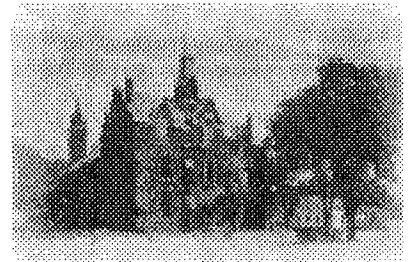


Town of Ayer
Board of Selectmen
Town Hall, First Floor Meeting Room
Ayer Massachusetts, 01432



Tuesday, October 21, 2008

Meeting date: 10-21-08

Present:

Carolyn McCreary, Chairman (Ms. McCreary)	X	Cornelius F. Sullivan, Vice-Chairman (Mr. Sullivan)	X
Richard D. Gilles, Clerk (Mr. Gilles)	X	James Fay, Member (Mr. Fay)	X
Gary J. Luca, Member (Mr. Luca)	X	Shaun Suhoski, Town Administrator (Mr. Suhoski)	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

Meeting Called to order at 7:05p.m.

Public Input-Chairman McCreary requested if there was anyone present wishing to meet with the Board. No one stepped forward.

Selectman Fay requested to address recent fraudulent bank hoax requesting Chief Murray's update. Chief Murray advising to North Middlesex Savings Bank, the Credit Union and Sovereign being compromised by fraudulent telephone hoax. Chief Murray advising the Board to residents receiving over the week-end calls claiming to be from local banking institutions re their personal banking accounts being victimized and requesting their banking information (pin #'s) urging residents to not respond to these calls as they have all been confirmed a sham by the local banks. Chief Murray advising the Board to the FBI involved and will keep Board appraised to developments.

Selectman Sullivan requested to amend agenda of 10-21-08 to add "Hiring Freeze" subject matter. Chairman McCreary added this item after Agenda Item #5. Planning & Development Director's Report.

Chairman McCreary called for a motion to approve the Agenda. Selectman Luca moved the Board approve the Agenda of 1-21-08 as amended, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Chairman McCreary made the Following public announcements:

1. Fall Town Meeting Monday, October 27, 2008 at 7p.m. at the Ayer High School Auditorium, Washington Street.
2. Presidential Election Tuesday, November 4, 2008 at the Ayer Town Hall from 7am-8p.m.
3. Flu Shot Clinic Nov. 13th -Pond St. Senior Ctr. from 11-1pm

Chairman McCreary read into the record the Commonwealth of MA Presidential Election Warrant of November 4, 2008 and called for a vote to approve the warrant as presented by the Town Clerk. Selectman Luca moved the Board vote to approve/accept the Commonwealth's 11-4-08 Election Warrant as read by the Chairman, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #1. Chief William Murray-Halloween Observance in Town of Ayer-Chief Murray announced the Halloween Trick or Treat Hours for Friday, October 31st 2008. Halloween to be observed between the hours of 6:00p.m. and 8:00p.m. Chief Murray reviewed safety and candy tips for parents and urging residents to shut lights off at 8:00p.m. for the safety of children. Chief Murray also updated the Board to a Patrol Officer/s being scheduled for Saturday's Downtown Halloween Festivities along Main St. assisting with traffic control/street crossing of children. Selectman Luca requesting if the Chief would have officers on Main Street/Columbia St. for traffic control during Election voting on Tuesday the 4th of November Chief Murray assuring the Board to police presence/coverage during the day & evening on the 4th

Agenda Item #2. Public Hearing-Earth Removal Renewal Permit-Crabtree Development-The Board met with Steve Mullaney of S.J. Mullaney Engineering and Dick Roper -Crabtree Development. Chairman McCreary opened the Hearing by requesting Selectmen Gilles read the Legal Notice into the record which ran in the Nashoba Publications the weeks of October 3rd & 10th, 2008. Mr. Mullaney advised the Board to this being the 4th renewal permit for Crabtree -- standard criteria re removal of earth, notification process, hours of operation, quantities and traffic route remaining the

name, only change to permit being site name changed to Pingry Hill. Chairman McCreary requested if there were abutters present wishing to speak for or against the application, no one came forward. Selectman Sullivan moved the Board vote to approve the Earth Removal Renewal for Crabtree Dev.-Pingry Hill Sub-division for the period of October 21, 2008 to April 21, 2009, 2nd by Selectman Luca, VOTE: unanimous, so moved.

The Board went off the posted Agenda due to being ahead of schedule and took up Agenda Item #4. Conservation Restrictions.

