

Selectmen's Meeting

January 22, 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-vacation
Frank F. Maxant, Member	X
Pauline Conley, Member	X
Shaun Suhoski, Town Administrator	X
Janet Lewis, Secretary	X

7:04p.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. Patrick Hughes – Open Space & Recreation Plan
2. Chairman Luca request to switch Agenda Items 4 & 6 taking up Supt. Madigan's Report first.
3. Mary Spinner-re 4th of July 2008 Fireworks Contract with Telstar
4. Selectman Conley requested the Board take up letter to the Board of Selectmen dated 1-22-08 from Chuck Horgan.

*Chairman Luca requested a Moment of Silence be taken for Council on Aging Director Karin Swanfeldt's mother Margaret "Marni" Dynice who passed away January 20, 2008 after a lengthy illness, Ms. Dynice was a life long resident of the Town of Ayer.

*Chairman Luca called for a motion to accept the Agenda of 1-22-08. Selectman Conley moved the Board approve the Amended Agenda of 1-22-08 as stated, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

1. The Board met with Mary Spinner re: 4th of July Committee Contract with Telstar for the 7-5-08 Fireworks at Pirone Park. The Board authorized the Chairman's signature. No vote of the Board required when questioned.
2. Mr. Hughes updated the Board to host communities conducting Public Hearings in each of the host communities as well as Devens in Feb/Mar 2008 to discuss/review with the Board of Selectmen the final draft of the open space and recreation report. In addition to the two public forums and the 2008 public meetings in each community this process included over fifty meetings of the DOSRAC and LUOS involving representatives from Ayer, Devens, Harvard, Shirley, DEC, US Fish & Wildlife, Oxbow Wildlife Refuge, Nashua River Watershed, MA Wildlife, MRPC, and MADEV. Mr. Hughes reviewed with the Board the Devens Open Space Plan history and update process.
 - 1994 Towns of Ayer, Harvard, Shirley vote to approve Devens Reuse Plan with permanent protection of open space as a major component.
 - 1996 Devens Open Space & Recreation Advisory Committee formed by JBoS -(DOSRAC)
 - 1996 OSRP completed describing management plans for Open Spaces designated in the Reuse Plan
 - 2002 Clarification sought regarding designation of "permanently protected" open space at Devens
 - 2003 JBoS & MADEV begin update of OSRP to comply with state requirements for periodic updates and clarify which parcels would be permanently protected & through what mechanism advising to public forum held on 12-4-03 to begin process.
 - 2005 Draft OSRP released for public comment-Public Forum held 6-15-05
 - 2006 Work on OSRP continued via Devens Disposition Executive Board's Land Use & Open Space Com. (LUOS) parcel by parcel review resulting in list of parcels to be permanently protected.
 - 2007 DOSRAC reconvenes and completes Open Space Recreational Plan including final parcel protection map.

The Board requested a Joint Meeting with the Planning Board, Conservation Commission and Parks Commissioners re single issue meeting be developed, dates targeted by the Board 3-6-08, 3-19-08, and 3-20-08 for the Public Hearing. Town Administrator to contact all of the above and advise to date. Selectman Maxant congratulated Mr. Hughes stating the Devens group did a wonderful job, good planning and a lot of work put into plan. Mr. Hughes acknowledged the effort by Heidi Ricci put into planning.

Selectman Conley requested the Board acknowledge Mr. Horgan's letter of 1-22-08 resigning his position on the Commissions of Trust Funds effective immediately. The Board voted to accept Mr. Horgan's resignation with regrets and thanked him for his many years of service on this commission and requested candidates interested in assuming this position to contact the Selectmen's Office.

Agenda Item #1. Judge Kilmartin-Ayer District Court Grant-rescheduled to 2-12-08 Selectmen's Meeting.

Agenda Item #2. Montachusett Joint Transportation Com. Appointment-rescheduled to 2-12-08.

