

Selectmen's Meeting

February 26, 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	Absent vacation
Cornelius F. Sullivan, Clerk	X -Entered meeting at 7:10p.m.
Frank F. Maxant, Member	X
Pauline Conley, Member	X
Shaun Suhoski, Town Administrator	X
Janet Lewis, Secretary	X

7:06p.m. Public Input- Chairman Luca opened the meeting by requesting if there was anyone present wishing to meet with the Board under Public Input: No one stepped forward.

Chairman Luca – Town & DPW Union Settling Contract Announcement.

Selectman Maxant-Police Awards Ceremony on Wednesday, Feb. 27, 2008 at 6pm at the Town Hall public invited.

Chairman Luca called for a motion to approve the Agenda. Selectman Maxant moved the Board vote to approve the Agenda as amended, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Chairman Luca took this opportunity to announce the Town and DPW Union settling three year contract agreeing upon COLA increments of 2%, 3%, & 4% over the next 3 year period and implementing 75% (Town) 25% (Union) split on Healthcare. Chairman Luca thanking the DPW for spirit of cooperative put in by DPW Union working with Town on these serious issues. Selectman Conley requesting to timing on Joint Press Release and informed by Town Administrator to press release having been issued.

p.m. Selectman Sullivan entered meeting.

Agenda Item #1. Montachusett Joint Transportation Committee Appointment-The Board met with Pauline Hamel who expressed her desire to be Town's representative to serve on this committee. Selectman Sullivan applauding Ms. Hamel for volunteering her services being a former Selectman and a great advocate for this position. Selectman Conley moved the Board vote to appoint Pauline Hamel to the Monachusett Joint Transportation Committee, 2nd by Selectman Maxant, VOTE: unanimous, so moved. Selectman Maxant calling upon former municipal government alumni to step forward to contribute their knowledge and experience to help out the Town fill some of the vacancies on various Town Boards, Committees and Commissions.

Agenda Item #2. Park Commissioner's Appointment-The Board met with Park Commissioner Timothy Taylor, Park Dept. Director-Jeff Thomas and Park Dept. Coach Jason Mayo. Mr. Taylor stated due to the resignation of long time Commissioner Bert Gibson the Park Commissioners requesting the Board appoint Jason Mayo to fill the unexpired term of Mr. Gibson until the next Town Election in April 08. Selectman Conley moved the Board vote to appoint Jason Mayo to the unexpired term of former Park Commissioner Bert Gibson until the next municipal election in April 2008, 2nd by Selectman Sullivan, VOTE: unanimous, so moved. Selectman Maxant questioning joint vote of two boards re appointment and advised by Town Administrator of Park's Commissioners meeting earlier to vote the appointment of Mr. Mayo and Selectman Sullivan confirming action taken by both Boards acting in good faith to fill vacant seat. The Board requested a letter of appreciation be submitted to Mr. Gibson for his years of service to the Park Dept. Mr. Taylor took this opportunity to publicly thank Mr. Ryan, Margaret Scarsdale and Mr. Thomas for their assistance to the Pirone Park under the Town's Transit Funding re remediation project. Mr. Ryan to look into seeking future grant funding re other projects at the Park.

Agenda item #3. Director of Planning & Development Report-The Board met with Chris Ryan, Planning & Development Director. Present for the discussion John Wagner, Architect, Weston & Sampson, Foxborough, MA re Downtown Studies: access and Circulation Study for Commuter Rail and Traffic Calming.

1. **Traffic Calming-** Mr. Ryan advising this study is in response to the ongoing concern of downtown merchants. Mr. Ryan reviewed with the Board speed reducing asphalt platforms designed for both entrances

to the Downtown Business District. The scope of work included the identification of the various feasible alternatives for traffic calming, the identification of the most appropriate locations and types of measures to be utilized including the temporary construction of certain measures the DPW could undertake involving placing markers or obstructions on pavement surfaces. Cost associated with this measure estimated at \$9,500.00. Selectman Maxant moved the Board adopt the Traffic Calming Study of Downtown Ayer presented by Weston & Sampson as described in a Memo dated 2-22-08 from Chris Ryan in the amount not to exceed \$9,500.00, funds to come from Program Income under the Town's CDBG Grant 2nd by Selectman Sullivan VOTE: unanimous, so moved.

