

Selectmen's Meeting

December 4, 2007

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.

6:00p.m. – 7:00P.M. L-3Communications ESSCO and Wolf Coach
Public Outreach – TIF Presentation -Meet & Greet –Vehicle Tour

Present

Gary J. Luca, Chairman	X
Carolyn McCreary, Vice-Chairman	X
Cornelius F. Sullivan, Clerk	X
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 called for a motion to approve the Agenda as amended. Selectman McCreary moved the Board approve the Agenda of 12-4-07 as amended, 2nd by Selectman Conley, VOTE: unanimous, so moved
Chairman Luca requested if there was anyone present wishing to meet with the Board under Public Input:

1. Mary Spinner –Parking/Parking garage. Ms. Spinner stated her dismay- feeling deceived, re recent newspaper announcement by MART re Parking facility in Ayer, announcing to only one 350 car facility being planned for the Town of Ayer and Town Meeting voting and approving two sites, one at the rail trail and one on Central Ave. (Hybrid).
2. Chairman Luca requested the Board place the TIF Agreement Execution on the Agenda as Agenda Item #1.
3. Chairman Luca took this opportunity to congratulate the Ayer/Shirley Bronco's Midget Division upon their successful season, undefeated and un-scored upon, and on their way to Florida to compete in the Nationals-which will be aired on ESPN. Chairman Luca announced each player's name and congratulated Team Coach Mike Taylor on this accomplishment. The Board requested to invite the team in upon their return to extend an official congratulations and wished them much success in Florida.
4. Selectman Conley took this opportunity to recognizing Ayer residents, Ed Orr and Jim Lucchesi for undertaking Operation "Cookie Drop" for US Troops stationed in Iraq, advising the Board to over 125 boxes of cookies being packaged and shipped. Selectman Conley advising the Board of this group of amazing people who took it upon themselves to bake, package and ship the cookies with the help and cooperation from the schools and other local organizations who contributed to the effort.
5. Chairman Luca announced through the Town Clerk's Office to Town Elections being returned to the Ayer Town Hall effective upon the next election on February 5, 2008 (Presidential Primary) and that a Notice of change of voting/polling location will be mailed out to all registered voters notifying of same in early January 08. Voting to take place in the Great Hall of Town Hall located on the 2nd floor with handicap accessibility and limited parking by voters around Town Hall.

Agenda Item #1. L-3 Communications ESSCO & Wolf Coach TIF Execution-Mr. Sushoski updated the viewing residents to Board of Selectmen voting to approve the TIF per the approval of the TIF Team appointed by the Selectmen to review and finalize the TIF Agreement on behalf of the Selectmen. Mr. Suhoski advising to Town not obligated until Town Meeting approves on 12-17-07. Mr. Suhoski also advising to Special Town Meeting Warrant on website, cable and available in the Selectmen's Office-Town Hall and postcards being mailed to all households alerting residents to Special Town Meeting on the 17th of December at the Ayer High School at 7pm. The Board executed the TIF Agreement presented by Mr. Suhoski for L-3 Communications ESSCO & Wolf Coach.

Agenda Item #2. Appointments: Communications & Fin-Com Committee

1. **Communications Committee-**The Board met with David Bodurtha, Communications Committee Chairman who introduced Jeffrey Mayes to the Board. Mr. Bodurtha advised the Board to Mr. Mayes meeting with the Committee re seeking appointment to serve on the Communications Com. The Board reviewed with Mr. Mayes his background and goals for committee. Selectman McCreary moved the Board vote to appoint Mr. Mayes to the Communication Committee per the recommendation of David Bodurtha, 2nd by Selectman Sullivan VOTE: unanimous, so moved. On another matter Mr. Bodurtha requested the Board vote to reduce the number of members on this Committee advising the Board to difficulty getting a quorum which enables the Committee to meet on a regular basis. Selectman Sullivan moved the Board approve this request, 2nd by Selectman McCreary, VOTE: unanimous. Mr. Bodurtha advised the Board to Committee not able to produce traditional newsletter but advised to Committee updating Website on a regular basis for utilization by residents. Chairman Luca questioned viability of survey for residents re Town Government likes/dislikes. Mr. Zane advised to enormity of past survey conducted very intensive effort compiling information, analyzing of data which also combined public safety. Selectman Conley requested the results of the last survey be placed on the Website as soon as possible. The Board thanked Mr. Mayes for coming in to meet with the Board and for his willingness to serve the Town in this capacity.

