

Selectmen's Meeting

March 4, 2008

Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

Meeting recorded by AYERPAC made part of meeting minutes-CD available for viewing by written request to Town Administrator or by purchase from AYERPAC directly.

Present

Gary J. Luca, Chairman	X
Carolyn McCreary, Vice-Chairman	X
Cornelius F. Sullivan, Clerk	Absent-death in family
Frank F. Maxant, Member	X
Pauline Conley, Member	X
Shaun Suhoski, Town Administrator	X
Janet Lewis, Secretary	X

7:05p.m. Public Input- Chairman Luca opened the meeting by requesting if there was anyone present wishing to meet with the Board under Public Input:

1. Hugh Ernisse re Parking Ticket and Town records request.
2. Town Administrator re Planning Board favorable of accepting Bennett's Brook as Public Way to be presented at Selectmen's 3-18-08 Meeting.
3. Pauline Conley newspaper article re Nashoba Valley Medical Ctr. downsizing plans. The Board to take this matter up later in the evening under the Town Administrator's Report as item #4..

Chairman Luca called for a motion to accept the Agenda. Selectman McCreary moved the Board vote to approve the Agenda of 3-4-08 as amended, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

1. Mr. Ernisse advised the Board to receiving a Parking Ticket violation on 2-23-08 which involved having his vehicle towed from driveway of Ayer High School in violation of Parking Ticket #21 Winter Parking Ban. Mr. Ernisse requested copies of the Town's Parking Regulations. Mr. Ernisse stated he made similar requests to Town Hall Offices and the Police Chief advising to being informed to the Town adopting Parking Regulations back in 1932. Mr. Ernisse closed by offering his service to the Town to help resolve the issue.

Agenda Item #1. April 28, 2008 Town Election Warrant Signing-Chairman Luca read into the record the 4-28-08 Election Warrant. Selectman McCreary moved the Board vote to accept the 4-28-08 Election Warrant as presented, 2nd by Selectman Conley VOTE: unanimous, so moved. The Board announced the 4-28-08 Election will be held at the Ayer Town Hall from 7:00a.m. to 8:00p.m. and the Spring Town Meeting to be held on May 12, 2008 at 7:00p.m. at the Ayer High School.

Agenda Item #2. March 24, 2008 Special Town Meeting-Town Administrator Shaun Suhoski updated the Board to the DPW Union settling contract and by statute the Town has thirty days to accept thus the need to call a Special Town Meeting. Mr. Sushoski advising to warrant having only one (1) article to fund the three (3) year contract and awaiting the dollar amount of the article to be inserted by the Town Accountant tomorrow (3-5-08). Mr. Suhoski advising the Board to warrant available for the Board's signature this evening with 2nd page of warrant to be inserted with dollar amount provided by Town Accountant. Selectman Maxant moved the Board open the Special Town Meeting Warrant for sole purpose of funding the DPW Contract, 2nd by Selectman McCreary, VOTE: unanimous, so moved. Chairman Luca read into the record the Special Town Meeting Warrant. Selectman Conley moved the Board approve the STM Warrant as currently presented with dollar amount to be inserted by Town Accountant Lisa Gabree prior to posting, 2nd by Selectman McCreary, VOTE: unanimous, so moved. Selectman Conley moved the Board close the 3-24-08 Special Town Meeting Warrant, 2nd by Selectman Maxant VOTE: unanimous, so moved.

Agenda Item #3. Public Hearing-Class II License-Jason Goldthwaite-8 Bryan Way, Ayer, MA-set back to later in the evening. Hearing advertised for 7:30p.m.

Agenda Item #4. Supt. Madigan's Report-the Board met with Supt. Michael Madigan

1. **Highway Department Appointment-**Supt. Madigan recommended the appointment of Derek Schwartz to the Highway Department's vacant Equipment Operator's position effective 3-5-08. Selectman Conley moved the Board approve Supt. Madigan's recommendation of 2-28-08 and appoint Derek

Schwartz to the Highway Dept.'s Equipment Operator's position effective 3-5-08 contingent upon Mr. Schwartz obtaining all licenses required of position and subject to a six (6) month trial period, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