2. **Access & Circulation Study**-Phil Berry spoke to this issue and why he supported the project. Mr. Ryan advising the Board to this project proposal is to identify optimal links between the rail trail site and the Central Ave. site with downtown pedestrian pathways to Depot Square via existing right-of-way, crossings of Main Street linking to Depot Sq. Mr. Ryan stating this included the reorientation and parceling of the Depot Square parking area including the transfers of land and land purchases and demolition for the purpose of ingress/egress and site circulation. Mr. Ryan advising to this data would provide MART with sufficient confidence that these two selected locations will have adequate pedestrian access along with access to the Depot Sq. parcel which has been a concern of MARTS. Selectman Conley expressing her concern to Town spending money on a MART project. Mr. Ryan presented eight (8) bullets for the Board's consideration re access & circulation:

- Identify specific routes from each proposed hybrid solution site to Depot Square parcel
- Identify the ideal location for pedestrian easement to cross the Depot Sq. parcel
- Provide preliminary design of the easement to include width, pavement, stripping, safety & separation measures and landscaping.
- Propose pedestrian improvements to the easement between the rail trail site & Main St. crossing
- Identify options (with cost estimates) for crossing Main St. & recommend preferred option
- Coordinate crossing options with traffic calming measures
- Identify a preferred Depot Sq. vehicular site circulation route for passenger drop-off and optimal ingress/egress to & from site to minimize traffic flow on Main St.
- Optimize parking & traffic lane layout of Depot Sq. site to maximize parking, create separation between public & commuter parking to include handicap parking and private parking dedicated to specific business establishments.

The Board after a review stated their concerns and questions i.e. Selectman Conley re only two sites MART was considering Depot Sq. Triangulation and the rail trail questioning Hybrid on Central Ave, fifth bullet re grade level/above/below/covered re pedestrian walk-way. Central Ave site accommodating handicap and route to be taken (sidewalk, shuttle) to Depot Sq. Selectman Sullivan moved the Board vote to accept the proposal by Weston & Sampson presented by Chris Ryan in a memo to the Board dated 2-21-08 for a Access and Circulation Study in the amount not to exceed \$13,500.00- funding from CDBG-Program Income 2nd by Selectman Maxant, VOTE: Selectman Sullivan aye, Selectman Maxant aye, Selectman Conley aye, Chairman Luca Recused himself due to conflict of interest, 3-1 motion passes. Mr. Suhoski took this opportunity to advise the Board to the Planning & Development Department seeking a \$10K economic development seed grant from the North Central MA Development Corp. to offset the total cost of these projects.

MGL 43D Next Steps Recommendations-Mr. Ryan updated the Board to his recommendations regarding moving forward on MGL 43D re officially appointing a single point of contact-responsibilities to be developed in more detail over the upcoming weeks as well as an Advisory Group to oversee the effort. Selectman Sullivan moved the Board vote to appoint Chris Ryan the Director of Planning & Development as the MGL 43D Single Point of Contact (SPOC), 2nd by Selectman Conley for discussion requesting a friendly amendment to insert in the motion "for the Nashoba Valley Medical Ctr. expedited permitting application" amendment accepted. VOTE: unanimous, so moved.

