

Town of Ayer
Board of Selectmen
1st Floor Meeting Room, Main Street
Ayer Massachusetts, 01432



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Board of Selectmen Minutes

Meeting date: 09-02-08

Present:

Carolyn McCreary, Chairman (Dr. McCreary)	V	Cornelius F. Sullivan, Vice-Chairman (Mr. Sullivan)	X
Mr. 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 7:15pm by Acting Chairman Sullivan in the absence of Chairman McCreary who is on vacation.

Public Input: Chairman Sullivan requested if there was anyone present wishing to meet with the Board.

1. Bill Principe of 9 Sunflower Ct. addressed the Board re "the Farm" on Westford Rd. a 5 acre parcel at the junction of Westford Rd. and Loon Hill Rd. which Mr. Principe stated was littered with abandoned cars, trucks and trailers as well as assorted lumber, metals and junk and the owner allowing pigs and cattle to graze among the junk. Mr. Principe addressed eyesore & smell to neighborhood. Mr. Principe presented aerial photos of the farm to the Board and well as respectable photos of what a farm and junk yard look like. Mr. Michael Pattenton also addressed the Board re his ongoing plight with farm addressed a few years ago. Mr. Principe requesting input re ACEC area which the farm is located in as well as challenging the Town's Enforcement Officials to enforce the Town By-laws re farm not being taxed as a farm but as a residence. The Board requested the Building/Zoning Officer, Conservation Com., Board of Health and the Police Chief be requested to attend the next Selectmen's Meeting (9-23-08) as well as DEP/EPA re ACEC area input and request Town Counsel's input re ACEC concerns re Mr. Principe's written complaint.
2. Selectman Sullivan advised the viewing public to Representative Hargraves Aide Jeff Wilson present this evening for Office Hours and urging Town residents to meet with Mr. Wilson if they concerns/problems stating Mr. Wilson will be at the Town Hall from 7-8pm this evening.
3. Selectman Sullivan announced the Volunteer Fair to be held at the Ayer Town Hall from 12-3pm in the 2nd Floor Great Hall re vacancies on Town Boards, Commissions, Committees as well as community organizations, churches.
4. Selectman Sullivan announced the Ayer Arts Celebration to be held on Saturday, September 27, 2008 from 10-3 in downtown Ayer with local businesses, arts demonstrations, music, food and children's activities.

Agenda Item #1. Moment of Silence- Selectman Sullivan requested a Moment of Silence be conducted for Thomas Callahan, retired Town Treasurer, who served the Town for 26 years. Mr. Callahan passed away on August 28, 2008. Mr. Callahan was the husband of Town Clerk/Tax Collector Ann Callahan.

Agenda Item #2. Common Victualler's License Public Hearing-Shune Lok Lee for Y.Wg.Shun Inc. d/b/a Jade Pearl Restaurant 210 West Main Street. Selectman Sullivan opened the Public Hearing by requesting the Legal Notice be read into the record advertised in the Nashoba Publications the weeks of August 22 & 29, 2008. Selectman Sullivan requested if there were any abutters present wishing to speak for or against the petition, no one stepped forward. Mr. Lee submitted certified receipts of abutter mailing. Mr. Lee advised the Board to being the new owner for former AhGinWong Restaurant and operating restaurants in Pepperell and Acton prior to coming to Ayer. Selectman Sullivan reviewed criteria of license and advised to Mr. Lee having State Food Handler's License and Nashoba Boards of Health Permit. Restaurant to remain as small eating area and mostly take-out business, Selectman Sullivan called for a motion.

- i. Selectman Gilles moved the Board approve the Common Victualler's License for Y.Wg.Shun d/b/a Jade Pearl for 210 West Main Street, 2nd by Selectman Luca, VOTE: unanimous, so moved. 7:35p.m. Selectman Luca moved to close the Hearing, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #3. Verizon/MA Elec. Pole Petition-Public Hearing-The Board met with Kelley Condon of Verizon re Joint Petition for placement of one new JO pole at Highland Ave., Ayer, MA pursuant to MGL Chapter 166, Section 22. Selectman Sullivan opened the Hearing by requesting the legal notice, advertised by weeks of August 22nd & 29th, 2008 in the Nashoba Publications be read into the record by the Clerk.

Discussion: Ms. Condon advising to pole being moved from driveway on Winthrop Ave. on the left hand side of street due land being sub-divided.

