

Selectmen's Meeting – **Bresnahan & Conley edits in Bold**
Tuesday, February 7, 2006
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

Present and Attending	
Faye Morrison	X
Cornelius F. Sullivan	X
Pauline Conley	X
Paul D. Bresnahan	X
Frank F. Maxant	X
Shaun Suhoski, Town Administrator	X
Janet Lewis, Secretary	X

Chairman Morrison took this opportunity to congratulate the Ayer Broncos on their Division 1 State Football Championship in American Conference League, which made history for the town as the first team from Ayer to win the State Championship. Selectman Bresnahan handed out certificates to all the players and coaches earlier in the evening under the Town Crier portion of the meeting.

Chairman Morrison welcomed Representative Robert Hargraves to the meeting and announced that Rep. Hargraves would be conducting Office Hours this evening at the Town Hall from 7-8pm.

Agenda Item #1. Public Input

Chairman Morrison requested if there was anyone present wishing to be heard under Public Input. No one stepped forward.

Selectman Bresnahan moved to approve the Agenda as presented, 2nd by Selectman Maxant. VOTE: unanimous.

Agenda Item #2. Minutes

Selectman Conley reviewed with the Board edits of Selectmen's Meetings from 9-20-05, 1-31-06 and 1-17-06 being readied for 2-21-06. Selectman Conley requesting the Executive Session Minutes of the Town Administrator's Contract Negotiations be prepared for presentation and distribution under the Open Meeting Law for public information/consumption.

Agenda Item #3. Town Administrator's Report-

- 1. FY-06 Community Development Block Grant Program** - Mr. Suhoski updated the Board on the 3-29-06 deadline to apply this grant program and of the Public Hearing conducted on 1-25-06 to receive comment re funding activities for the community. Mr. Suhoski updated the Board to Town Department Head Meeting scheduled for 2-20-06 at 10:00am to discuss potential Town projects under this grant. Mr. Suhoski informed the Board their packets contains recommendations for their consideration.
- 2. Lien Subordination Request** - 19 Pine Ridge Drive. Selectman Conley moved to approve the Subordination of the Town's lien conditioned upon a new first mortgage not to exceed \$203K, 2nd by Selectman Maxant. VOTE: unanimous.
- 3. Assistant to the Building Commissioner** – After discussion Selectman Bresnahan moved to appoint Robert Friedrich to the temporary position of "Assistant to the Building Inspector", retroactive from December 6, 2005, terminating June 30, 2006 with the stipulation that Mr. Friedrich not work more than nineteen and a half (19.5) hours in any given week inclusive of all Town positions he holds, 2nd by Selectman Maxant. VOTE: Selectman Bresnahan aye, Selectman Maxant aye, Selectman Sullivan aye, Chairman Morrison aye, Selectman Conley no, motion carries 4-1. The Board requested the Building Commissioner submit a staffing plan for the Building Dept. for the Board's review prior to May 1, 2006.

4. **Dept. of Revenue (DOR) – Opinion re New Fire Station Bid Bond settlement funds** - Mr. Suhoski advised the Board that the Town Accountant received notice from the Dept. of Revenue informing her that the \$24K interest on the judgment in the Eastern General case is considered general fund revenue. Mr. Suhoski asked if the Board wished to reconsider **its February 15, 2005 vote** committing UDAG funds to the new Fire Station since no UDAG funds have been spent to date. **Selectman Sullivan moved to rescind the February 15, 2005 UDAG allocation of \$178K vote**, 2nd by Selectman Maxant. VOTE: unanimous.
- 5 **Fy-07 Budget Status** - Mr. Suhoski advised the Fy-07 Budget Meetings are near completion with the exception of the Library and School Dept. scheduled to meet with the Fin-Com on February 13, 2006. The Assessor's will provide projections for new growth/State Aid in mid-February and the Capital Planning Committee should have capital requests finalized within the end of the month.
6. **MBTA Advisory Board Appointment** - Selectman Sullivan moved to designate Shaun Suhoski as the Town's designee to the MBTA Advisory Board in the absence of the Chairman of the Board of Selectmen, 2nd by Selectman Maxant. VOTE: unanimous.
7. **Kingston Board of Selectmen re Lottery distribution** – Selectman Conley moved to send a letter to the Town's State Legislators requesting them to support eliminating the existing cap on Lottery distributions to cities and towns, 2nd by Selectman Bresnahan, VOTE: unanimous.
8. **Gap Filler V Grant** – Selectman Conley move to accept a \$60,000 de-leading grant from the DHCD for de-leading, with signature of the Chair on the contract, 2nd by Selectman Sullivan. VOTE: unanimous.
9. **Reimbursement - Rick Gilles/MMA Annual Meeting** – Selectman Bresnahan moved to approve \$85.30 in additional funds over the \$250.00 approved on 1-17-06 for Mr. Gilles to attend the MMA Annual Meeting in Boston on 1-13-06, 2nd by Selectman **Maxant**. VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Maxant aye, Chairman Morrison aye, Selectman Conley no. Motion carries 4 - 1.

