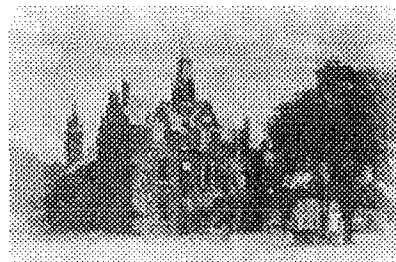


Town of Ayer
Board of Selectmen
1st Floor Meeting Room, Main Street
Ayer Massachusetts, 01432



bos minutes 5-6-08.doc

Board of Selectmen Minutes

Tuesday, May 13, 2008

Meeting date: 05-06-08

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		X

Meeting Called to order at 7:05 pm by Chairman.

Comments: Mr. Luca opened the meeting by welcoming new Selectmen Mr. Gilles and James Fay to the table and taking opportunity to recognize Mrs. Conley and Mr. Maxant for their past service on the Board of Selectmen. Mr. Luca reminding residents to the Annual Spring Town Meeting on Monday, May 12, 2008 and advising residents to warrant mailed out over the week-end and if they did not receive theirs in the mail to stop in at Town Hall for copy.

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

1. Paul Bresnahan re 4th Annual Janis Bresnahan 5K Race for the Ayer Education Foundation to be held on Saturday, May 10, 2008 starting at 8:30a.m. with registration race @ 10:00am.
2. Frank Maxant re wishing to speak re Agenda Item #2 Devens Open Space. The Board to take up when Agenda Item comes up for discussion.
3. Chairman Luca called for a motion to accept the Agenda. Mr. Gilles moved the Board approve the Agenda of 5-6-08 as amended, 2nd by Mr. Sullivan, VOTE: unanimous, so moved.

Agenda Items:

1 Reorganization of the Board of Selectmen

- a. Discussion: Mr. Luca stated per Town of Ayer By-laws the Board of Selectman must re-organize at their 1st meeting following the Town Election and opened the floor for nominations for Chairman, Vice Chairman, and Clerk of the Board of Selectmen.
 - i. Mr. Fay moved to nominate Ms. McCreary as Chairman, 2nd by Mr. Gilles, VOTE: unanimous, so moved.
- b. Discussion: Mr. Luca opened the floor for nominations for Vice-Chairman.
 - i. Mr. Fay moved to nominate Mr. Sullivan as Vice-Chairman, 2nd by Ms. McCreary, VOTE: unanimous, so moved.
- c. Mr. Luca opened the floor for nominations for Clerk.
 - i. Ms. McCreary moved to nominate Mr. Gilles as Clerk, 2nd by Mr. Fay, VOTE: unanimous, so moved.
- d. Mr. Luca took this opportunity to thank everyone for their support stating he enjoyed his year as Chairman.

2 Devens Open Space Plan Vote

- a. Discussion: Mr. Maxant spoke to need of preserving Williard Field portion of Devens.
- b. The Board moved to postpone decision until the next Selectmen's Meeting and request Patrick Hughes be invited to attend. Motion made by Mr. Fay, 2nd by Mr. Luca.
- c. VOTE: unanimous, so moved.

3 Appointments-

a. Community Preservation Act Committee

- i. Discussion: The Board met with Ms. Beth Suedmeyer who gave the Board a brief background and her reasoning for requesting appointment to the CPC. Mr. Sullivan acknowledged Ms Suedmeyer's volunteer services to PACE, Conservation, Clean Lakes etc..
- ii. Mr. Luca moved to appoint Ms. Suedmeyer to the CPC effective through 6-30-09, 2nd by Selectman Fay.
- iii. VOTE: unanimous, so moved.

Town of Ayer

Board of Selectmen Minutes

bos minutes 5-6-08.doc

b. Joint Boards Appointment to the Planning Board to fill unexpired term of Patricia Walsh

- i. The Board met with Planning Board members Peter Johnston-Chair, Mark Fermanian, Steven Wentzel and newly elected member Jennifer Gibbons. Mr. Johnston advised to Planning Board meeting earlier this evening and recommending appointment of candidate Scott Carlisle. The Board welcomed both candidates to the table and requested a brief background and reasoning re their request to serve on the Planning Board.
 1. **Scott Carlisle:** Electrical engineer-drawing/design, experience with building codes & enforcement, lived in Town for 10 years.
 2. **Glen Garber,** planner for thirty years currently in Lexington, MA. Town of Ayer resident for over ten years, worked with Mass Development, teaches graduate Planning course at UMASS, worked on Town's cluster zoning, citizen committees re commuter station.
- ii. Mr. Fay moved the Board vote to appoint Glen Garber to the one year unexpired term of Patricia Walsh until the next annual election.
- iii. VOTE: BOS: Mr. Fay aye, Mr. Sullivan aye, Mr. Gilles aye, Selectman Luca no, Ms. McCreary aye, Planning Board: Mr. Johnston no, Mr. Fermanian no, Mr. Wentzel no, Ms. Gibbons yes, 5-4 motion carries Mr. Garber appointed to Planning Board.