Agenda Item #4. Conservation Restrictions-Mr. Suhoski advised the Board to Conservation Commission meeting in Shirley this evening and unavailable to present and review the restrictions before the Board this evening. Mr. Suhoski updated the Board to his meeting earlier with Ms. DaSilva-Conte Conservation Agent and briefed the Board to the Commission's endorsement on the restrictions at their October 9, 2008 meeting. Selectmen Gilles moved the Board vote to approve Conservation Restrictions for Orion Park (certified Vernal Pool) and Pond View (7 acres of Conservation land) per the Conservation Commission's endorsement, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Agenda Item #3. Public Hearing-Common Victuallers License-Kentucky Fried Chicken-Change of ownership. The Board met with Brian Stepp of Forest Lake, IL, new owner of Kentucky Fried Chicken, 4 Sandy Pond Rd., Ayer, MA. Chairman McCreary opened the Hearing by requesting the Legal Notice be read into the record. Chairman McCreary requesting if there were any abutters present wishing to speak for or against the petition. No one stepped forward. Mr. Stepp advised to his franchise taking over the restaurant current operation remaining the same. The Board congratulated Mr. Stepp on improvements to facility and for coming in to meet with the Board. Selectman Sullivan moved the Board vote to approve the Common Victualler's License for B.Briley Investments-Brian Stepp d/b/a Kentucky Fried Chicken at 4 Sandy Pond Rd., Ayer, MA 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda item #5. Planning & Development Director's Report-The Board met with Chris Ryan re Fy-09 proposed budget. Mr. Ryan opened by updating Board to Kelley project repair to damaged siding and of funding recovery being sought through the siding manufacturer advising to materials ordered and project proceeding well and project to come in substantially less than \$60K projected. Chairman McCreary addressed film on windows concerns.

Chairman McCreary went off the posted agenda to welcome Representative Robert Hargraves to the meeting advising to the Representative present for Office Hours from 7-8pm at the Ayer Town Hall urging residents to come in to meet with Rep. Hargraves if they have questions/concerns he could help them with.

Planning & Development Director's Report (Cont.)Mr. Ryan presented his proposed Fy-09 Budget request \$179,738.96 representing several pre-approved contracts, ½ of the Director's salary and shares expenses of purchasing services/supplies. Selectman Sullivan reviewed the Town Accountant's UDAG Cash projections drawing the Board's attention to Fy-09 ending cash balance \$1,579,260.00 drastically reduced from Fy-07 balance of \$1,810,590.00 urging the entire \$60K be returned to UDAG from Kelley Building (damaged siding) funding recovery. Selectman Sullivan also expressed his disappointment that IDFA has not been contacted re assisting in funding Economic Development Department. Town Administrator stated discussion has been made with Chairman of IDFA re reducing \$16,863.00 UDAG Subsidy. The Board reviewed working session discussion re IDFA contributing \$16,863.00 from retained earnings to Planning & Development Budget and reducing all special services/options to maintain priority budget of \$37,956.96 Motion to approve made by Selectman Sullivan 2nd by selectman Luca, VOTE: Selectman Sullivan aye, Selectman Gilles aye, Selectman Luca aye, Selectman Fay no, Chairman McCreary no 3-2 motion passes.

Agenda Item #6. Hiring Freeze-The Board implemented a temporary "Hiring Freeze" for all non-essential positions as a stop gap measure, Supt. of DPW not effected by this measure and also requested no posting for current positions unless critical with hiring only to be done by Board of Selectmen. The Board also requested to ask Dept. Heads to cut an additional 4% in their Fy-09 Budgets as a fall back plan to budget cuts at State level. Selectman Gilles moved the Board vote to approve a Temporary Hiring Freeze, until more information becomes available-plan for worst, 2nd by Selectman Sullivan VOTE: unanimous, so moved. The Board requested this information be disseminated at the 11-5-08 Staff Meeting as well as requesting an additional 4% Fy-09 Budget cut. The Board requested Fy-09 Budget reductions from Dept. Heads for their 11-5-08 meeting. Ms. Spinner requested the Board's input re long term spending/Borrowing/Capital items. Selectman Gilles moved the Board not proceed with Capital Spending for this year, and request list of projects and funding spent so far this year also for the Board's 11-5-08 meeting, 2nd by Selectman, VOTE: unanimous, so moved.

Agenda Item #7. JBoS Update-The Board reviewed Ayer's position re success criteria i.e. North Post-development of N.P. re solar energy, environmental -endangered species and McPherson Rd. to push Ayer's Agenda not JBoS .

Selectman Gilles requesting the Board have Town Administrator prepare synopsis-talking points for remittance to JBoS for the Board's review at their 11-5-08 Meeting and focus on two -three issues no more than five. Chairman McCreary offered to prepare talking points for the Board for their review for 11-5-08. Chairman McCreary took this opportunity to request the Board's thoughts re regionalization of services with the Town of Harvard given the economic state of the Town/Country exploring ways to conserve costs while continuing to provide excellent service to residents i.e. DPW this being cost effect driven to help budgets. Chairman McCreary requesting the Board's authorization to submit a letter of interest to the Harvard Board of Selectmen inviting their input re sharing DPW services and management. The Board approved the letter of interest to the Town of Harvard re shared DPW services.

Agenda Item #8. Town Administrator's Report-The Board met with Shaun Suhoski.

1. Water/Sewer Permits-6 Snake Hill Rd. (Crabtree Dev) 1st service-Water/Sewer Permits. Selectman Sullivan moved the Board approve the Water & Sewer Permits for 6 Snake Hill Rd. (Crabtree Dev.) and authorize signature by Chairman 2nd by Selectman Fay, VOTE: unanimous, so moved.