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- i. Selectman Luca moved the Board vote to approve the Joint Petition Verizon 9AC6YU dated August 2008 for Highland Avenue, 2nd by Selectman Gilles, VOTE: unanimous, so moved. 7:50p.m. Selectman Luca Moved the Board close the Hearing, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #4. Margaret Scarsdale-CDBG Program Manager-Program Income Request-The Board met with Ms. Scarsdale, present for the discussion Ed Kelley. The Board apologized to Mr. Kelley for the poor quality of workmanship done to his building and assured Mr. Kelley of their support to rectify situation.

Discussion- Ms. Scarsdale updated the Board to need for a \$60K UDAG Fund transfer to CDBG Program Income for the repairs to Kelley's Hallmark Building (61 Main St.) for overseeing the work. Ms. Scarsdale advising the Board to the office anticipating it would not be utilizing all of these funds due to Vender (Certain Teed's) contribution still being finalized and office would be using all available program income to repay the UDAG Funds.

- i. Selectmen Fay moved the Board approve the transfer of up to \$60K in UDAG Funds to CDBG Program Income for the repairs to the Kelley property 61 Main St., per the Memo dated 8-29-08 from Margaret Scardale and repay UDAG from CDBG Program Income, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #5. Appointments-Fin-Com, CPAC

Selectman Sullivan opened the discussion by stating past precedent of the Board before making appointments was to meet with the individual re position, but due to the Board meeting with all three candidates at various earlier meetings took up the appointments of the following:

1. Community Preservation Act Committee (CPA)- The Board reviewed Alene Reich and Gail Berlinger requests to serve on the CPA advising to receiving Ms. Berlinger's request first.
 - i. Selectman Gilles moved the Board vote to appoint Ms. Berlinger to the Community Preservation Act Committee for the period 7-1-08 to 6-30-11, 2nd by Selectman Luca, VOTE: unanimous, so moved. The Board requested Ms Reich be contacted re Volunteer Fair to be held on 9-13-08 from 12-3 at the Ayer Town Hall and advise her to even though not appointed to CPA she was welcome to attend meetings and participate as citizen.
2. Fin-Com- Mr. Suhoski advised to Town Clerk's Office advising to Mr. Gallagher not being a registered voter which is required under Town Bylaw when he was appointed to Fin-Com on 8-19-08 but since then Mr. Gallagher has taken out the proper papers with the Clerk's Office and requested the Board re-vote Mr. Gallagher's appointment.
 - i. Selectmen Gilles moved the Board vote to appoint Branden Gallagher to the Fin-Com per the request of Larry Keenan, Chairman, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #6. JBoS Devens Jurisdiction-

Discussion- Selectman Luca gave the Board a brief update advising to last meeting very productive. Town of Ayer Fire & Police estimates re service on Devens were distributed to JBoS. MRPC working with Town of Harvard, criteria on Web site. Mr. Luca advising to Devens success criteria submitted and made part of tonight's packets along with Harvard's, Shirley has not submitted criteria to date and the assumption of Devens criteria is that of a Town, all three communities Ayer, Harvard and Shirley share same environmental protection issues. Selectman Luca advising to 9/6/08 Public Hearing with MRPC and Devens residents to review criteria and 9-3-08 meeting with MRPC and Harvard working group to establish clear agenda for 9-27-08 public meeting. Mr. Luca praised MRPC re working with Towns and sharing/assembling information. Mr. Luca advised to revised JBoS meeting schedule to now be on a bi-weekly schedule and all meeting to start at 7:30p.m. and to be held on Devens. Mr. Luca advised to next JBoS Meeting 9-18-08 at 7:30p.m. on Devens. Lastly Selectman Luca advised to Devens residents preference to be made part of only one (1) community i.e. Town of Ayer, Town of Harvard, or Town of Shirley. The Board thanked Mr. Luca for the update.

