

**Selectmen's Meeting**  
**Tuesday, April 17, 2007**  
**Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA**

resent

<b>Frank F. Maxant, Chairman</b>	<b>X</b>
<b>Pauline Conley, Vice-Chairman</b>	<b>X</b>
<b>Carolyn McCreary, Clerk</b>	<b>X</b>
<b>Gary J. Luca, Member</b>	<b>X</b>
<b>Cornelius F. Sullivan, Member</b>	<b>X</b>
<b>Shaun Suhoski, Town Administrator</b>	<b>X</b>
<b>Janet Lewis, Secretary</b>	<b>X</b>

**Public Input –Chairman Maxant**

**Advised to the Board amending the Agenda of 4-17-07 requesting to take up item four (4) before item three (3).** Motion to approve amending the agenda made by Selectman Conley, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

1. Rob Hartz-Beverly Shultz-re PanAm-Mr. Hartz advised to his representing the Spectacle Pond Assoc. Coalition for Aquifer Protection and the negative impact by PanAm. Mr. Hartz updated the Board to Assoc. activities offering to provide information/resources (Conservation Law Foundation) Guilford's Amicus Brief forwarded to foundation care of John Pike. Mr. Hartz advising to latest correspondence provided by PanAm falling far short of requirements per Savos Damos, Littleton's Water Superintendent who is presently compiling document detailing missing aspects/information. Mr. Hartz urging the Town to document everything, send/compile/remit to court any and all documentation. Selectman Sullivan cautioning Board to not over state/don't want to appear Town is crying wolf either but have a plan of action ready. The Board requested Mr. Damos letter be run by Town Counsel requesting additional information left out of PanAm's 1-25-07 construction plans and Stormwater Pollution Prevention Plans for the SanVel site off Willow Rd./Nemco Rd.
2. Ron Englade-Rep. Robert Hargraves Office Hours this evening at Town Hall from 7-8p.m.
3. Dennis Curran-Downtown Parking-Mr. Curran stated he was before the Board this evening re the Selectmen's last meeting & subsequent vote re granting a group of residents/businessmen permission to seek alternate sites for the commuter rail station/parking. Mr. Curran presented the Board criteria to put the process back on track and provide direction to the Task Force. Selectman McCreary read into the record the five (5) criteria presented by Mr. Curran.
  - Site should provide parking for multiple constituencies at multiple times of the day and for multiple days of the week
  - Site should be consistent with sustainable land use principles, transit-oriented development and should conserve/preserve Ayer's environmental resources.
  - Site should be constructed/developed without cost to the Town of Ayer, while providing the Town the maximum ancillary advantages by leveraging monies allocated for parking to provide ayer with benefits such as sidewalks, public space, attractive facades, & business development.
  - Site should provide convenient access to public transportation for the largest number of Ayer's residents. The site selected should not increase travel times for Ayer's residents and should be accessible by multiple means of transportation i.e. foot, bike, auto, etc.)
  - Site should be of a scale and nature consistent with Ayer's heritage, well-integrated into the community, clearly signed and aesthetically pleasing.

Selectman Sullivan moved the Board adopt Mr. Curran's proposal as criteria of Board for purpose of developing parking, 2<sup>nd</sup> by Selectman McCreary. Selectman Conley arguing the group ( McNulty, Clark, Wallace,& Craft) isn't a sub-committee of the Selectmen and should set direction itself. Selectman Conley advising she is not opposed to concept of criteria but this is not the place to do it the Charette on May 5, 2007 is the place. Chairman Maxant stated he doesn't like the idea of narrowing the field of options prior to the Charette. Chairman Maxant called for a vote: Selectman Sullivan aye, Selectman McCreary aye, Selectman Conley no, Chairman Maxant no, Selectman Luca recused 2-2 motion fails. Resident Martha Craft stated her opposition to criteria decision being made without residents not having all the information necessary to vote.

4. Chairman Maxant-reminder to residents Town Election-Monday, April 23, 2007, from 7am-8pm at the Page School Gymnasium.

Chairman Maxant took this opportunity to thank Sue Provencher for putting the Selectmen's 4-17-07 packet together for the Board due to Ms. Lewis being out sick on Friday, April 13<sup>th</sup>.

**Fy-08 Water/Sewer Rates Continuation of 4-10-07 Public Hearing-Present** for the discussion Town

Accountant Lisa Gabree and resident Robert Schick. Ms. Gabree updated the Board to tier structure re billing.