Agenda item #3. Lisa Gabree –Town Accountant Contract & Litigation-The Board met with Lisa Gabree. Ms. Gabree stated she was before the Board re her Contract of Employment which expired on 6-30-06. Ms. Gabree presented the Board copies of her proposal for consideration re her position to be **re-classified** as well as surrounding Towns survey to reflect actual salaries re services performed (i.e. Financial Director). Ms. Gabree reviewed with the Board her significant accomplishments, financial planning, controls and solutions falling outside the Town Accountant's responsibilities. The Board advised Ms. Gabree to next step being a new job description. The Board requested Ms. Gabree work with the Town Administrator to develop new job description for her position for reclassification to the Personnel Board. The Board **continued** this discussion until their next meeting on 2-12-08. On another matter the Town Accountant updated the Board to Special Legislation re financing of court ordered settlements/judgments to allow the Town to petition the State Legislature to enact the legislation authorizing the borrowing pursuant to it. Documents submitted to the Board from Peter Frazier of First Southwest Company. The Board thanked Ms. Gabree for providing basis re funding options for the town to pursue.

Agenda Item #4. Supt. Madigan's Report (moved up from Agenda Item #6.) The Board met with Mike Madigan.

1. **Sewer Abatement-**The Board approved a Sewer Abatement for 6 Wright Rd. for a water leak from water line from house to a barn advising to the water leaked into the ground not the sewer system, the amount of water was estimated by the DPW Office staff to be 10,695 cubic feet for a dollar value of \$607.21. Selectman McCreary moved the Board approve this sewer abatement per the recommendation of Supt. Madigan dated 1-7-08, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
2. **Snow Removal Budget-**The Board approved of Deficit Snow Removal Spending for Fy-08 if necessary after being briefed to balance remaining in account being \$16,200.08. Motion to approve made by Selectman Conley 2nd by Selectman Maxant VOTE: unanimous, so moved. Supt. Madigan clarified MA Highway Dept. shortage of salt request advising to no salt given to state.
3. **Tata & Howard's Engineering Agreement for General Engineering Services for Fy-08** The Board approved Tata & Howard's Engineering Agreement for General Engineering Services on an as-needed basis re both the Town's water system and other DPW related issues in the amount not to exceed \$10K for Fy-08. Motion to approve made by Selectman Maxant 2nd by Selectman McCreary, Selectman Conley requesting friendly amendment to request Tata & Howard to add Town of Ayer as additional insured re liability coverage, amendment accepted, VOTE: unanimous, so moved.
4. **Weston & Sampson Proposal –Ayer Sludge Landfill Post Closure Monitoring-** The Board approved Weston & Sampson's proposal in the amount of \$4,990.00 to provide engineering services to prepare all the necessary documentation and submit a petition to DEP to revise the current post closure monitoring program. The Town realizing a cost savings of between \$7-\$10K per year when revised and authorized the Chairman's signature. Motion to approve made by Selectman McCreary, 2nd by Selectman Maxant VOTE: unanimous, so moved.
5. **Phase II Storm Water Program Assistance-**Selectman McCreary moved the Board vote to approve the contracts with Comprehensive Environmental Inc. (CEI) for Phase II Storm Water Erosion &

Sediment Control, Pollution Prevention and Good Housekeeping training services for Town staff-(Planning Board, ConCom, and Building Inspector) for the amount not to exceed \$1,950.00 and in the amount not to exceed \$4,900.00 for technical assistance and professional services re Phase II Year 5 Annual Report, Regulatory Assistance and Stormwater Program Assistance as recommended by Supt. Madigan in a Memo to the Board dated 1-17-08. Selectman Conley requesting the Board request better explanation of General Liability item paragraph #11 prior to the Board's endorsement, 2nd by Selectman Maxant. The Board accepted this as a friendly amendment-subject of resolution of this issue by the Board of Selectmen, VOTE: unanimous, so moved.

- Selectman Maxant took this opportunity to applaud the efforts of the DPW and Police Dept. re vigilance re snow removal from sidewalks departments being more pro-active ..noticeable improvement over past couple of weeks.

Agenda Item #5. Police Chief Richard Rizzo present for the discussion Lt. William Murray

1. Appointment: Police/Fire/EMS Dispatcher-Selectman Conley moved the Board vote to approve the Chief's recommendation of 1-15-08 for the appointment of David Myer of Westford, MA to the vacant Police/Fire/EMS Dispatcher position, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

- Chief Rizzo updated the Board to his Department assigning Patrol Officers at Town Hall for the 2-5-08 Presidential Primary Election –voting at Town Hall. Chief Rizzo presented signs to be placed around Town Hall advising residents to 15min parking restriction.

