

Selectmen's Meeting  
Monday, May 3, 1999  
Ayer Town Hall, 2nd Floor Meeting Room, Main St., Ayer, MA

7:00p.m. Open Session

The Board met with Selectman Bresnahan, Selectman Sullivan and newly elected Selectman Robert Pena.

1. The first order of business was the welcoming of Robert Pena to the Board of Selectmen by Paul Bresnahan and Connie Sullivan-with that done, Selectman Sullivan moved the Board of Selectman vote to re-organize. Selectman Sullivan nominated Paul Bresnahan to serve as Chairman of the Board of Selectmen and in keeping with the protocol of the Board moved the Board appoint Cornelius Sullivan as Clerk and Robert Pena as Member, Motion 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved. Chairman Bresnahan thanked his colleges for their support.

**Public Input:** Chairman Bresnahan requested if there was anyone present wishing to meet with the Board of Selectmen:

1. Ruth Rhonemus, re: 4<sup>th</sup> of July meeting on Tuesday, May 11, @ 6:00p.m. and encouraging volunteers to contact her or Diana Vita-- help being needed with children's activities, fund raising, etc.

Chairman Bresnahan called for a motion to accept the Agenda of 5-3-99. Selectman Sullivan moved the Board approve the Agenda as amended for 5-3-99, 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.

**Town Crier:** Chairman Bresnahan made the following announcements:

There will be a Special Town Meeting prior to Town Meeting on May 10, 1999. The Special Town Meeting will begin at 6:45p.m. at the Ayer High School Auditorium. The second night for Town Meeting is scheduled for Tuesday, May 11, 1999 at 7:00p.m., the third night for Town Meeting is scheduled for May 17, 1999 at 7:00p.m. and the fourth night, if necessary has been scheduled for May 18, 1999 again at 7:00p.m. all at the High School auditorium.

**2. Atty. Robert Gardner: land of Sculley Rd.**

The Board met with former Town Counsel Atty. Robert Gardner regarding John T. Bresnahan, Trustee of J&A Realty Trust. Chairman Bresnahan recused himself from all discussion re: this matter. Atty. Gardner advised the Board to order from Land Court re: plan of judgement showing the property and structure is partially on Sculley Rd., Ayer, MA which his client is interested in. Atty. Gardner stated he has spoken with clerk at Land Court and was advised that the town does not loose any rights by this judgement and that Land Court only determined the boundaries of the lot shown on the plan and does not address or impact rights of land owners outside the boundaries that are shown on plan and that it will probably be a title issue that will have to clarified by the land owners when and if the land owner sells the property again stating he was advised it will not affect the Town of Ayer's rights. Land Court is requesting a formal response by the Town regarding the proposed judgement within ten (10) days. The Board moved to request present Town Counsel Kopelman & Paige to review and advise how, if at all the towns rights are affected and what action if any the Town should take to protect its interest. Selectman Sullivan moved the motion 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.

**3. Community Development Block Grant Manager's Report:** see report dated 4-30-99

The Board met with Shawn Sukoski.

1. 1998-Community Development Fund: Environmental Review of Funded Activities-The Board approved of Mr. Suhoski publishing the Notice of Intent to Request the Release of Funds (NOIRROF) and to request permission from State to spend funds in the local paper as well as posting on local Bulletin Boards. Motion to approve made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.

Potential Grant Opportunities: Municipal Incentive Grant-MIG Program, DEM Historic Landscape Preservation Grant Program-EOEA Self-Help Reimbursement Program

1. MIG: The Board moved to have Mr. Suhoski submit two (2) grant applications. One under Growth Management/Sustainable Development Strategies for \$35,000 and the

Board met with Mr. Badran re: his background. Mr. Badran stated he owns & operates two gas stations in Boston/one in Kenmore Square and one in Hyde Park. The Board requested if he has ever had a liquor license. Mr. Badran stated no he has never had a liquor license. The Board reviewed with Ms. Bhagat a recent situation that has been brought to their attention by the Town Administrator regarding an employee at the Ayer Exxon Station who was working at the facility who was underaged as agreed to under the restriction placed on the License at the time of approval by the Selectmen. Selectman Sullivan read into the record the restrictions placed and agreed to by Ms. Bhagat into the record. Ms. Bhagat stated she knew nothing of this matter nor did Mr. Badran regarding this employee. The Board requested they meet with the Town Administrator and review the violation with him. The Board took this matter under advisement until June for further consideration.

