

Selectmen's Meeting

November 6, 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.

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

7:04p.m. **Public Input**-Chairman Luca requested if there was anyone present wishing to meet with the Board under Public Input:

Selectman Maxant-Hair Salon/Devens-recent DEC Notice re Retail business to locate on Devens-Selectman Maxant stating his dismay re MADEV not abiding by Reuse Plan and locating retail Hair/Nail Salon establishment on Devens which will compete with local businesses in Town of Ayer/Shirley. Selectman Maxant advising to 16 Hair/Nail/Barber Salons presently located in Ayer.

Selectman McCreary-reminder to residents re Conservation Work-Shop at the Ayer Library on Nov. 20, 2007 from 10:00a.m.-12:00a.m. re protecting open space & conservation land in the Town of Ayer.

Chairman Luca announced the start up of the Town's Winter Parking Ban-no motor vehicles to park on Town streets overnight effective Thursday November 15, 2007, at 12:00midnight to April 15, 2008, from 12:00midnight to 6:00a.m. to assist the DPW with snow & ice removal, advising to the Ayer Police Dept. charged with enforcing the Winter Parking Ban. Chairman Luca announced the Fy-08 Tax Classification Public Hearing on Tuesday, November 20, 2007 at 7:15p.m. at the Ayer Town Hall-Selectmen's Meeting, 1st Floor Meeting Room.

Agenda Item #1. Appointments-The Board met with Lisa White, Chairman of the Cultural Council. Ms. White introduced four candidates seeking appointment to the Cultural Arts Council: Margaret Phillips, Nancy Tobey, Karin Swanfeldt and Anthony D'Amico. The Board met individually with each candidate re their interest and goals to bring to this Council. The Board thanked all for coming in to meet with the Board and thanked them for their interest to serve the Town in this capacity. Selectman McCreary moved the Board vote to appoint: Margaret Phillips, Nancy Tobey, Karin Swanfeldt and Anthony D'Amico to the Ayer Arts Cultural Council effective 11-6-07 to 6-30-10, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Agenda Item #2. Public Hearing-Common Victualler's License-Subway-63 Main Street, Ayer, MA

Chairman Luca opened the Hearing by requesting the Legal Notice be read into the record. Selectman Sullivan read the Legal Notice advertised in the Nashoba Publications the week of November 2, 2007 into the record. The Board met with Kam Zaveri of Galvin Street, Lowell, MA. Mr. Zaveri advised to having experience in the restaurant business and hoping to have Ayer Subway open for business Wednesday, Nov. 7, 2007, to be open seven days a week from 10am to 8pm. Nashoba Boards of Health Food Handlers License obtained. Chairman Luca requested if there was anyone present wishing to speak for or against the petition, no one stepped forward. Selectman Conley moved the Board vote to approve the Common Victualler's License for Subway located at 63 Main St., Ayer, MA, 2nd by Selectman Sullivan VOTE: unanimous, so moved. Selectman Coley moved to close the Hearing 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #3. Non-Union Health Insurance-Chairman Luca opened the discussion by addressing large crowd of non-union employees in attendance for the Health Insurance discussion requesting anyone wishing to speak to do so in an orderly fashion, one at a time. Speaking on behalf of the non-union employees were Lisa Gabree-Town Accountant-urging the Board to tackle unions first- wanting equity..premiums would increase between \$35.00/\$40.00 per week, Louisa Ratcliff-Ayer Library-spoke to easier to hit non-unions than going after the larger Union's i.e.School, Fire-Police-DPW where larger number of Town employees are employed, Mary Spinner/Fin-Com. spoke to problem being Managements-take responsibility re-negotiated contracts over the years and never did

anything should be parity, little people here, whenever negotiations are done-then implement, Karin Swanfeldt-CCA spoke to being on Insurance Task Force six years ago and Unions not cooperating, and Margaret Scarsdale-Planning & Development Program Manager. Ms. Scarsdale presented the Board a petition on behalf of the non-union employees urging the Board not to shoulder a more onerous burden for healthcare than union employees a 90-10 ratio and being singled out unfairly for a Town-wide problem requesting no increase in healthcare premiums for non-union employees hired prior to 9-1-07. Petition signed by 25 non-union employees. The Board reviewed with the group the Board's strategy re all Town Union Contracts that re-open 2008 to have re-opener clause to increase health insurance. Chairman Luca advising all to the intent of the Board not to harm/hurt anyone to do only what is in the best interest of the Town to avoid lay-offs, staffing, service cuts. Selectman Conley urging the Board to schedule another meeting before the end of the year and not make decision now until present contracts before the Board are firmed up. Selectman McCreary thanking all for coming in to meet with the Board and sharing non-union point of view and for understanding the Board's problem stating the Board is willing to cooperate as long as it is equitable to the Town of Ayer. Selectman Sullivan urging non-union employees establish negotiating team, gather more information to present for the Board's consideration. The Board again thanked all for coming in to meet with them re this important issue.