2. Proposed Parking Violation Fine Increase-Chief Rizzo updated the Board to fines not being updated in a long time (1992) Department running low on tickets and need to order more tickets.. this request being time appropriate. Chief Rizzo requested the Board's consideration of the proposed fee schedule outlined to the Board in a Memo dated 1-15-08. Lt. Murray advised the Board to neighboring municipalities being polled re current parking fines and advised to fees grouped by offense being most common. Lt. Murray ran through each category (see attached Fine Increase Proposal) Selectman Conley suggesting parking on crosswalk and parking on sidewalk be moved from Group B-\$25.00 fine to Group C. \$35.00 fine. Selectman McCreary moved the Board vote to approve the Parking Violation Fine Increase proposed by Chief Rizzo in a memo to the Board dated 1-15-08 amending Group B parking on Crosswalks and Sidewalks being moved to Group C effective 4-15-08, 2nd by Selectman Conley, VOTE: unanimous, so moved.

3. Parking Update-Newton, Washington and Cambridge Streets-Chief Rizzo reviewed with the Board his suggestions re parking for the above streets.

Newton –One Way Signage-

install two-sided One Way arrow pointing east on existing sign on Washington & Newton
install one way arrow pointing east on north side of Newton St. Midway between
Washington and other one way arrows at barricaded Newton St. entrance to Moore's
parking lot

Install a one way arrow pointing east on telephone pole in front of 10 Newton St.

Install 2-sided one way arrow pointing east on pole with Do Not Enter located on northwest corner
of Columbia St. & Newton St.

Washington St. Parking-reconfiguration of lanes-Chief Rizzo suggested center double lines that
bisect be changed to single yellow line and placed to make the northbound lane 17'6" (from Newton
to Main St.) to allow passing by cars parked in the parking zone. The 10'9" southbound lane should
be wide enough for southbound traffic.(line painting to wait till Spring Per M. Madigan 1-17-08)

Cambridge Street Parking- No Parking Zone designated-Chief Rizzo recommending the
Selectmen designate the north side of Cambridge St. between Washington & Pearl St a NO
PARKING ZONE advising to the street to narrow to park on (16').

Selectman Conley moved the Board approve Chief Rizzo's recommendations as stated in his memo to the Board dated 1-7-08 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #6. Director of Planning & Development's Report-The Board met with Chris Ryan-Present for the discussion Margaret Scarsdale

1. 2008 Community Development Strategy-The Board reviewed with Ms. Scarsdale recommendations from the 2005 Comprehensive Plan Update and citizens input from the 12-11-07 Community Development Strategy

Meeting re sustainable downtown development, land use goals, open space goals, cultural & natural resource goals, housing & economic development goals, transportation, community development strategy and target areas. The Board suggested Page 4-Under Economic Development Goals (header) remove words "plan regionally", Page 5. typo correction of Central Street to read Central Avenue, Page 6. remove 8 in its entirety. Selectman Conley advising to page 3 of 6 to Town having Wetlands Protection By-law and requested more information re the downtown zoning district requesting what it encompasses/contained exactly as well as downtown parking capacity. Selectman McCreary stated for the record re page 6 Literacy no way implies residents who don't speak English would not be encouraged to participate in programs offered. Chairman Luca stating his concerns re approving by-laws with out Planning Board's approval. Mr. Ryan advised to working with Consultant to get strongest language re funding opportunities this round earmarked for two programs: sign& façade & Housing Rehab. The Board requested revised version be submitted for Board's 2-12-08 meeting.

Mr. Ryan updated the Board to Fy-08 CDBG Grant Application submitted to the Board on 1-4-08 being upgraded from \$911K to \$977,416 and with time constraints re re-submittal of standard CDBG forms requested the Board authorize the Chairman's signature. Selectman Maxant moved the Board authorize the Chair's signature re new submittal of the Fy-08 CDBG Application 2nd by Selectman McCreary, VOTE: unanimous so moved.

