

Selectmen's Meeting

September 5, 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

7:05p.m. Open Meeting -Chairman Luca called the meeting to order

Public Input- Chairman Luca requested if there was anyone present wishing to meet with the Board under Public Input-no one stepped forward. Selectman Luca advising to having an item. Chairman Luca apologized to public re members of the Board speaking out of turn at meetings and not waiting to be recognized by the Chair before speaking, advising viewing audience to his being made aware of this and he will be more cognizant of it in the future. Selectman Maxant echoing Chairman Luca's remarks re learning curve. On another issue Chairman Luca congratulated Selectman Maxant on winning the boat race on Saturday August 25th, the Greenways inaugural cardboard boat race, stating race was a lot of fun and hopes to see the Greenways Com. expand it in the future.

Chairman Luca called for a motion to approve the Agenda. Selectman Maxant moved the Board approve the Agenda as posted for 9-5-07, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Chairman Luca read into the record the Board's non-binding statement of support for the National Guard and Reserve re employment not being denied because of service in the Guard or Reserve.

Agenda Item #1. Minutes-deferred to next Selectmen's meeting

Agenda Item #2. Karen Ingle-Beer & Wine License-the Board met with Karen Ingle

Selectmen's secretary-Janet Lewis advised the Board to meeting earlier in the day with Mr. Ingle who advised the office to the Ingle's opting to resubmit Alcohol application for a full alcohol license. Ms. Lewis advised the Board to Ingles Beer & Wine license approved by the ABCC on 8-22-07. Mrs. Ingle elaborated to family's decision to seek a full alcohol license for the establishment to be more viable. Ms Lewis advised the Board to a complete new application being necessary for submission to the ABCC.

Agenda Item #3. -Ayer Housing Authority-Pleasant Street School, re Waiver of Fees

The Board met with Ken Martin, Director of the Ayer Housing Authority and Judy Pinard, Trustee, Ayer Housing Authority. Mr. Martin updated the Board to Pleasant Street School conversion to Elderly Housing receiving a \$3 million dollar HUD grant award. Mr. Martin advising as with any HUD award it is not sufficient to see project to fruition and is now submitting application to DHC for secondary funding and towards this end Mr. Martin advised looking to reduce construction cost by \$50K if Town is willing to waive Town portion of fees.

Selectman Conley moved the Board waive Town portion of fees for The Apartments at the Pleasant Street School to the extent they don't involve salaries, Selectman Sullivan requested friendly amendment to state all Town fees subject to concurrence of Plumbing & Electrical inspectors, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Agenda Item #4. Chief Richard Rizzo-Appointment of Patrol Officers-The Board met with Chief Rizzo Chief Rizzo introduced Daniel Morrison of Ashby, MA and William Trelegan of Burlington, MA to the Board. Chief Rizzo advised the Board to Department having three (3) openings. In June the Department's Interview Board interviewed eight candidates from a list of thirty applicants. Chief Rizzo requested the Board appoint the two candidates present advising to a third candidate to be presented at a later date. The Board reviewed background, training, education, etc. with each of the candidates. Selectman Sullivan moved the Board vote to appoint Daniel Morrison and William Trelegan to the positions of Police Officers at the Ayer Police Dept. contingent upon

successful physical and physiological examinations, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #5. Planning & Development Department-The Board met with Chris Ryan, Planning & Development Director. Mr. Ryan reviewed with the Board a schematic drawing of the proposed Planning & Development Department and staffing stations. Mr. Ryan spoke to need to have new Conservation Agent's space identified as soon as possible to enable the hiring process advising to candidates presently awaiting interviews and need to resolve space issue to not loose prospects. Chairman Luca presented the Board his schematic sketch of his renderings of how the department could lay out after visiting each office. The Board scheduled a meeting with all departments involved in space allocation be invited to attend a -meeting on Tuesday, September 11, 2007 at 6:30p.m. to discuss the planned space re-allocation proposed floor plan/s presented this evening before final adoption. Phone calls, emails and written invitations to be sent to: Planning Board, Conservation Commission, Zoning Board of Appeals, Board of Health, Park Dept., Building Dept., Veterans Agent and Planning & Development Office/s.