Agenda Item #4. Chris Ryan-Planning & Development Director

1. Contract Award-Zoning By-laws/Map Update-The Board met with Chris Ryan. Mr. Ryan updated the Board to his meeting with the Planning Board last night re contract award for the Town's Zoning By-laws/Map Update. Mr. Ryan updated the Board to Planning Board reviewing and commenting back re the three project proposals submitted for Phase I of the zoning re-write/map update at their next meeting. Chairman of the Planning Board Patricia Walsh advised to proposals to be discussed included: Vanasse Hangen Brustlin, Montachusett Regional Planning Commission, and Chris Klutchman Easton at the Board's 11-15-07 Meeting. Ms. Walsh stating the zoning by-laws/map re-write is a Planning Board issue/job. The project to be completed in two phases and put out to bid separately. Phase I. will reformat and reorganize the Town's by-laws, review & clean up language, review & update the Town's Zoning Map, modify the Town's downtown business area and modify the By-laws to accommodate MGL Chapter 43D (expedited permitting) that can last only 180 days and also applies to priority development sites such as the Downtown overlay and Medical Services District. Phase 2. will consist of a By-law audit, modifications to planning and zoning processes and procedures, modifications to the open space by-laws to include accommodating 43D as well as adjusting the bylaws on the Town's experience over the previous year and carrying out the remaining recommendations of the overall plan approved in 2005. Recommendation to be presented to the Selectmen at their 11-20-07 Meeting. Ms. Walsh & Mr. Ryan to meet re same on 11-7-07.

8:50pm Selectmen Sullivan left the meeting.

Agenda Item #5. Wolf Coach/Essco TIF Proposal-Selectman McCreary opened the discussion by advising Board to her taking Wolf Coach/Essco tour earlier today with Chris Ryan in Auburn, MA and very impressed with the quality of work and company's overall concern re environmentcompany quality operation. Mr. Suhoski reviewed with the Board the TIF proposal request from Wolf Coach being aggressive. Mr. Suhoski updated the Board to his meeting with the Town Assessor and Mr. Ryan to review the numbers and assumptions. Mr. Suhoski presented the Board two alternatives to L3 Communications (Wolf Coach/Essco) proposal: with the building occupied (former Very Fine-Nemco Way) with over 200 employees the Town can expect to collect approximately \$5.58 million in taxes over the next 20 years. This amount will be augmented with the TIF Agreement (and the \$2 Million in added value) by \$870K in new tax base under the (29% new alternative) or \$444K (under the 36% new alternative). Selectman Conley expressing her concern re TIF Agreement approved with owner & tenant being party to agreement. Supt. Madigan informing the Board to use of Water/Sewer -household level and Site Plan triggered if parking increases by 8 spaces (Storm Water Protection). Selectman Conley requesting Board look at narrower time frame other than 20 years proposed in Agreement and favoring 29% conservative approach. Mr. Suhoski requested the Board's participation for Thursday the 8th to meet with Wolf Coach representatives the Board requested the Fin-Com also be invited to sit in be involved in the process.

Agenda Item #6. Supt. Madigan's Report – The Board met with Mike Madigan

1. Bid Award-Main Street Sewer System Rehabilitation-Selectman McCreary moved the Board award the Main Street Sewer System Rehabilitation to Green Mountain Pipeline Services. Per Supt. Madigan's recommendation