Fin-Com Appointment Request-The Board met with Chairman of the Fin-Com Richard Gilles and candidate Brian Muldoon. Mr. Gilles reminded the Board to Carolyn Duff's resignation and need to fill this vacancy. The Board reviewed Mr. Muldoon's background, small business owner, resident of town for five years, strong analytical background, and goals he wishes to bring to

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Fin-Com. Selectman Sullivan moved the Board vote to appoint Mr. Muldoon to fill the unexpired term of Carolyn Duff- June 2009 on the Fin-Com per Mr. Gilles recommendation, 2nd by Selectman McCreary VOTE: unanimous, so moved.

Agenda Item #3. Chief Rizzo-Toys for Tots-Parking Ticket Proposal-The Board met with Police Chief Richard Rizzo and Sgt. John MacDonald. Chief Rizzo opened the discussion by complimenting the Ayer Fire Dept. on the great job done by the department containing & putting out the 4-alarm Fire at the Moore's Lumber yard last week. Chief Rizzo went on to applaud the efforts by Fire Dept. & Police personnel specifically Captain Paul Fillebrown and Detective Brian Gill for solving the arson investigation which culminated with the arrest of two Ayer juveniles for arson associated with setting that fire.

Chief Rizzo stated he was before the Board re proposal re the Department's annual Christmas toy drive to benefit the community's neediest residents which are distributed to Loaves & Fishes that serves the communities of Ayer, Devens, Groton, Harvard, Littleton and Shirley. Chief Rizzo requested the Board consider Sgt. MacDonald's request to implement a Toys for Tickets (Parking Tickets only) campaign during the period of December 10, 2007 to December 21, 2007. Toys would be submitted in lieu of parking fines equal or greater value than the citation (\$10.00) to be accompanied with a receipt of toy value and picked up at Town Hall by Ayer Police Officers. Chief Rizzo turned the floor over to Sgt. John MacDonald who explained how other local communities have adopted this campaign and have been very successful, Sgt. MacDonald having operated the Toy Drive for many years at the Ayer Police Dept. Selectman Sullivan and Selectman Conley expressed their concern re revenue generated and lost to Town and logistics of program. Selectman McCreary encouraged the opportunity to collaborate with collection along with Selectmen Maxant and Chairman Luca welcoming incentive. Selectman McCreary moved the Board vote to approve Chief Rizzo's request to implement Toys for Tickets as proposed by Chief Rizzo for the period of 12-10-07 to 12-21-07 for \$10.00 Parking Tickets written during this period, 2nd by Selectman Maxant. VOTE: Selectman Sullivan no, Selectman Conley no, Selectman Maxant aye, Selectman McCreary aye, Chairman Luca Aye 3-2 motion passes. The Board voted to reject including Handicap Parking Tickets in this campaign.

Agenda Item #4. Susan Provencher-CDBG Contract-Ayer Senior Ctr.-Ms. Provencher presented the contract for design phase for the expansion of the Council on Aging space in the amount of \$75K between the Town of Ayer and Jeffrey Cook. Ms. Provencher updated the Board to eight proposal received and four interviewed and Jeffrey Cook offered the contract. Selectman Sullivan moved the Board vote to approve the contract award to Jeffrey Cook in the amount of \$75K for the design services for the Council on Aging Expansion, 2nd by Selectman Conley for comment Selectman Conley expressed concern re ambiguity on page 10 re designers basic fee, response by Ms. Provencher being Town Counsel's language, and page 3 Liability insurance replace with \$1 million aggregate. Selectman Sullivan accepted the Selectman Conley's friendly amendment to add to page 3 Liability Insurance be increased to \$1 million, and add Town of Ayer as an additional insured VOTE: unanimous, so moved.

Agenda Item #5. Chris Ryan, Director of Planning & Development-re MGL 43D Interagency Permitting Board Application & Grant Application-The Board met with Mr. Ryan re Priority Development Site (PDS) for Nashoba Valley Medical Center which included the grant application -\$100K grant cycle which could fund permit tracking software, and consulting services for zoning by-law updates for development processes and procedures. Mr. Ryan advised the Board to it being important that application be submitted by December 14th to make the current grant cycle. Mr. Ryan also advising to copies of the applications sent via email to Selectmen, Planning Board, Board of Appeals, Conservation Commission and other review agencies i.e. MaDev-Bonnie Biochi and MA Permitting Regulatory Office. Mr. Ryan reviewed the application and fielded questions re consultant necessary to updated/Re-organize /re-write Zoning By-laws, not change zoning, Map needs to be finished, diagnostic will determine zoning needs. Selectman Conley moved the Board vote to approve the Chapter 43D application dated 11-7-07 as prepared by Chris Ryan for the Town of Ayer with amendment to acreage to be shown as 39.6 acres 2d by Selectman McCreary VOTE: unanimous, so moved.