4 Public Hearing

- a. **Common Victueller's License-James Lanttanzi, Lancaster, MA re "Cowboy Jim's BBQ mobile food truck.**
 - i. The Board met with Mr. Lanttanzi. Ms. McCreary opened the hearing by requesting Mr. Gilles read the legal notice into the record. Mr. Lanttanzi gave the Board a brief background of his business and location; truck will be located on Gervais Ford Accessory Lot on Littleton Rd. operating Monday-Sunday from 10:00am to 4:00p.m. Mr. Lanttanzi advised to operating catering service out of Marshall Farm in Lunenburg for cooking kitchen and also in Townsend, MA having all required licensing/approvals from Board of Health/Nashoba Boards of Health and Building/Zoning Dept. Ms. McCreary requesting if there were abutters present wishing to speak for or against petition, no one stepped forward. Mark Fermanian advising to approval from Gervais Ford for site rental.
 - ii. Mr. Luca moved the Board approve the Common Victueller's License for Cowboy Jim's BBQ on Littleton Rd. Gervais Ford's accessory lot, Monday-Sunday from 10:00a.m. to 4:00p.m., 2nd by Mr. Gilles.
 - iii. VOTE: unanimous, so moved.
 - iv. Mr. Sullivan moved the Board to add contingency of license be "Site Specific-Gervais Ford Accessory Lot only", 2nd by Selectman Fay.
 - v. VOTE: unanimous, so moved.

5 Dale Taylor, Chairman-Zoning Board of Appeals

- a. Mr. Taylor stated he was before the Selectmen this evening due to resignations of Patricia Walsh and Jennifer Gibbons from the ZBA and requested the Board appoint Pauline Conley to the ZBA to fill one of the vacated seats.
- b. Motion to appoint Pauline Conley to the ZBA made by Mr. Luca, 2nd by Mr. Sullivan.
- c. VOTE: Mr. Luca aye, Mr. Sullivan aye, Mr. Gilles aye, Ms. McCreary no; Mr. Fay no, 3-2 motion passes. Appointment effective to 6-30-10.

6 Bennett's Brook-Laying out of Road

- a. Mr. Suhoski presented the Board the Street Acceptance Plan for Bennetts Brook, Pingrey Way and Robbins Road prepared by GPR (Goldsmith, Prest & Ringwall, Inc.) of Ayer, MA dated 4-14-08 Plan # pc2789/ 2 of 2 pursuant to G.L. c.82, Sec.21-24 and presented and approved by the Ayer Planning Board on 2-7-08. All land lying within the above mentioned plan (boundaries) is hereby laid out as a town way for filing with the Town Clerk for acceptance by the Town on the 5-12-08 Spring Town Meeting Warrant.
- b. Motion to approve made by Mr. Luca, 2nd by Selectman Fay.
- c. VOTE: unanimous, so moved.

7 Police Chief Vacancy

- a. Town Administrator opened the discussion re notice of vacancy posted for Chief's position internally in accordance with Town's Personnel Policy and two persons applying prior to 4-18-08 deadline: Acting Chief Wm. Murray APD and Lt. Richard Bates of Worcester PD. Mr. Suhoski recommended the Board appoint Wm. Murray to Chief of Police subject to successful contract negotiations. The Board met with Acting Chief William Murray. Present for discussion a large

Town of Ayer

Board of Selectmen Minutes

Bos minutes 5-6-08.doc

delegation of Police Department, town residents, business community, family and friends of Lt. Murray. Lt. Murray gave the Board a brief description of his service to the Town as well as future plans.

- b. Mr. Sullivan moved the Board vote to appoint William Murray to Chief of Police, 2nd by Ms. McCreary.
- c. VOTE: unanimous, so moved. Chief Murray's appointment led to a standing ovation and congratulations by everyone present.

