

Selectmen's Meeting  
Tuesday, September 3, 2002  
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, Selectmen Fay, Selectman Maxant, Selectman Bresnahan and Selectman Sullivan.

The Minutes of 8-6-02 & 7-23-02 were read and accepted.

**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 of 9-3-02. Selectman Bresnahan moved the Board approve the Agenda of 9-3-02 as presented, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Agenda Item 1. Advisory Board, re: Role & Responsibility of Advisory Com & Reserve Fund Authorization**

The Board met with Mary Spinner and Pauline Conley. Ms. Spinner stated the issue re: approval of Reserve Fund Transfers had developed when the Committee granted a transfer to the Treasurer-an elected official independent from of the Selectmen's jurisdiction, which was challenged by the Selectmen. Ms. Spinner presented the Board a packet of information re her research of the Town's past policy & by-law, MGL Chapter 39 Section 16-the establishment, tenure, powers duties of the Advisory Board, Chapter 40-Reserve Fund regulations, Article 5 of the Town's By-law from 1917, 1933, 1934, Guidelines for Reserve Fund Transfers, use of the Reserve Fund published by DOR and lastly MMA handbook-Guide to Financial Management. Ms. Spinner stated it was her feeling that Town Counsel misinterpreted the Town By-law/or did not research the Town's past practice re the Advisory Committees powers. Selectman Sullivan suggested the board clarifies by-law at an upcoming Town Meeting. Selectman Fay who raised the issue stated his opposition to the Selectmen being advised they were not needed in the process with present precedent having been to include the Selectmen's approval. Ms. Hegarty advising the Board to Town Counsel stating the Advisory Committee should be defined within Town By-laws. Ms. Conley requested DOR also be contacted. Selectman Bresnahan requested Town Counsel meet with the Board and the Advisory Committee and in the meantime continue to be a shared responsibility with the Selectmen and Advisory Committee re: Reserve Fund Transfers. Ms. Hegarty to contact all parties with date when developed.

**Agenda Item 2. Public Hearing-Amusement License/Sunday Entertainment License-McDonalds'**

The Board met with Sal Napoli, April Sutton, Mark Nesfeder, from NAMCO-vender for children's video games. Chairman Witherow opened the Public Hearing by requesting the Selectmen's Clerk read the legal notice into the record. Selectman Maxant read the notice into the record. Chairman Witherow requested if there were any abutters present wishing to speak for or against the licenses. No one stepped forward. The Board reviewed with Mr. Napoli the Building Commissioners issues re sign violations. Ms. Hegarty informed the Board to Building Commissioner advising her to issues being resolved. Mr. Napoli reviewed with the Board the children's video games to be placed in the "Play Station" a total of 11 video games suitable for children 11 years old and under. The Board reviewed the Sunday Entertainment License with Mr. Napoli specifically hours of operation re: the video games. The Board approved McDonald's Sunday Entertainment License and Town of Ayer Amusement License for eleven (11) video games for children eleven (11) years old and younger requested by Mr. Napoli. McDonalds' Sunday Entertainment License approved for the hours of after 12:00 noon to nine (9:00) p.m. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Agenda Item 3. Public Hearing-Beer & Wine License Transfer/Roux's Liquors, Main St., Ayer, MA**

The Board met with Atty. Timothy Ervin of Gallant & Ervin, Chelmsford, MA and Ambalal Patel present owner and Surinder Bhardwaj buyer. Chairman Witherow requested the Selectmen's Clerk read the legal

Notice into the record. Selectman Maxant read into the record the Legal Notice advertised the weeks of 8-14-02 and 8-21-02 in the Nashoba Publications newspaper. Chairman Witherow requested if there were abutters present, no one stepped forward. Mr. Ervin distributed new copies of the five page ABCC application due to error -All Alcohol License stated on earlier version corrected to read Beer & Wine. Atty. Ervin advised the Board to Mr. Bhardwaj enrolled in an Alcohol Training Class along with his two (2) full-time employees. The Board requested if Police Chief had run background check. Ms. Hegarty informed the Board to local inquires made by Chief but CORI procedures being changed by ABCC now requiring local Board's to inquire. Selectman Sullivan inquired about present signage requesting if Mr. Bhardwaj would be improving; advising Mr. Bhardwaj to Board's present objective targeting the historic downtown area and need for improvement. Mr. Ervin updated the Board to Mr. Bhardwaj's substantial improvements to another business he owns in Chelmsford. The Board requested a CORI background check be conducted and continued the Public Hearing to Tuesday, September 17, 2002, at 7:30pm. Motion to continue Hearing made by Selectman Maxant 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Agenda Item #4. Park Dept.-Pirone Park walkway**

The Board met with park Commissioner Martha Craft and Park Director Marvin McMiller.

Ms. Craft updated the Board to Commissioners researching the use of stone dust for the walkway and MA Office of Disability advised asphalt or concrete better medium requiring little or no maintenance for the walkway advising to stone dust not holding up, rain compromises structure will fall out of ADA compliance. Selectman Bresnahan moved the Board approve the Park Dept.'s request not to exceed \$7,200.00 in UDAG funds to the low bidder Miller Asphalt Paving to complete the accessibility improvements to the rehabbed restrooms at Pirone Park with assurances from the contractor that the walkway would be ADA compliant 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. Selectman Bresnahan requested the Disabilities Commission be contacted to work with the Park Commissioners to ensure ADA compliance.