Agenda Item #6. Sub-Ordination-Request-The Board met with Susan Provencher, Program Manager Ms. Provencher advised Board to Case #05-298E (101 Willard St.). Ms. Provencher reviewed the Policy where outstanding liens are more than 80% of the fair market value of the property, the outstanding liens will be equal to 111.71% of the appraised value of the property. In accordance with the Town's subordination policy Ms. Provencher recommended the Board deny the subordination of the Town's lien. Selectman Sullivan moved the Board approve Ms. Provencher's recommendation to deny the subordination of the Town's lien, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #7. Director of Planning & Development-Workplace Priorities-The Board met with Chris Ryan Mr. Ryan reviewed with the Board his priorities spread sheet which outlined general administrative responsibilities, community development, economic development and special project/s. Mr. Ryan requested the Board's input to his flow chart

Selectman Sullivan:

- Downtown commuter rail parking facility being given a Priority #2 being to low suggesting it be moved up and given a Priority 1 status.
- Electrification Project being given a Priority #4. suggesting it be moved up to a Priority 2 status.
- UGAG Administration being given a Priority #6 suggesting it be moved up to a Priority 2 or 3 status.

Selectman Conley:

- UDAG very important (staffing, etc.)
- Zoning Map & By-laws
- Policy review of Town programs & planning relative to Master Planning-important to attract businesses to Main St. move up from #8 to #1 priority. Planning Board Chairman Patricia Walsh emphasizing importance of zoning map to Planning Board. Mr. Ryan advising to tasks dispensable can be swapped off real concern is important issues don't get dropped.

Selectman McCreary thanked Mr. Ryan for his spread sheet echoing Selectman Conley's review re importance of bring back businesses to Main St. her main focus. Chairman Luca summarized discussion by advising to his looking up job description and lack of resources suggesting some of the projects listed by Mr. Ryan being handled by individual Town Boards suggesting Board should stick to core job description. Selectman Maxant in agreement stating landlords/tenants handle problems themselves Town Boards should be more involved to work on priorities of theirs, all make an individual effort. Mr. Ryan thanked the Board for their direction.

Water/Sewer Permit-Selectman Sullivan moved the Board vote to take up the Water/Sewer Permit and vote to approve the water and sewer permits for John Riley Rd., Ayer MA-John Giamo, 2nd by Selectman McCreary. Selectman Sullivan requested a friendly amendment Board authorize the Chairman's signature, 2nd by Selectman Maxant VOTE: unanimous, 4-0 Selectman Conley stepped away from table, so moved.

Agenda Item #8. PACE The Board met with Laurie Nehring and Rich Doherty. Ms. Nehring presented the Board a diagram of Shepley's Hill Landfill depicting concentration of Arsenic plume in groundwater. Ms. Nehring reviewed background and current status of landfill with the Board. Shepley being the largest landfill in MA, capped in late 80's and having large quantity of methane radiating from land fill which is a major concern, four time greater than normal, creating explosive conditions. Dept. of Army not maintaining cap, landfill is

filling with water. Dept. of Army denying landfill is leaking. Ms. Nehring reviewed with the Board another concern re arsenic plume flowing on private properties- W. Main Street having large concentration of arsenic, McPherson Wells major worry. Selectman Sullivan sharing concerns re Town business closed due to health hazard, could be related. MADEV disposal of large quantities of waste i.e. Pesticides also concern. The Board requested Town Administrator prepare letter for Board for 9-18-07 review to send to State & Federal DEP/EPA officials, State and Federal representatives seeking their support to get the Dept. of Army to comply with State regulations re the timely clean-up of Shepley Hill Landfill. Selectman Conley requested letter referencing DEP letter of 8-6-07 to BRAC be included. Ms Nehring hoping to get attention of higher ups at DEP. The Board requesting the Board of Health be co-signatories on letter. Ms Nehring was provided a copy of the 8-6-07 DEP letter to BRAC. The Board also requesting the Fire Chief and Police Chief be made aware of public safety issue escaping methane from the landfill and monitor ATV's on landfill and if there should be a methane explosion on Devens is the Ayer Fire Dept. prepared to assist.