Agenda Item #7. Town Administrator's Report-The Board met with Mr. Suhoski

1. Water & Sewer Permits-
 - 1" Water/Sewer Service for 22 Howard St. (Twin Valley Homes)
 - 1" Water/Sewer Service for 24 Howard St. (" " ")
 - 1" Water/Sewer Service for 48 Nashua St. (" " ")
 - 1" Water/Sewer Service for 6 John Riley Rd. (J. Giamo)
 - i. Selectman Gilles moved to approve the above recommended water & sewer permits as presented by the Town Administrator, 2nd by Selectman Luca, VOTE: unanimous, so moved.
2. Abatement Request-Horizon Milling-Mr. Suhoski presented Supt. Madigan's Water & Sewer Abatement for Horizon Milling in the amount of \$37,040.68 one half of the total overcharges of \$74,081.36 reflecting water that was being used in product and not going into the Town sewer was flowing through two (2) meters (existing & new) resulting in duplicate billing for the period of June 2004 through June 2007. Mr. Suhoski advising to Horizon and the DPW sharing responsibility for situation and therefore agreed to splitting the over billed amount being justifiable.

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- i. Selectman Fay moved the Board vote to approve Supt. Madigan's recommendation and approve a water abatement be granted in the amount of \$11,683.52 and a Sewer abatement be granted in the amount of \$25,357.16 for a total not to exceed \$37,040.68 per attached memo from Supt. Madigan dated 8-29-08, 2nd by Selectman Luca, VOTE: unanimous, so moved.
3. Tata & Howard Engineering Proposal-Hydraulic Model Update & Capital Efficiency Study-Mr. Suhoski updated the Board to efficiency study by Tata & Howard to update hydraulic water system model estimated at \$40K. Mr. Gilles requesting Water Supply Plan being developed per Chris Ryan be distributed to Board with recommendations highlighted. The Board agreed to wait for the hiring of new DPW Superintendent re input and deferred this to the Spring 2009 Annual Town Meeting. Ms. Spinner updated the Board to timeliness re for the water lines replacement infrastructure, replacing the smaller lines with larger lines made part of the 5 year Department of Public Works Capital Plan.
4. Stormwater Catch Basins-Cleaning Services- Mr. Suhoski presented the Board the Bid Results of bid opening conducted on 8-22-08 advising to two (2) bids received. Mr. Suhoski presented Supt. Madigan recommendation, requesting the bid be awarded to the low bidder Sam's Catch Basin Cleaning of Ashburnham, MA for the bid award of \$12,800.00. This project also included in the DPW's 5 year Capital Plan.
 - i. Selectman Gilles moved the Board approve the Bid Award for the Stormwater Catch Basin Cleaning Services be awarded to Sam's Catch Basin Cleaning of Ashburnham, MA for the bid award not to exceed \$12,800.00 per Supt. Madigan's Memo dated 8-29-08, 2nd by Selectman Fay, VOTE: unanimous, so moved. Town Administrator to check timeline re cleaning and disproportion of bids. Works to commence Spring/Summer 09.

Misc. Mr. Suhoski updated the Board to DPW Highway Dept. commencing night painting this Thursday, 9/4/08, for the next two weeks. Selectman Sullivan reminded Highway Dept. to center line at lower end of Washington St. needing to be off centered per earlier discussions with Chief Rizzo.

Agenda Item #8. New Business/Selectmen's Questions-

Selectman Gilles- Reminder to get letters out to Supt. of Public Works Screening Committee and to include Planning Board member to this committee as a token of spirit of cooperation.

Selectman Fay-Thank you extended to Water Dept. Foreman Rick Linde for coming in on day off to resolve issue re local business.

Selectman Fay-Stated he took issue with recent newspaper article re: Secret Meeting held by Ayer Board of Selectmen re PanAm Clarifying article re briefing session conducted on 8-25-08 At 11:00am at the Ayer Town Hall with PanAm representatives, Federal & State representatives re sitting unloading facility on top of Town's aquifer. Selectman Fay advised to two Selectmen attending session, and no policy/votes taken, no deliberations, no public business. Selectman Fay advising to sight tour of impact area taken and local reporter John Love attending this site walk and taking exception to this article. This was a posted informational meeting with for Federal & State Representatives.

Selectman Fay-Announced he will be attending the Shriver Job Corp Community Relations Council Meeting on 9-19-08.

Selectman Luca-Announcing September as National Preparedness Month and Post Office promoting "Ready Campaign" (Emergency Planning).

Selectman Sullivan-Requesting UDAG Fund update re balances in Principal and Interest from Town Accountant.

Town Administrator advising Board to no need for Executive Session this evening.

8:55p.m. Selectman Luca moved the Board adjourn the meeting, 2nd by Selectman Fay, VOTE: unanimous, so moved.

DATE: _____

9-23-08

Selectman Gilles, Clerk
Ayer Board of Selectmen

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