Agenda Item #6. Supt. Madigan's Report-The Board met with Mike Madigan-Supt. Madigan took this opportunity to recognize Water Dept. Asst. Forman Greg Cormier for his assistance at the Moore Lumber Yard fire maintaining water pressure for duration of fire and working closely with Fire personnel keeping hydrants open. Selectman Sullivan applauding the efforts made through out the year by the DPW routinely checking hydrants and maintaining them so when emergencies such as this happen the Town is prepared.

1. Tata & Howard Engineering Agreement-Replacement Well-Spectacle Pond Well #2-Selectman Sullivan moved the Board approve the Agreement for professional services for Spectacle Pond Well #2 Replacement Well for design bid and award of a new gravel replacement well at the existing Spectacle Pond Well #2 for the contract award of \$45K to be funded from the 2006 Spring Town Meeting Article and recommended by Supt. Madigan in a memo dated 11-27-07, 2nd by Selectman Conley, VOTE: unanimous, so moved.
2. Hoyle Tanner Agreement-Industrial Pre-Treatment Program-Selectman Sullivan moved the Board vote to approve the Engineering Agreement with HTA for the industrial pre-treatment program for the next three years: 2008-\$40K, 2009-\$41,200, 2010-\$42,400 and associated services required for the Town's Pre-treatment Program as stated for a total cost not to exceed \$123,600.00 and recommended by Supt. Madigan in a memo dated 11-29-07, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
3. Snow Plowing Agreements-Supt. Madigan advised the Board to all insurance policies in re the five (5) private contractors: Jeff Kane/Shirley, Gerry Wood/Ayer, Curtis Womble/Leominster, Mike Longley/Lunenburg, and David Swartz/Ayer. Selectman Sullivan moved the Board approve and ratify the Snow Plowing Agreements to state rate per hour of \$58.00 per Supt. Madigan's recommendation, 2nd by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Maxant aye, Chairman Luca no, Selectman Conley no. 3-2 motion passes. Gerry Wood spoke re requesting the Board consider a \$5.00 per hour increase to the current rate advising to neighboring Towns paying up to \$75/per hour which was defeated by the 3-2 vote.
4. Gift/Vitasoy -The Board recognized and Thanked Vitasoy for gifts of \$13,500 and \$125K for upgrade and expansion of the Stonybrook Sewage Pump Station located between Nemco Way & N.E. Way to increase the pump station reliability and meet a

projected wastewater flow increase. Vitasoy has offered to fund directly the above upgrades. Selectman McCreary moved the Board accept gifts and thank Vitasoy for generous assistance, 2nd by Selectman Maxant VOTE: unanimous, so moved.

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

1. Mr. Suhoski reminded viewing public again to Special Town Meeting scheduled for December 17, 2007 At 7:00p.m. at the Ayer High School, Laura S. Leavitt Auditorium. Mr. Suhoski advising the warrant to potentially be a three (3) article warrant including the proposed TIF with L-3 Communications ESSCO, Wolf Coach, and place holders for Union Contracts i.e. Police Super Officers and DPW.
2. No Water/Sewer permits for approval this evening.
3. Mr. Suhoski updated the Board to EOT Parking Facility/Hybrid.

Agenda Item #8 -selectmen's Questions/New Business

Selectman Sullivan-schedule for next Selectmen's Meeting-Parking on Main/Washington Sts., Pearl & Pleasant/Columbia and traffic on Newton St. per resident's complaints.

Selectman Maxant-Snow Removal Enforcement-Selectman Maxant brought up the sidewalk clearing of snow, re concern for residents walking in streets due to snow blocking passage and placed in danger of being struck by oncoming traffic. Enforce Nuisance By-law and instruct Police Dept to aggressively enforce. Town Administrator advising Board to Police By-law #5 requires residents to clear sidewalk snow with-in 24 hours of storm. Selectman Maxant urging Nuisance By-law has a \$50/day penalty which would be more effective and urging residents to call Police Dept re violations and instruct Police Dept. to respond aggressively to reports by residents. Selectman Maxant moved the Board enforce the above snow removal from sidewalks, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Chairman Luca- Requesting to Agenda Hiring Freeze -no more adding to rolls until contracts are settled on upcoming agenda.

9:00p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 S23B re Exemption #3 to adjourn from this Executive Session for the sole purpose of adjourning the meeting, 2nd by Selectman McCreary VOTE: Selectman Maxant aye, Selectman Sullivan aye, Selectman McCreary aye, Selectman Conley aye, Chairman Luca aye, VOTE; unanimous, so moved.

9:00p.m. Open Session concluded.



Cornelius F. Sullivan, Clerk
AYER BOARD OF SELECTMEN

DATE: 1-22-08