Agenda Item #4. Supt. Madigan's Report

1. **Water & Sewer Permits** – Selectman Conley moved to approve Water/Sewer Permits for Pond View Estates, Sunflower Court as follows: 1A, Unit 30, 1B-Unit 29, 3A-Unit 31, 32, 33, & 34, 2nd by Selectman Maxant, VOTE: unanimous.
2. **Back-up Wastewater Sludge Services Agreement** - Mr. Madigan presented a request for approval of a contract for backup wastewater sludge services to We Care Environmental (WCE) of Marlborough, MA to provide back up transportation and disposal services for the Town's sludge at a cost of \$275/load for transportation only to Fitchburg WWTF, and \$675/load transportation and \$395/dry ton disposal to WCE's disposal site. Selectman Conley raised concerns regarding adjusted rates as outlined in paragraph 6 on page 3, requesting that the Town receive a 60 day notice prior to new price extension in accordance with the Term outlined on page 1. Selectman Bresnahan urged Supt. Madigan work to implement what Selectman Conley requested re amendments to contract. Selectman Sullivan to approve the contract for the back-up wastewater sludge services agreement presented in a memo dated 1-31-06 from Supt. Madigan, 2nd by Selectman Maxant. VOTE: Selectman Sullivan aye, Selectman Maxant aye, Selectman Bresnahan aye, Chairman Morrison aye, Selectman Conley no. Motion passes 4 - 1.
3. **Wright Way Sewage Pump Station Upgrade Agreement** - Selectman Sullivan moved to approve a contract with David Moulton Inc. for upgrades to the Wright Rd. Sewage Pump Station at no cost to the Town as presented in Supt. Madigan's 2-1-06 Memorandum, 2nd by Selectman Maxant. VOTE: unanimous.
4. **Water Bank Proposal** - Supt. Madigan submitted a proposal for implementing a Water Bank developed by Tata & Howard due to increases in both residential and industrial water demands. The Board took this proposal under advisement.

Agenda Item #5 - Devens Disposition Proposal

Selectman Bresnahan opened the discussion by reviewing the reuse map depicting parcels, roads and buildings in the Devens Disposition area. Selectman Bresnahan updated the Board on the stakeholders working group's sixteen months of discussion and analyses to develop a consensus disposition proposal to be endorsed by all the 6 stakeholders by 2-16-06. Selectman Bresnahan introduced Richard Montouri and Edward Starzec of MADev to the meeting.

Selectman Bresnahan explained that two primary scenarios have been under consideration: 1) Scenario 1A which entails no new town and the land going back to the three host communities of Ayer, Harvard and Shirley and 2) 2B which entails a new Town of Devens with some land (out parcels) going back to the host communities with Ayer getting back North Post.

Selectman Bresnahan presented Ayer's criteria and amendments to be submitted for inclusion in the Memorandum of Understanding.

Selectman Bresnahan offered the following motion: "The Ayer Board of Selectmen favors Scenario 1 and votes no on this Scenario 2B proposal if any other stakeholder votes no. In the absence of any other support for Scenario 1, we hereby support the Scenario 2B proposal and recommend the Devens Disposition Executive Board advance development of the proposal into a Memorandum of Understanding to return to the Board of Selectmen for further action prior to April 6, 2006", 2nd by Selectman Sullivan. VOTE: Chairman Morrison aye, Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no. Motion carries 4 - 1.