#### **6. Town Administrator's Report**

1. The Board was advised to letter being received from Town Counsel advising the Town to seek the recommendation of the Secretary of State re: Public Information Requests re: McSweeney Arbitration Award.
2. The Board reviewed the Annual Town Meeting Warrant and requested the following changes be made to the warrant:
  - Article 9-strike out the words Board of Selectmen that appears in line five of the article after meeting with Town Government Committee Members: Jane Witherow and Mary Spinner who felt having the -
  - Board of Selectmen included in this article may intimidate committee members.
  - Article 10-add the words **shall serve** until Spring 2000 Town Election.
  - Article 58-The Board voted to oppose this article.
  - Revolving fund-Ambulance Chairman Bresnahan stated his concerns re: this article if the receipts fall below what has been budgeted for the Ambulance will it shut down the ambulance. After much discussion Chairman Bresnahan requested a written document explaining how service will continue if the revenues estimated don't cover the expenses.
  - Articles 22 & 23 Board voted to support strongly. The Board voted to approve the warrant with the above amendments. Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Pena.
3. Mr. Kreidler advised the Board to meeting with Kopelman & Paige being scheduled for Thursday, May 27, 1999 to meet with all Boards, Committees, & Commissions regarding their Alternatives/options concerning matters which come before them.
4. The Board was advised to Consultant's Meeting for Ridge View Heights being scheduled for May 13, 1999 and of the Planning Board inviting the Selectmen's comments and attendance.
5. The Board approved of Reserve Fund Transfer for the Selectmen's Office in the amount of \$10,000.00 and the Town Accountant's Office in the amount of \$2,100.00. Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.
6. The Board held off the signing of the School Resolution until a new signature page has been prepared for Selectman Pena's signature. This document to be readied for Tuesday May 4, 1999.
7. The Board endorsed the approved Tax Increment Financing Agreement with GMV Trust Fund B d/b/a Page-Moore Realty Trust approved on 4-20-99 with the base valuation \$457,900.00 with the following exemption schedule years 1-5 100% exemption, years 6-10 75% exemption, years 11-15 50% exemption and years 16-20 25% exemption. This document to be prepared with signature block for Selectman Pena.
8. The Board approved of the petition to be circulated by the Chief of Police-Richard Rizzo to area Police Chiefs seeking their support to have legislation enacted by the Com. of Mass. To purchase property at 18 Prospect St, in Ayer to raze the house at that address to create additional parking for use by the Ayer district Court.

#### **New business:**

1. The Board voted not to approve a sign request for St. Andrews re: a spaghetti supper to be placed on the island at Park & Main Streets. The Board requested the Building Commissioner check into what is appropriate under the Town's bylaws.
2. The Board approved of Robert Pena being appointed as the Board's delegate to the Joint Board of Selectmen's Steering Committee. Motion made by Selectman Sullivan, Chairman Bresnahan Stepping down to 2<sup>nd</sup> the motion, VOTE: unanimous, so moved.

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3. Chairman Bresnahan requested the Chief of Police report back on the status of the speed sign at the School Zone being changed from 25mph to 35mph.
4. Diane Sullivan advised the Board to Women's Club being excited about establishing Garden Club and of proposed neighborhood contest re: lawns & gardens contest.
5. The Board approved of Mr.Kreidler making available files re: McSweeney case to Atty. Kesten

**10:30p.m.** Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b Exemption #3 to adjourn to re-enter into another Executive Session pursuant to MGL Chapter 39 Section 23b, Exemption #3 to adjourn from that Executive Session to re-enter into Open Session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved.

-DATE: \_\_\_\_\_

Cornelius F. Sullivan, Clerk

*PD Bresnahan  
Former Clerk  
5/12/89*