Agenda Item #9. Selectmen's Fy-08 Goals & Objectives-

Selectman Luca: Monthly reports be submitted by all Department Heads. Selectman Conley requesting the reports contain financial status-which will assist in better tracking of expenditures by departments. Selectman Sullivan also requesting explicit utilization/oversight of the Town's financial team re receiving a quarterly snapshot where the Tri-Board and School Committee stand in pursuing better forecasting models and meeting appropriate targets.

Selectman Maxant: Parking Facility Decision-get MART architect on board. Mr. Sushoski advising once Town secures Earmark transfer, the Town can go forward to procure Architect firm with approval of Selectmen, once design is accepted and Town begins expending funds project will go forward.

Selectman Sullivan: No reference to Tri-Board re Town's Contract negotiating. Enhance Town's Contract negotiation position by including the Tri-Board. Add Downtown Commuter Rail Parking/Train Station Facility Electrification Project to Selectmen's Goals & Objectives.

Selectman Conley: appoint sub-committee to update the Selectmen's Policy's & Procedures advising to Selectman Maxant and herself offering to be part of this committee. A major concern of Selectman Conley's being Executive Sessions starting so late in the evening. Selectman Sullivan suggesting Board either take them up earlier in the meeting or make part of work-plan. Another concern shared by Selectman Conley was to finish updating the Personal Policy with revisions. Selectman Conley urging this get completed in order to hold a joint Public Hearing with the Personnel Board as required before changes can be approved.

Selectman McCreary: Make Town Budget visible to Townspeople so that they have more understanding to gain better support for the Selectmen's projects and by developing and presenting a clear budget process i.e. health insurance deficit budget situation, stating citizens should be made more aware of so that townspeople are better prepared for budget cuts/services.

Selectman Maxant: What goes on at Devens important to the future of Ayer. Selectman Maxant advising residents to Town of Harvard & Town of Ayer heading in the same direction-Mr. Sushoski advising to work plan made part of Town Administrator's Goals & Objectives.

Selectman Conley: reminding Board to Town Administrator's Goals & Objectives separate from Selectmen's. Chairman Luca to meet with Town Administrator re his Goals & Objectives.

Selectman Maxant requesting Town's timelines re lawsuits (Waters/Maher). Mr. Sushoski advising to Water's finalizing in Spring 2008 and Maher projected until Fy-09.

Agenda Item #10 Town Administrator's Report-

2. Street Acceptances: Pheasant Run Circle and John Riley Rd.-The Board met with Atty. Robert Ancil of Perkins & Ancil. Mr. Ancil requested the Board to open process to place both Pheasant Run Circle owned by Canney Brothers Construction, LLC (5 Lots) and John Riley Rd. owned by Molumco Development Corp. (7 lots) on the Fall Town Meeting Warrant (October 22, 2007). Mr. Ancil reviewed with the Board the procedures re Public Street Layout and Acceptance Procedures for Town Ways prepared by Town Counsel Kopelman & Paige. Board requesting assurances re security bonds being in place and DPW concerns re construction not completed on John Riley Rd., water service re running line across property and receiving approvals from property owners.

3.

Selectman Sullivan moved the Board's intention to place Pheasant Run Circle and John Riley Rd. placed on the October 22, 2007 Special Town Meeting Warrant subject to approval of Supt. Madigan and refer both John Riley Rd. and Pheasant Run Circle to the Planning Board for their recommendation, 2nd by Selectman McCreary VOTE: unanimous, so moved.

3. DOR Management Review-rescheduled for next Selectmen's Meeting.

4. The Board scheduled an Executive Session following the Special Town Meeting to meet with the Tri-Board. 9:55p.m. Selectman Sullivan moved the Board vote to adjourn from Open Session to meet in Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 strategy with respect to litigation and strategy with respect to Collective Bargaining, 2nd by Selectman Maxant VOTE: Selectman Sullivan aye, Selectman Maxant aye, Selectman Conley aye, Selectman McCreary aye, Chairman Luca aye, unanimous, so moved.

DATE: _____

9-18-07

Cornelius F. Sullivan, Clerk

AYER BOARD OF SELECTMEN