**Agenda Item #5. Supt. Madigan's Report**

1. The Board met with Supt. Madigan who introduced Tata & Howard representatives present this evening to conduct their research study re: well siting. Jack O'connell, Susan Honeywell and Geosphere Environmental's hydrogeologist-. Potential Water Supply and the evaluation criteria were presented to the Board re: yield, quality, protection, zoning, proximity to system, and condition of site. Three alternative sites were presented: 1. Grove Pond Well #3, 2. Bedrock Investigations-two site being identified: Ayer Gun Club & Pondview Acres owned by Robert Hicks and 3. Bligh St. Well. After a lengthy information presentation Tata & Howard recommended based on the information presented & collected the Town commence with the permitting and design work associated with the development of a third well at the Grove Pond Well Site. Bligh St. not recommended due to number of unknowns associated with the site. Cost estimates associated with the design and construction of a new well, pump station and connecting pipes at the Grove Pond Site estimated at \$375,000.00 with upgrades to the existing treatment facility approximately \$160,000.00. The Board thanked Tata & Howard for coming in and took the matter under advisement.
2. The Board approved a failed Title V Sewer Permit for 21 Oakridge Dr., Ayer, MA. Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Maxant VoTE: unanimous, so moved.

**Agenda item #6. Early Retirement Program-**The Board met with Treasurer Denis Callahan. Present for the discussion Ayer School Dept. employees seeking the retirement incentive. The Board moved to approve the Early Retirement Incentive Program. Selectman Sullivan moved the Board approve the full five year incentive, approve a maximum of eight (8) people to participate-should more than eight apply the final eight (8) to be chosen in order of highest seniority based upon eligible years worked, October 1, 2002 is the date by which retirement application must be submitted to the Town Treasurer, and applicant must retire on December 21, 2002. 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved,

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

1. **Water Ban-**Ms Hegarty updated the Board to the status of the Water Ban
2. **Personnel Board's Performance Management Policy-**Selectman Bresnahan moved the Board vote to accept and implement the Personnel Management Policy and Evaluation Forms, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. Ms. Hegarty advised the Board to the Personnel Board to begin scheduling training sessions with Department Heads and employees.

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3. The Board met with Timothy Hansen from the Office of Community & Economic Development who updated the Board to the FY-03 Funding Rounds for the Town's CDBG. Mr. Hansen presented Shaun Suhoki's recommendation that the Town seek \$700,000.00 in funding in the Fall of 2002 and Spring of 2003, requested funding to include \$522,500.00 in Housing Rehabilitation for an additional twenty housing units advising to new stringent lead paint abatement regulations requiring more money be spent on each rehabbed unit as well as the Town having to hire a Risk Assessor for this lead paint abatement. Another 177,500.00 will be requested for downtown Ayer sign and facade improvements. Mr. Hansen requested the Board's input re: the CDBG application. The Board urged Mr. Suhoski to apply for the max in Block Grant Funds.
4. The Board approved a Change Order for SOM Construction Ent. recommended by the Historical Commission for work on the Pleasant St. School roof in the amount not to exceed \$1,920.00 for new 1/2 " plywood onto the front entrance overhang roof. Motion to approve made by Selectmen Sullivan 2<sup>nd</sup> by Selectmen Fay, VOTE: unanimous, so moved.
5. The Board appointed Selectman Fay to work with the Veterans Agent and American Legion re: long time Ayer residents being recognized on the Vietnam Veterans Monument.
6. Ms. Hegarty updated the Board to Town Accountant Lisa Gabree requesting the Board's input re seeking proposals for the Water & Sewer Rate Study.

**New Business**

The Board set September 5, 2002 @ 4pm for an Executive Session re: Guilford.

Chairman Witherow suggested the Board begin meeting every week dedicating every other week for negotiations until completed.

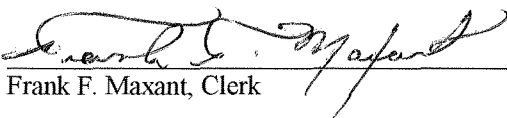
Selectman Sullivan advised the Board to serious problem with trucks unloading products along Main St. and creating a very dangerous situation requesting the Chief look into.

**Selectmen's Questions:**

Selectman Fay requesting status from Advisory Committee re: Attorney General's recommendation.

Selectman Sullivan moved the Board adjourn into Executive Session pursuant to MGL Chapter 39 Section 23B re: Exemption #3 Contract negotiations, 2<sup>nd</sup> by Selectman Fay, VOTE: Chairman Witherow aye, Selectman Bresnahan aye, Selectman Maxant aye, Selectman Sullivan aye, Selectman Fay aye, unanimous, so moved.

10:00p.m. Open Session adjourned.

  
Frank F. Maxant, Clerk

DATE: 10/10/02