Program Income: -Mr. Ryan ran through his department's proposed administrative strategic expenditures for the Fy-08 CDBG Grant Application. Mr. Ryan updated Board due to non award of the 2007 grant the CDBG staff will need to utilize \$38K in program income to continue operating until the next grant award. Mr. Ryan advising to \$52K remaining until end of August. Selectman Conley requesting if CDBG hours/staff can be cut. Mr. Ryan ran through Payroll, Fringe, Lead & Rehab Specialist funding along with Traffic Calming project, rail trail, other transportation access projects. Selectman McCreary moved the Board vote to approve first four (4) items broken out on Table 1. (see attached) Payroll through August \$38K, Fringe thru August \$14,200, Lead Inspector \$5K and Rehab. Specialist \$12K, per the recommendation of Development Director Chris Ryan as stated in his 1-18-08 memo to the Board (no over 40-34/hr salaried positions).

Selectman McCreary advised Mr. Ryan to downtown businesses being very interested in traffic calming and suggested a meeting with the Downtown businesses. Selectman Conley suggesting to invite businesses at Park & Central Ave as well. Mr. Ryan updated the Board to work in progress with Planning Board re 43B re contracting with MRPC re Zoning By-law rewrite and Joint Meeting with Planning Board to be scheduled re hospital.

- IDFA Appointments: Mr. Ryan advised the Board to Brian Anderson 07, Nicholas Laggis 04, and Francis Callahan 06, terms expired. Selectman Conley moved the Board vote to re-appoint all of the above terms retroactive to three year IDFA appointments, 2nd by Selectman Maxant VOTE: unanimous, so moved.
- Mr. Ryan updated the Board on the commuter parking advising to funds moved from Fy2009 TIP to Fy2008 TIP in Dec. 07 and being advised by MRPC staff the funds could not be assessed (\$88,250) or used for site assessment work. Mr. Ryan advised to his Office Planning & Community Dev. Independently pursuing work to move some elements along: use of Program Income to do access study between the platform & two hybrid sites, and sketch work for the two sites-preliminary drawings/concept to be made available, plus the Central Ave site is being looked at for possible acquisition by the Town to develop a parking facility independently of MART and program income is being considered for that as well.
- Hiring of a department assistant for ten (10) hours at cost of **\$6500.00**
- IDFA Loan Fund Green/Sustainable Business and Alternative Energy Loan Fund-to be continued to next Selectmen's Meeting.
- Selectman McCreary advised to next meeting of Ayer Climate Protection Group 1-23-08 at 6:00p.m. at Town Hall.

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

1. **Water & Sewer Permits-**Selectman Conley moved the Board approve 13 Fox Run Drive for a 1" water & sewer Service and 35 Fox Run Drive for a 1" water & sewer permit, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
2. **2007 Town Report Bid Award-**Mr. Suhoski advised the Board to Town Report Bid Opening on 1-11-08 and low bidder Documents on Demand of Worcester,MA for 500 Color Reports & 10 CD's for award of \$1,940.00.
3. **Fy-2009 Budget Time-Line** Mr. Suhoski reviewed with the Board his proposed time line (see attached)
4. **R-911 Memorandum of Understanding-**Selectman Conley moved the Board vote to approve the R-911 Memorandum of Understanding as presented by Chief Pedrazzi on 1-4-08 and authorize the Chairman's signature, 2nd by Selectman Maxant VOTE unanimous, so moved.

Agenda Item #8. Selectman's Questions/New Business-Minutes of 12-4-07 & 12-28-07 Selectman McCreary moved the Board vote to approve the Minutes of 12-4 and 12-18 2007 **as amended**, 2nd by Selectman Maxant. VOTE: unanimous, so moved.

Selectman Questions:

1. Thank Chuck Horgan for his eight (8) years of service as Commissioner of Trust Funds.
2. North Post Update schedule for next Selectmen's Meeting
3. ten hour Planning Assistant position to be brought up at next Selectmen's Meeting
4. Dan Sherman Job description to Personnel Board-meet with Dan Sherman re framework of buildings.
5. Town Counsel's latest billing to Town Accountant **no later than 1-25-08**.
6. Separate meeting with Board, Fin-Com & Town Counsel re Collaborative budgeting re Waters/Maher litigation.

10:10p.m. Selectman McCreary moved the Board adjourn from Open Session into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 strategy with respect to Collective Bargaining and litigation, to re-enter into Open Session for the sole purpose of adjourning the meeting 2nd by Selectman Maxant VOTE: Selectman Maxant aye, Selectman McCreary aye, Selectman Conley aye, Chairman Luca aye, unanimous, so moved.

10:10 Open Session ended.


Cornelius F. Sullivan, Clerk

DATE: 3-4-08