

Selectmen's Meeting Minutes

Tuesday, March 19, 2002

Ayer Public Library-lower level meeting room-E. Main St., Ayer, MA

Final

7:00p.m. Site walk in front of Town Hall, Main Street, Ayer, MA re: cannon location.

7:30p.m. Open Session

The Board met with Selectman Witherow, Selectman Fay, Selectman Bresnahan and Selectman Sullivan- Chairman Pena delayed due to prior commitment.

Vice-Chair Jane Witherow opened the meeting. Selectman Witherow requested if there was anyone present wishing to speak under Public Input. Michael Pattenden of 42 Westford Rd., Ayer, MA. to speak to resurfacing of Westford Rd.-due to numerous potholes along Westford Rd. caused by tractor trailer trucks and patches not being sufficient. Ms. Hegarty updated the Board to Supt. Madigan addressing this problem through a memo advising to funding not available this fiscal round for this section of road due to the West Main St., Project and other more areas in town on a higher priority for resurfacing. Supt. Madigan advising to Westford Rd. patching to be continued for this fiscal year and perhaps the next round as well.

Vice-Chair Witherow called for a motion to approve the Agenda as amended. Selectman Fay moved the Board approve the Agenda as amended of 3-19-02, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #2. Joint Appointment: Board of Selectmen & Park Department.

The Board met with Park Commissioners Stephen Khourie, Chairman, and Members: Timothy Taylor and Jeremy Januskiewicz. Present for the vote Martha Craft candidate. Selectman Bresnahan moved the Board of Selectmen appoint Martha Craft to the vacated position of Elizabeth Condon until the next Town Election (April 22, 2002), 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Witherow aye, Selectman Fay aye, Stephen Khourie aye, Timothy Taylor aye, Jeremy Januskiewicz aye, unanimous, so moved. The Board welcomed and congratulated Martha Craft to the Ayer Park Commissioners.

8:00p.m. Chairman Pena entered the meeting.

Agenda Item#3. Volunteers of America-Proposed Tax increment Financing (TIF) Agreement

The Board met with R. Bruce Myers, Chairman, Volunteers of America and Thomas Bierbaum, Chief Executive Officer. Present for the discussion Shaun Suhoski, Economic Development Director.

Mr. Bierbaum presented the Board a graph depicting financing with & without a TIF Agreement. Mr. Bierbaum viewed with the Board community benefits of the 72 unit proposed assisted living residence with 18 units set aside for very low-income, 24 units for low-moderate income and the remaining 30 unit for moderate market rate tenants (15/studio apartments 15 moderate 1 bedroom units). Mr. Bierbaum ran through the two major components of cost with an assisted living facility-**Debt Service** funding from MA Housing Partnership and MassDevelopment-DHCD to include a request through the Federal Home Loan Bank if the project is successful with these options VOA would carry a 60% debt. **Operating Cost** which is expected to come in at \$1.4/ million yr., The Board reviewed with Mr. Bierbaum lease-up period and limited rental flexibility in the affordable rents, staff costs, insurance, utilities & food.

Tax Increment Financing Proposal: Ten (10) year TIF starting with a 100% exemption to be decreased by 10% annually so that at the end of the ten year period the project is at full value. The property is taxed at \$20,010/per year based on the \$965,000 present formula (\$20.74-commercial rate) recent valuation came in at \$375,000 (\$9.85 tax rate). Base Value \$375K-Additional value \$5,500,00 tax rate: \$9.95. Mr. Suhoski added the existing building a 23,600 sq. ft building has been empty for nearly two years and has incurred significant water damage as well as having asbestos and petroleum contamination. The project would alleviate environmental issues and new construction would double the size of the building. The facility would generate 28 new jobs, \$6,000,000 in new value added to the tax base over ten years, expansion of the Town 40B affordable housing inventory, reuse of vacant & environmentally challenged site, generation of \$300,000 in new tax revenue in ten years, local option of affordable housing for seniors of Ayer. Mr. Suhoski recommended his endorsement of the VOA's ten- (10) year TIF presented in there

request dated Selectman Sullivan moved the Board approve a Ten (10) year TIF for Volunteers of America as requested in their letter dated March 18, 2002 subject to Town Meeting approval, 2nd by Selectman Fay, VOTE: Selectman Fay aye, Selectman Bresnahan aye, Selectman Sullivan aye, Chairman Pena aye, Selectman Witherow no, 4-1 motion carries.