- 2. Headworks Loading Analysis-Wastewater Treatment Facility-Supt.** Madigan reviewed with the Board Hoyle Tanner's loading analysis for the Town's Wastewater Treatment Facility. Supt. Madigan advised to the purpose of the analysis required by the National Pollutant Discharge Elimination System permit is to determine maximum allowable Headworks loading for the WWTP for priority, conventional and organic pollutants that might be discharged to the WWTP in sufficient amounts to cause problems in the collection system or jeopardize workers. The pollutants recognized: BOD's, TSS, Zinc, Copper and Phosphorus. Supt. Madigan advised the Board to the amount of septage received by the WWTP has been increasing the last few years which will cause the newly upgraded WWTP to age prematurely, for this reason Headworks loading Analysis recommends a maximum daily limit of septage of 9K per day. Supt. Madigan reviewed with the Board the following seven (7) operating procedures for adoption: (see attached) **1.** Septic receiving start/stop time Monday-Friday, **2.** Septic to be received only from Ayer, Acton, Boxborough, Groton, Harvard, Littleton, Lunenburg, Pepperell, Shirley, Townsend and Westford. **3.** maximum of 9K gallons per day of septage will be received, **4.** Septage received on first come, first serve basis up to 9K gallons per day, **5.** Septage haulers to call WWTP for approval prior to unloading their trucks, **6.** Information to be collected from each hauler before unloading-name, address, tel.#, numbers of the waste generators and septage hauler, **7.** Septage to be received only at designated septage receiving station. Selectman McCreary moved the Board vote to accept the Operating Procedures & Restrictions on the total amount of septage allowable at the WWTP outlined by Supt. Madigan in a memo dated 1-17-08 2nd by Selectman Conley for discussion requesting a friendly amendment advising to HTA advising to need of a Public Hearing for presentation to the SIU's necessary and approval by Town Meeting. Amendment accepted to include subject to conducting a Public Hearing and adding a Warrant Article on the Spring Town Meeting Warrant for approval by the Town, VOTE: unanimous, so moved.

- 3. Stormwater By-laws Public Hearing-Supt.** Madigan advised the Board to Stormwater Bylaws Public Hearing scheduled for Thursday, March 20, 2008 at 7:00p.m. at the Ayer Town Hall-1st floor Meeting Room. Supt. Madigan stated a 2nd Public Hearing is planned for mid April on a Saturday morning. The Board requested Supt. Madigan place the By-laws on the Town's Web Site and to work with the Communications Committee re this request. Selectman Conley took this opportunity to congratulate the Highway Dept. on the recent snow storm. Selectman Conley stating she personally heard the professional organization of the Highway Department under the direction of David Kidder and Doug Jaspersen both taking the time to inform residents not to place snow on sidewalks.

Agenda Item #3. Public Hearing-Class II License-Jason Goldthwaite-8 Bryan Way, Ayer, MA

No show. Selectman Conley moved to open the Public Hearing for the Class II License petition by Jason Goldthwaite for 8 Bryan Way, Ayer, MA pursuant to MGL Chapter 140 advertised 2-29-08. Selectman Conley read Legal Notice into the record, 2nd by Selectman Maxant VOTE: unanimous, so moved. Selectman Conley moved the Board continue the Public Hearing to 3-18-08 at 7:15p.m. 2nd by Selectman Maxant VOTE; unanimous, so moved.

Agenda Item #5. JBoS -Devens Update-Chairman Luca opened the discussion by advising to JBoS requesting a letter be sent to Tina Brooks, Undersecretary of the Dept. of Hous. & Community Dev. Inviting her and the state legislature team to the March 27, 2008 JBoS meeting on Devens re receiving information re the Commonwealth's housing proposal. Chairman Luca stated once sufficient detail is known the JBoS can solicit feed back from their respective Towns. Specifically the JBoS seeks more information re the specific number of housing units sought, means by which the housing cap under Chapter 498 is to be

amended, location of additional phases of housing, future of buildings in Vicksburg Sq., funding from the state re roadway to integrate Devens with Harvard, Master Plan incorporating housing beyond 682 units, absorption analysis of the three surrounding Towns re housing stock currently available to meet demands of workforce housing, effect on values and housing starts within the three sounding towns, will total of affordable housing units exceed 10% under MGL 40B, will state support percentage of additional units to be age-restricted. Kinch to circulate draft letter for JBoS reps to look at with signature by Chair.

Agenda Item #6 Town Administrator's Report

1. Draft Fy-09 Budget-Mr. Suhoski to place draft in Board's mailbox-still looking for revenue projections. Mr. Suhoski advising to draft letter re Casino revenue being prepared re legislative support adoption of a joint resolution on state aid that would fund the Lottery aid, additional assistance and Chapter 70 in the Governors proposal and that there be no linkage to the Governor's casino plan. The Board on another matter discussed the disparity of Chapter 70 Education aid with many nearby communities who are receiving much higher increases over Ayer's 3.8 boost. (Acton 18.1%, Littleton 23%, Westford 10.9%) requesting the Town Administrator write a letter to State Reps requesting their support that the Town of Ayer receive equal consideration. Selectman Conley suggesting the Fin-com and School Com. write separate letters to reinforce united front. Fin-Com member Mary Spinner urging the Board look into success of communities taxing utility companies.

