Fay, VOTE: unanimous, so moved.

3. The Board approved the Fy-03 CDBG Grant Application as presented to the Board of 9-3-02. Selectman Fay moved the Board approve the CBBG FY-03 Grant Application and authorize the Chairman to execute the agreement for the Board, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
4. The Board approved the MassHighway Chapter 90 Funds Contract in the amount of \$125,124.18 for Fy-03. Motion to approve made by Selectman Sullivan, 2nd by Selectman Fay, VOTE: unanimous, so moved.
5. The Board approved the Community Preservation Committee's (CPA) contract for the Ayer Historical Commission's survey. Selectman Sullivan confirmed the CPA's approval of the contract for the Board as the Board's liaison to the CPA. Motion to approve made by Selectman Sullivan, 2nd by Selectman Fay, VOTE: unanimous, so moved.
6. The Board approved Kopelman & Paige's request by Town Counsel Bill Hewig to have the Board sign off on a Conflict of Interest statement re: the Town's Public Access Corp. which represents the Town and a sub-group. Motion to approve made by Selectman Sullivan, 2nd by Selectman Fay, VOTE: unanimous, so moved.
7. Ms. Hegarty updated the Board to the Architectural Access Board approving the Town's variance request for the to be built recycling center at the Transfer Station.
8. Ms. Hegarty updated the Board to GIS map prepared by Jen Gibbons re: proposed new sub-divisions in Town.
9. The Board took this opportunity to publicly thank the Personnel Board for the work-shops conducted in the last two weeks for Department Heads & employees re: the new Performance Management Training.

NEW BUSINESS:

Chairman Witherow requested if the Board would like to set up a new committee to review the proposed Park St & Main St. intersection proposed by MASDEV. The Committees' charge- to list issues with intersection. Selectman Bresnahan requested the Board develop their own issues for discussion at the 10-29-02 Selectmen's Meeting.

Selectman Fay stated he has developed Committee re: the Veteran's Memorial Plaques and would be coming back to the Board with 1st meeting date of the Committee.

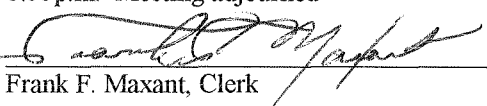
The Board voted not to support the ACEC nomination as it was currently proposed but rather to support a modified or extended ACEC that would cover all areas that are included in both the McPherson Aquifer (Devens North Post) and the Spectacle Pond aquifer areas to protect the town's public water supply. The Board instructed Ms. Hegarty to submit the Board's recommendation to Secretary Robert Durand. Motion made by Selectman Maxant, 2nd by Selectman Fay, VOTE: Selectman Witherow no, Selectman Fay aye, Selectman Maxant aye, Selectman Sullivan aye, Selectman Bresnahan no, 3-2 motion passes.

Selectmen's Questions

1. Selectman Bresnahan reminded the Board, and wishing to go on record to his concern re: corner of Sandy Pond Rd. and Snakehill road area bushes overgrown and hindering view on Town owned land and of citizens walking onto road due to obstruction requesting DPW & Police Chief work together to resolve.
2. SHAVE Program Meeting scheduled for Nov. 15, 2002 at 2pm with volunteers & department heads to review changes to the program guidelines.
3. The Board requested status from Building Inspector re: noise complaint from generator at Town Hall by resident on Newton St..

8:55p.m. Selectman Maxant moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B re: exemptions #1&3, 2nd by Selectman Fay, VOTE: Selectman Fay aye, Selectman Bresnahan aye, Selectman Maxant aye, Selectman Sullivan aye, Chairman Witherow aye. VOTE: unanimous, so moved.

8:55p.m. Meeting adjourned


Frank F. Maxant, Clerk

DATE: 5/9/4