2. Water Bank Status Report-presented the Board current status of Water Bank as calculated by Tata & Howard.

3. Water Main Break-9-3-08 Mr. Suhoski appraised the Board to the cost i.e. repairs -\$9900.00, overtime-\$683.00 associated with this break and the contractor (Prescott) costs re materials \$5,718.36 as well as providing excavator for the entire time along with two (2) laborers to expedite the repair. Mr. Sushoski advising to Town benefits associated with repair now having the ability to shut it down without impacting the entire Town advising now with the contractor improvements the Town can isolate the subdivision without impacting Highland Ave area with future shut downs and 80 feet of old sediment filled unlined cast iron main is now replaced with a new water main and an exact location of this vital water main is now on record which was not known due to age 1887.

4. Catch Basins Bid Award-Mr. Suhoski clarified for the Board the Bid Award of 10-3-08 re Catch Basin Cleaning & Street Sweeping Disposal having only one bidder Brighter Horizons Environmental Inc. and confirming the bid amount coming in at \$29.50/per ton. Selectman Gilles moved the Board vote to award the Catch basin cleaning and street sweeping contract to Brighter Horizons Environmental Inc. for the bid award of \$29.50/per ton, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

5. Postage Meter Lease Agreement-Mr. Suhoski presented the Town Clerk's recommendation for a Lease Agreement with Pitney Bowes for the Ayer Town Hall. Selectman Sullivan moved the Board vote to approve the Lease agreement with Pitney Bowes Agreement in access of \$5K, 2nd by Selectman Luca, VOTE: unanimous, so moved.

6. Public Hearing-Fy-10 Tax Classification -Mr. Suhoski advised the Board to the Board of Assessors preparing documentation for the Board's review re the Fy-10 Tax Classification Hearing. The Board scheduled the Public Hearing for their November 18, 2008 Meeting at 7:15p.m. Selectman Gilles requesting documentation prior to Hearing from Board of Assessors. Selectman Luca expressing his concern re Business rate in Town very high.

7. Grossman's (Old Town Village) sewer abatement-Mr. Suhoski reviewed with the Board on-site water leak (after the meter) and property manager requesting abatement for water/sewer charges in a letter to the Board dated 9-30-08. Mr. Sushoski advised the Board to the Town's Water Rules & Regulations prohibiting abatements where the loss occurs on customers property after the meter due to flows from Town reserves going through private property but by the same logic the lost water was never discharges to the Town's wastewater treatment system and thus an abatement may be granted. Mr. Suhoski advising to the normal sewer usage calculated by the DPW Office Manager for this property being \$913.48 per rate structure for quarter and Fy-09 rate of \$924.13. Selectman Fay recused himself from all discussion and removed himself from the table due to conflict of interest. Selectman Sullivan moved the Board vote to approve a abatement of the sewer use charges only for this account to \$913.48 for the current invoice due 10-24-08 and \$924.13 for the ensuing quarterly invoice, 2nd by Selectman Luca, VOTE: unanimous, so moved (4-0).

8. Administrative Order-Vitasoy U.S.A., Inc.-One New England Way., Ayer, MA-Mr. Suhoski reviewed Paula Boyle, Manager of Howell Tanner Assoc. Administrative Order No. 016 01 08 dated 10-21-08 with the Board re September 2008 violations of their BOD's & TSS to the Town's Wastewater Pretreatment Plant. Selectman Sullivan moved the Board vote to approve and endorse HTA Administrative Order#0160 01 08 Dated 10-21-08 to be sent certified mail #7099 3220 0003 5754 2204 to John Wareham, Manager of Vitasoy USA, Inc. 1 New England Way, Ayer, MA , 2nd by Selectman Luca, VOTE: unanimous, so moved.

9. Snow Plowing Specs. Mr. Suhoski updated the Board to rate of \$15.00/per hour determined for Fy-09 Winter season.

10. Day of Caring-Selectman Fay reminded Board to Shriver Job Corps seeking Town projects for Day of Caring i.e. roadside trash pick-up, site work-old tannery etc.

1. Mr. Sushoski reminded the Board to Annual MA Municipal Conference scheduled for January 22-24, 2009 requesting which Selectmen will be attending: Selectman Gilles, Selectman Fay, and Selectman Luca expressed interest along with himself. Mr. Sushoski reminded the Board to only two Selectmen budgeted to attend conference.

Agenda Item #9. New Business/Selectmen's Questions

Minutes of 9-23-08 approved by Selectman Gilles, 2nd by Selectman Luca for discussion-amended to change Selectman Gilles to Selectman Luca on last page 4th line from bottom re Nashoba Hospital being recognized re hiring seniors to work in hospital nationally.

9:30p.m. Selectman Sullivan moved the Board adjourn the meeting, 2nd by Selectman Luca, VOTE: unanimous, so moved.

9:30p.m. Meeting Adjourned.



DATE: 10-27-08

Richard Gilles, Clerk
Ayer Board of Selectmen