Memorandum of Understanding Criteria (see attached proposal dated 2-7-06) *Amendments in italics*

1. Selectman Conley moved to approve item 1, 2nd by Selectman Sullivan. VOTE: unanimous.
2. Selectman Sullivan moved amend item 2 to add: "*a minimum of 20 acres*" of recreation space, 2nd by Selectman Maxant. VOTE: Selectman Sullivan aye, Selectman Bresnahan aye, Chairman Morrison aye, Selectman Conley no and Selectman Maxant no. Motion carries 3 - 2.
3. Selectman Conley moved to amend item 3 to insert "*senior units, subsidized units and/or "over 55" units*" after units and add "*if Ayer so chooses*" at the end of the sentence, 2nd by Selectman Bresnahan. VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Morrison aye, Selectman Conley aye, Selectman Maxant no. Motion carries 4 - 1.
4. Selectman Conley moved to approve item 4, 2nd by Selectman Sullivan. VOTE: unanimous.
5. Selectman Bresnahan moved to amend item 5 to insert "*to applicable statutory standards*" after completed, 2nd by Selectman Sullivan. VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Chairman Morrison aye, Selectman Maxant no. Motion carries 4 - 1.
6. Selectman Bresnahan moved to amend item 6 to add "*and in place, for the wellheads at North Post and Grove Pond*" after developed, 2nd by Selectman Sullivan VOTE: unanimous.
7. Selectman Conley moved to amend item 7 to read "*MADev will work with the Town of Ayer to retain the commuter rail station in Depot Square*", 2nd by Selectman Sullivan. VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Chairman Morrison aye, Selectman Maxant no. Motion carries 4 - 1.
8. Selectman Bresnahan moved to approve item 8, 2nd by Selectman Sullivan. VOTE unanimous.
9. Selectman Bresnahan moved to amend item 9 to read "*and MADev will continue to honor it for property if owns*" after jurisdiction, 2nd by Selectman Sullivan. VOTE unanimous.
10. Selectman Bresnahan moved to amend item 10 to add "*of the Board*" after membership and add "*and will include a majority of Ayer citizens*" after Ayer, 2nd by Selectman Conley. VOTE: unanimous.

AMENDMENTS (6)

1. "The McPherson Well shall service the Town of Ayer, and the North Post, and by the time of completion of the revised Reuse Plan, ownership of the well shall transfer to the Town of Ayer. MADev shall fund rehabilitation of MacPherson Well and required transmission lines." Selectman Sullivan moved to include, 2nd by Selectman Conley VOTE: unanimous.
2. "Ayer will have access and pricing equal to Devens residents for use of Devens recreation facilities." Selectman Bresnahan moved to include, 2nd by Selectman Conley. VOTE: Selectman Bresnahan aye, Selectman Conley aye, Chairman Morrison aye, Selectman Maxant no, Selectman Sullivan no. Motion carries 3 - 2.
3. "Agreement on revised municipal boundaries for Ayer and Harvard in the area south of Grove

Pond must be achieved.” Selectman Bresnahan moved to include, 2nd by Selectman Sullivan. VOTE unanimous.

4. “The pursuit of land “use swapping” proposed to the DDEB by the Town of Ayer is encouraged.” Selectman Conley moved to include, 2nd by Selectman Sullivan . VOTE: unanimous.
5. “MADev will partner with the Town of Ayer in developing any zoning By-law revisions for the North Post.” Selectman Conley moved to include, 2nd by Selectman Sullivan. VOTE: unanimous.
6. “MADev will work with the Towns of Ayer and Harvard to attempt to facilitate acceptable access to the Barnum Road industrial areas **in Harvard.**” Motion made by Selectman Conley, 2nd by Selectman Maxant. VOTE: unanimous 5-0.

Selectman Maxant moved to limit MADev involvement in permitting and have no role over property for which Ayer is to resume jurisdiction, 2nd by Selectman Conley. VOTE: Selectman Maxant aye, Selectman Conley aye, Selectman Bresnahan no, Selectman Morrison no, Selectman Sullivan no. Motion fails 2 – 3.

Selectman Bresnahan moved to accept the Town of Ayer Criteria (10) and Amendments (6), 2nd by Selectman Sullivan. VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Chairman Morrison aye, Selectman Maxant no. Motion carries 4 - 1.

11:57p.m. Selectman Sullivan moved the Board adjourn the meeting, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. Meeting adjourned.

DATE _____

Pauline Conley, Clerk
Ayer Board of Selectmen

3-24-06

Montachusett Regional Planning Commission

1. Copy of the Town of Ayer 2001 Zoning By-laws & Sub-Division Control

1. Town of Ayer By-laws

To be returned to Shaun Suhoski, Town Administrator

11/17
1225
\$50
#230