8 JBoS Update

- a. Mr. Luca updated the Board to new plan for disposition; Go forward with historical boundaries (400 homes to be placed on Grant Rd.)-Vicksburg Sq. has zoning issue no homes to be placed there. Mr. Luca reporting that Tina Brooks, State Undersecretary for Housing and Economic Development has stated only 400 additional homes requested and housing is top issue, releasing market study June 8th re this proposal. The Board requested to put working session together with Victor Norman to get up to speed on newly released Devens parcel data. The Board requested to have Board of Assessors put together financials for working session invite Planning Board, Fin-Com, Assessors re presenting accurate revenue stream. Mr. Luca advising to next JBoS Meeting scheduled for 5-22-08 @7:30p.m. The Board tentatively scheduled Thursday, May 29th for working session.

9 Town Administrator's Report

- a. **Motions**
 - i. Town Administrator advising to motion being prepared in order of table-Chairman, Vice-Chair, Clerk, Member, Member unless otherwise advised to.
- b. **Water/Sewer Permit**
 - i. Lot 8 John Riley Rd. (J. Giamo)
 - a. Mr. Sullivan moved the Board vote to approve a 1" water & sewer permit for a 4 bedroom house per Supt. Madigan's recommendation of 5-2-08, 2nd by Mr. Luca.
 - b. VOTE: unanimous, so moved.
- c. **Crosswalk selection (color)** The Board reviewed the paint color selection.
 - i. Mr. Gilles moved the Board vote to support Supt. Madigan's recommendation for the brightness and most durable yellow, 2nd by Mr. Luca VOTE: unanimous, so moved.
 - ii. The Board also requesting Supt. Madigan look into paint that is less slippery as well as touch base with Chris Ryan re Traffic Calming Study for Main Street re timing to avoid repainting different markings required by study, but not let this request effect public safety.
- d. **Permit Tracking Software**
 - i. Mr. Suhoski presented the recommendation of vendor re the permit tracking software re MGL 43D Expedited Permitting in Mr. Ryan's absence. Mr. Suhoski advising to deadline established the Town must provide evidence to MA Permit Regulatory Office re selection/contract of vendor for project.
 - a. Mr. Gilles moved the Board enter into a contract with Tyler Technologies of Falmouth, ME re Munis Permit #667 & Code Enforcement dated 4-15-08 not to exceed \$49,304.00. 2nd by Mr. Sullivan
 - b. VOTE: unanimous, so moved.
 - c. Mr. Sullivan moved the Board execute the Grant Agreement with Executive Office of Community Dev. in the Amount of \$100K and authorize the Chairman's signature, 2nd by Mr. Gilles.
 - d. VOTE: unanimous, so moved.
- e. **Planning & Development Budget**
 - i. Set back for next Selectmen's Meeting
- f. **Subordination Agreement**
 - i. Mr. Suhoski updated the Board to subordination request re 52 Grove St. The Board set this back pending clarification re title position with financier.
- g. **Miscellaneous**

Town of Ayer

Board of Selectmen Minutes

bos minutes 5-6-08.doc

- i. Mr. Sushoki presented the Board a draft copy re comments to Spence Smith re Feb. 2008 Supplemental Environmental Assessment Construction of Armed Forces Reserve Center, Devens, MA which included revisions and two (2) new paragraphs: encouraging the project to comply with most stringent of environmental and development requirements under federal EPA, state DEP, Town of Ayer or Devens Regional Enterprise Zone regulations applicable to the site and the Town reserves its right to offer additional comment up to May 18 through the Dept. of Public Work, Town Administrator, or other local authority which are to be incorporated within. Mr. Gilles moved the Board approve and endorse the letter dated 5-6-08 as presented by the Town Administrator so stated above, 2nd by Mr. Sullivan VOTE: unanimous, so moved.

10 Selectmen's Questions/New Business

- a. The Board requested sidewalk discussion be placed on next Selectmen's Agenda re petitions received and promoting walking.
- b. Mr. Gilles updated the Board to CPA Committee distributing the Community Preservation Plan for Fy 09-13 at Town Meeting and recommendations re implementing Ayer's CPA Open Space Preservation Goals.

11 Minutes of 4-1-08, 4-8-08, and 4-15-08

- a. Mr. Sullivan moved the Board approve the minutes as presented 2nd by Ms. McCreary who referenced edit to 4-15-08 minutes 2nd page re Veteran's Agent appointment having no 2nd which was clarified and corrected.
- b. VOTE: Mr. Sullivan aye, Mr. Luca aye, Ms. McCreary aye, Mr. Fay aye, Mr. Gilles abstained 3-2 motion passes.

9:10p.m. Mr. Luca moved the Board adjourn the meeting, 2nd by Mr. Sullivan VOTE: unanimous, so moved

DATE: _____

Mr. Gilles, Clerk