Agenda Item #4. Town Administrator's Report

1. **Reserve Fund Transfer-Property & Liability Insurance \$13,800.00.** The Board approved a Reserve Fund Transfer in the amount of \$13,800.00 due to unforeseen premium increases due to lawsuits and residential impacts (water & sewer). Motion to approve made by Selectmen Sullivan 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
2. **Banner Request-**Ms. Hegarty updated the Board to banner request from Nashoba Relay for life rejected do to banner mechanism no longer in place and the Town discontinuing this service. A letter to be sent informing agency of disposition.
3. **MA Highway Local Aid-Chapter 53C-\$62,562.09-** Selectman Bresnahan moved the Board authorize the Chairman's signature on contract applications 2nd by Selectman Fay, VOTE: unanimous, so moved.
4. **No Parking Sign-Hatch St.** set back for more clarification from Police Chief rescheduled for 4-2-02.
5. **Plaque request-Benny Fay-**The Board allowed a plaque to be installed on the bench next for Bookberry in memory of the late Benny Fay by the Bromfield Class of 1938 of Harvard, MA per a request made by Constance McClellan. Motion to approve made by Selectman Sullivan 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
6. **ATM Articles-Fy-03-**Ms. Hegarty advised the Board to Articles being prepared for Public Hearing. Ms. Hegarty requesting the Board to contact her with articles wishing to be included.
7. **BRAC Hearing conflict-**Ms. Hegarty requested the Board set back the opening hour of the 3rd night of the Fy-03 Public Hearings from 7:00p.m. to 8:00p.m. to allow for additional hour for Board to be able to attend both the BRAC Hearing from 6-8p.m and Fy-03 Budget Hearing at the High School. Selectman Bresnahan moved the time change from 7pm to 8pm on Thursday, March 27, 2002, 2nd by Selectman Sullivan VOTE: unanimous, so moved.
8. Ms. Hegarty updated the Board to letter from Library Trustees advising to Library no longer being made available to Town Board's after 8pm due to conflict with closing of the building. Ms. Hegarty to contact the Library Trustees re: this memo and also the School Dept. re meeting room space if necessary. The Board requested the Town Administrator also contact Town Counsel re: status update re: when meetings may resume at Town Hall.

Agenda Item #5. Community Preservation Committee re: Area of Critical Environmental Concern - (ACEC) Presentation. The Board met with Patrick Hughes, Chairman of the Ayer CPA who introduced Edward McInerney representing the Nashua River Watershed. A slide presentation was conducted re the two areas of concern to the Town of Ayer being nominated to fall under ACEC Regulations (301 CMR 12.00) under the MA Secretary of Environmental Affairs to preserve, enhance and restore resources of ACEC those being the Petapwag and Squannassit. Both of these areas having abundance of wildlife diversity supporting rare and endangered species. Mr. McInerney stated the need for ACEC designation due to the natural habitat changing rapidly due to developments and to establish a strategy that will protect the qualities of these areas for future generations. These two areas unique to the region. The Secretary will make a final decision whether to designate or not to designate a nominated area within 60 days of the public hearing. Victor Norman of the Devens Enterprise Commission stated he was present this evening representing MADEV and advised the Board to MADEV not wishing the Enterprise Zone to be included in the ACEC designation. North Post land along the Nashua unique to fish and wildlife a lot of natural resources which should be taken into account. Chairman Pena strongly suggesting the entire Spectacle Pond area including railroad tracks adjacent to the site having tremendous natural resources and urging this area also is considered in the nomination. Nominations to be presented Thursday, March 21, 2002. Once an area is designated it would be beyond power to change. The Board thanked Mr. McInerney for coming in to meet with the Board re understanding the impact to the nominations under the ACEC.

Agenda Item #6. Personnel Board-Compensation Plan recommendations-The Board met with Chief Rizzo, Chairman and members Lisa Wheeler and Ted Hardy. Chief Rizzo opened the discussion by advising the Board to his meeting with Town Accountant-Lisa Gabree re: developing the cost of salary

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increases program requested by the Selectmen depicting the Personnel Board's recommendation, Consultant's recommendation and Personnel Policy's current step/grade increase. Chief Rizzo reviewed with the Board cost impact to each of the three (3) abovementioned recommendations.

Budget Impact scenarios: Consultant H&R Partners: \$69,264
MMA \$26,715
Personnel Board \$52,064-less 3% COLA and distributed 50% July 2002 and 50% Jan. 2003 representing approximately \$26K additional funding

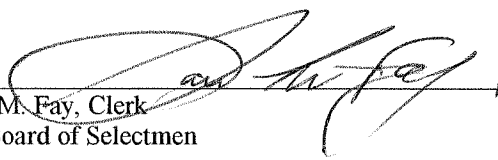
The Board reviewed with the Town Accountant the Free Cash certification-\$187K which corresponds to \$350K more than last year. Capital Expenses not being represented in Fy-03 Budget numbers at this point. Selectman Sullivan moved the Board take this information under advisement, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Chief Fillebrown requested the Board address his salary grade increase prior to voting increases to the compensation plan do to his being locked into a 1.7% increment.

Selectman Witherow questioned why Chief Rizzo recommended Lt. Murray for a Grade 12 in his memo to the Board whereas the Personnel Boards recommendation to the Board was for a Grade 13. The Chief to review his records and get back to the Board.

Selectman Fay moved the Board enter into Executive Session pursuant to MGL Chapter 39 Section 23, Exemption #3 to adjourn to reenter into another Executive Session pursuant to MGL Chapter 39, Section 23b, Exemption #6, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

10:00p.m. Open Session adjourned.


James M. Fay, Clerk
Ayer Board of Selectmen

DATE: 4/16/02