- d. 10-18-07 to rehabilitate approximately 545 linear feet of 10 and 12 inch sewer main along Main Street for the bid award of \$35,635.00, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
2. Bid award-Sand for winter use- Selectman McCreary moved the Board award the sand bid per Supt. Madigan's memo dated Oct. 11, 2007 to Pitcherville Sand & Gravel Inc. of Greenville, NH for the bid award of \$10.50 per cubic yard, 2nd by Selectman Conley, VOTE: unanimous, so moved.
3. Bid Award-Salt for Fy-08 Selectman McCreary moved the Board vote to award the salt and premix bid per Supt. Madigan's memo of 10-11-07 to Eastern Salt Co of No Chelmsford, MA for the Bid Award of \$58.10/per ton and to award the bid for solar salt to Granite State Minerals of Portsmouth, NH for the low bid of \$56.20 per ton, 2nd by Selectman Maxant VOTE: unanimous, so moved.
4. Backflow Testing Contract-Selectman McCreary moved the Board award the Backflow Testing Contract to Thurber Water Technologies per Supt. Madigan's recommendation dated 10-16-07 for the Bid Award of \$35.00 per device survey and test and also to approve Thurber Water Technologies two year contract and cross connection control program scope of services, 2ⁿ by Selectman Maxant, VOTE: unanimous, so moved.
5. MOU –Grove Pond Wells-Selectman Conley moved the Board vote to approve Supt. Madigan's recommendation to execute the three (3) revised MOU's between the Town of Ayer and the MA Army National Guard-Devens, MA proposed by MAs DEP to include the additional restricted activities within the Zone I Area - restricting sand & gravel mining, road salt/deicing material storage, underground storage tanks and concrete crushing operations and authorize the Chairman's signature, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
6. Sewer Easement/Agreement-Willow Rd.-Selectman Conley moved the Board vote to approve the easement & agreement with Parmalees LLC and the Town of Ayer re sewer connection located at 11 Willow Rd. owned by Parmalees LLC for sewer line installed on Willow Rd. to be connected to sewer pump station on a parcel of land owned by Parmalees LLC at no cost in exchange for the easement, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
7. Water/Sewer Permits-50 Shirley St., Ayer, MA –Selectman Conley moved the Board vote to approve the sewer permit and pumping station force main agreement per Supt. Madigan recommendation dated 11-7-07, and authorize the Chairman's signature 2nd by Selectman Maxant VOTE: unanimous, so moved.
38 Sandy Pond Rd-Selectman Conley moved the Board vote to approve the Water/Sewer Permit for a one inch water & sewer line, and authorize the Chairman's signature 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #8. Town Administrator's Report-The Board met with Shaun Suhoski

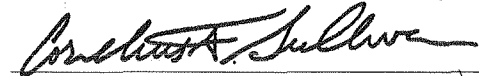
1. EPA-Shepleys Hill -Mr. Suhoski announced the meeting with EPA scheduled for Feb. 2008, PACE to be copied. Mr. Sushoski updated the Board to Beaver activity in culvert not under Town's authority up to owner to clear-Conservation Com to be cc'd.
2. Subordination Request-set back for further information.
3. Shirley Board of Selectmen's Joint Meeting-Mr. Suhoski updated the Board to Shirley's Administrator advising to next available meeting date for the Shirley Board of Selectmen to be able to meet with Ayer Selectmen would be November 26, 2007 at 7:30p.m. and advising to Shirley Board of Selectmen requesting a list from Ayer of the various issues to be discussed in advance of the meeting.
4. Mr. Suhoski updated the Board to energy quotes being taken by Dan Sherman and Chris Ryan re Town's current Electric contract the Board to be updated at later date re review and recommendation.
5. Koehler Place-Mr. Suhoski updated the Board to this evening's Executive Session re Koehler Place with have the Planning Board members present.

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

Selectmen McCreary-Ayer Cities for Climate Protection Working Group-Selectman McCreary requesting the Board approve the formation of this working group to fulfill the goals of the CCP (Cities for climate protection) that the Board approved last Spring, advising to the first meeting set for Thursday, December 6, 2007, at 6:00p.m. at the Ayer Town Hall. Ms. McCreary requesting volunteers from the Police Dept., Fire Dept., DPW, Parks and School Dept. be involved and also urging citizens to be involved meetings are open to anyone interested to establish practices and implement

measures to achieve quantifiable reductions in local greenhouse gas emissions, improve air quality and enhance sustainability of the Town of Ayer.

10:10p.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 re litigation and strategy re Collective Bargaining to adjourn from Executive Session to re enter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Maxant aye, Selectman Conley aye Chairman Luca aye, unanimous, so moved.



DATE: _____

12-18-07

Cornelius F. Sullivan, Clerk

AYER BOARD OF SELECTMEN