- Selectman Conley reminding the Selectmen to their not meeting on March 5, 2008 and suggesting the Board meet on 3-19-08 at 7:30p.m. with Dept. Heads re Fy-09 Budget Workshop prior to the 3-25-08 Fy-09 Budget Public Hearing.
- Mr. Suhoski presented the Board Special Town Counsel' written updates re Waters/Maher litigation.
- Mr. Sushoski updated Board to their vote on 2-26-08 re establishing an Advisory Com. to oversee the implementation of MGL C43D re the Nashoba Valley Medical Ctr. each board to Select their own member: Selectman, Planning Board, ZBA, ConCom, Board of Health, Fire Dept., Citizen and one member of Business Community. Town Administrator to check on letters of interest being sent out by Chris Ryan.

MISC.

Town Accountant Reclassification-Mr. Sushoski advised the Board to email received from Lisa White advising to the Personnel Board voting unanimously to classify the Financial Manager/Town Accountant Job Description at Grade 14 in the Town's compensation plan. Advising the Board to their having thirty (30) days to approve the classification or request additional information from the Personnel Board. Mr. Sushoski also advising to the Town Accountant requesting agenda time on the 3-18-08 Selectmen's Agenda re her personal services contract. Selectman Conley moved the Board vote to accept the Personnel Board's recommendation re Town Account/Financial Manager job description to Grade 14, subject to the availability of funds 2nd by Selectman Maxant. Ms. Spinner of the Fin-Com questioning where funds are coming from stating you don't approve a Reserve Fund Transfer to approve a raise stating request to approve grade change should take place in new fiscal year not now. Further discussion was held re new position/classification. Chairman Luca called for a vote: Selectman Conley aye, Selectman Maxant aye, Selectman McCreary no, Chairman Luca aye, 3-1 motion passes.

- Bennetts Brook-Mr. Suhoski advised the Board to Planning Board supporting residents request for road acceptance advising to this road acceptance being placed on the Spring Town Meeting Warrant.
- 75-25% Health Insurance Buy-out Program Mr. Suhoski reviewed with the Board the purpose of the buy-out program which has proven successful in the Town of Shirley is to reduce the Town's liability for group health insurance costs in the upcoming fiscal years. Employees who

participate to receive **single payment based on their current plans enrollment** provided they provide proof of insurance from another source.

Employees that are eligible and enroll in the program will receive the following:

Family Plan Buy-out- \$5K/per fiscal year (prorated)

Individual Plan- \$2,400 per fiscal year (prorated)

Selectman Conley requesting why give money if individual is not on Town's Health Ins.

Selectman Maxant urging not to set up situations to encourage Union start ups.

Nashoba Valley Medical Ctr.-Selectman Conley advised to paper announcement re Hospital downsizing project to remodeling and of her receiving calls from townspeople re TIF

Agreement. Selectman Conley advising to conversation with Steve Roach CEO who offered to Come to the 3-18-08 Selectmen's Meeting to advise to Hospital founders wishing to save as much of the hospital as possible, and no change to 43D. Chairman Luca also advising the Board to his discussions with Essent Health Care's Senior Vice-President who stated hospital is still working with architect re new facilities i.e. Operating room, hospital rooms. Selectman Maxant applauding maintaining plans for re-use of facility. Ms Spinner also noting cost of equipment very expensive as well as hospital billing on 3rd party non-payments also possible contributors to downsizing project. Chairman Luca stating TIF may need to be modified/recertified.

Truck Traffic-Sandy Pond Rd.-Selectman McCreary advised to residents complaining about truck traffic on Sandy Pond Rd. re speed and turning requesting additional police surveillance and urging Town push State to upgrade intersection to accommodate truck traffic. Ms. Spinner reminding Board to meeting in 2004 with Town of Littleton officials and funds re upgrade understood to be placed into Transportation Bond Bill, and state dropping ball. Town Administrator to follow up with Littleton Administrator & request Ayer Police Dept. to monitor speed on Sandy Pond Rd. Selectman Conley requesting if any new studies done & data available.

Agenda Item #7 Selectmen's Questions/New Business-Minutes of 1-8-08, 1-22-08, 2-12-08

Selectman Conley moved the Board vote to approve the Selectmen's amended minutes of 1-8-08 and 1-22-08, 2nd by Selectman McCreary, VOTE: unanimous, so moved. The Board deferred the 2-12-08 minutes to their next meeting.

Chairman Luca advising to the Pleasant Street School Senior Living Project being approved by the State and now awaiting release of HUD funding for 22 units. Chairman Luca advising to timeframe of build being one year for completion.

9:00p.m. Selectman McCreary moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B, Exemption #3, re strategy with respect to litigation and strategy with respect to Collective Bargaining, to adjourn from Executive Session to re-enter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Maxant, VOTE: Selectman McCreary aye, Selectman Conley aye, Selectman Maxant aye, Chairman Luca aye, unanimous, so moved.

9:00p.m. Open Session concluded.


Cornelius F. Sullivan, Clerk

DATE: 4-15-08

AYER BOARD OF SELECTMEN