Advisory Group-The Board moved to approve Mr. Ryan's recommendation to appoint an advisory group to work with the Selectmen & consultant to coordinate process & procedures re MGL C 43D, Application oversight & function, report back to the Selectmen on an as needed basis to advise how the program is working. Selectman Sullivan moved the Board vote to create and a 43D Advisory Group to oversee the effort re the Nashoba Valley Medical Ctr. project made up of the following representatives: member each from the Board of Selectmen, Planning Board, Zoning Board of Appeals, Conservation Commission, Board of Health, Fire Dept., one citizen and one member from the business community, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #4. Town Accountant-The Board met with Lisa Gabree, Town Accountant. Selectman Conley moved the Board forward the Job Description to the Personnel Board for review and classification and incorporation into the Town's Compensation Plan, 2nd by Selectman Maxant. Selectman Sullivan stating his review of the Job Description goes above and beyond what is needed for the Town of Ayer and not included in DOR description that springboard well beyond what a Town Accountant is or does, and does not see the need for the Town of Ayer to having a Chief Financial Officer. Selectman Sullivan also stated his objections to advised on financial management matters, directing the financial management program, supports the Treasurer in developing borrowing strategies that had been added by the Fin-Com. Selectman Sullivan advised the Board to his speaking with the Treasurer who stated he leans on the Accountant for data but could not identify strategy or policy development adding also to words technical and professional financial advisor are not statutory duties of the accountant. Selectman Maxant moved the Board vote to remove "Chief Financial Officer" from the 1st sentence of the Job Description, 2nd by Selectman Sullivan VOTE: Selectman Sullivan aye, Selectman Maxant aye, Chairman Luca aye, Selectman Conley no, 3-1 motion carries. Selectman Sullivan moved the following motions: Delete 1st sentence of checkered arrow, 2nd by Selectman Maxant, VOTE: Selectman Maxant no, Selectman Conley no, Chairman Luca no, Selectman Sullivan aye, 3-1 motion fails, revise experience required from 5-7 years to 4 years, 2nd by Selectman Maxant, VOTE: Selectman Conley no, Selectman Maxant yes, Chairman Luca no, Selectman Sullivan aye, 2-2 motion fails. move to keep experience language as presented, no 2nd. Selectman Conley moved to strike 1st sentence of paragraph, 2nd by Selectman Maxant, VOTE: Selectman Conley aye, Selectman Maxant aye, Chairman Luca aye, Selectman Sullivan no 3-1 motion passes. Selectman Sullivan proceeded to continue to move on paragraphs included in Job Description being interrupted by Chairman Luca requesting the question be moved ending discussion. Personnel Board member present: Dennis Curran, Richard Rizzo and Lisa White were questioned re making a decision prior to Chief Rizzo's departure. Mr. Curran advising although the job description had been copied to the Personal Board via email it would be inappropriate to pre-emptively judge a job description not approve by the Board of Selectman. The Board requested the Town Administrator get a revised copy of the Town Accountant's Job Description to the Personal Board as soon as possible. Mr. Curran took this opportunity to advise to lack of quorum on Personal Board when Chief Rizzo departs and urged the Board to encourage volunteers to apply to this Board. The Board requested the Town Administrator advertise vacancy on Town Web Site and on Cable. The Board thanked the Personal Board for their time and patience. Apologizing for miscommunication the intent of the Board was to have the Personal Board meet after the Board's decision on the job description..

Agenda Item #5 Town Administrator's Report-The Board met with Shaun Suhoski

1. **Special town Meeting-**Mr. Suhoski updated the Board to need for a Special Town Meeting due to statute requiring 30 day acceptance by Town of Union proposal (DPW). Mr. Sushoski advising to Union agreeing to date of 3-24-08. The Board approved of the Special Town Meeting on 3-24-08 @7:00p.m. at the Ayer High School, finalized warrant to be presented to Board at their 3-4-08 Meeting.
2. **Water/Sewer Permits-none**
3. **Town Administrator's Goals & Objectives-**The Board scheduled a working session to review the Town Administrators Goals & Objectives Review for 3-24-08 at the Town Hall directly after the Special Town Meeting. Mr. Suhoski requested the Board submit their recommendations to him for incorporation prior to meeting.

4. **MISC**-Mr. Suhoski advised the Board to being contacted by the Harvard Town Administrator re proposed housing on the Ayer/Harvard line Maxant property near Wendy's for 90/100 affordable units. Harvard would prefer Intermunicipal Agreement for wastewater services. Selectman Sullivan stated he would not be in favor assisting property through intermunicipal agreement. Selectman Maxant stated he has no financial benefit and shares Selectman Sullivan's thoughts re providing water/sewer services for people who do not live in Town of Ayer. Chairman Luca, Town Administrator and Supt. Madigan to meet with Harvard officials re same.

Status Update Litigation-Selectman Conley requested status update from Special Insurance Town Counsel re Waters/Maher litigation on a regular basis. Selectman Sullivan suggesting the Board receive a written update prior to meeting with them. Town Administrator to request current written update from Town Counsel.

Agenda Item #6. Selectmen's Questions/New Business

Minutes of 1-8-08 and 1-22-08 deferred to next Selectmen's Meeting.

Lisa White, Chairman-Ayer Cultural Arts Council entered the meeting requesting the Board's indulgence to approve a banner being hung over Main St. re Saturday March 8, 2008 Art's Smart Performance at the Ayer Town Hall from 10:00am-4:00p.m. Ms. White apologized for late appearance and thanked the Board for their consideration. The Board approved the Banner to be hung over Main St. for the Ayer Cultural Arts Council.

9:45p.m. Selectman Sullivan 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 Collective Bargaining and strategy with respect to litigation and to adjourn from this Executive Session to re-enter into Open Session for Selectmen's Questions prior to adjourning the meeting, 2nd by Selectman Conley, VOTE: Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Luca aye, 3-1 motion carries.

9:45p.m. Open Session adjourned.



Cornelius F. Sullivan, Clerk
AYER BOARD OF SELECTMEN

Date: 4-15-08