Mr. Suhoski advised the Board to Town receiving good news stating Joe Sampson of Cains Mfg. emailing Town and notifying Board to Cains Mfg. re-evaluating its move to Tyngsborough. Mr. Suhoski also updating the Board to Warrant Article presented by Mr. Schick appearing on the Town's Spring Warrant re establishing two (2) tier system re billing. Ms. Gabree elaborated on the tier structure software re billing data file advising to Roger Trembley (owner of the software) advising to time constraints re billable cubic feet over 6K to 8K taking time to review and calculate and break down into categories. Ms. Gabree stating data is necessary from the Town re splitting bills for apartments/building units to receive information re impact to rates. Ms. Gabree advised to the Committee undertaking a full analysis including consumption late summer/early fall to build in any modifications to the plan in advance of Fy-09 as well as reviewing the two vs three tier system if necessary during the review process. If all this work can be completed by 7-1-07 the Board can vote Water & Sewer rates at that time. Rates for Fy-08 still must be set and put into budget for now. Mr. Schick requesting how many residents are on Tier 3 be included Selectman Conley suggesting Selectmen could amend rates mid-year. Mr. Schick advising to clarification given by Town Accountant satisfying his questions and he plans to remove article on Town Meeting Warrant. The Board placed Mr. Schick on Water/Sewer Study Committee. Selectman Conley moved the Board approve the Fy-08 Water & Sewer rates recommended by the Water/Sewer Advisory Committee dated 4-10-07 effective 7-1-07: 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

#### Water Rates

- \$1.93 for 1<sup>st</sup> 6K cubic feet percentage increase of 4.32%
- \$2.40 for 6K to 12K CF percentage increase of 4.80%
- \$2.83 over 12KCF percentage increase of 4.81%

#### Sewer Rates

- \$5.13 for 1<sup>st</sup> 6K cubic feet percentage increase of 6.65%
- \$5.88 for 6K to 12K CF percentage increase of 6.72%
- \$6.69 for over 12KCF percentage increase of 6.69%

Selectman Conley moved the Board close the Public Hearing, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

#### Agenda Item #1. JBOS update-Devens as Stand-alone Community

The Board unanimously voted yes to the following two (2) questions:

- Does the Board support the Joint Boards of Selectmen continuing the efforts towards the final disposition of Devens?
- Would the Board support a scenario that would result in a portion of Devens becoming its own standalone community?

Motion made by Selectman Conley 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

The Board voted to place on the Spring Town Meeting Warrant the following article: To see if the Town will vote to support a scenario that would result in a portion of Devens becoming its own standalone community, or take any action thereon or in relation thereto. Motion made by Selectman Conley 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous so moved.

Agenda Item #2. Veteran's Agent Re-Appointment-The Board met with Manny Velez. Mr. Suhoski advised the Board to State Law requiring the appointment of the Veteran's Agent in April of each year. Selectman Sullivan moved the Board re-appoint Manuel Velez Town of Ayer Veteran's Agent for the period of April 1, 2007, to March 31, 2008, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved. The Board welcomed back Mr. Velez from his medical leave. Mr. Suhoski updated the Board to Mr. Velez's request to have the Town vote to accept the new Veteran's benefits now allowed under State law being unnecessary due to State adoption of Chapter 115 Disability Retirement Benefits for Veterans Chapter 157 of the Acts of 2005 and Chapter 161 of the Acts of 2006-Mr. Suhoski referring to correspondence from Middlesex County Retirement Board and Town Counsel's concurrence. No action required, Mr. Velez agreeing with this information-Veterans wishing information referred to Retirement Board at 800 258-3805.

#### Agenda Item #4. (taken out of order per Public Input) Timothy Hansen-CDBG Grant Extension

The Board met with Timothy Hansen-Mr. Hansen presented the Board the Department of Housing and Community Development (DHCD) program revisions form requesting a grant extension for the Fy-05 CDBG

Block Grant which expires on June 30, 2007 requesting to extend the program through December 31, 2007 to complete ongoing sign and façade projects. Selectman Luca moved the Board approve the grant extension for the FY-05 CDBG Block Grant to DHCD until 12-31-07 and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**Agenda Item #3. Planning & Development Director's Report-**The Board met with Chris Ryan

1. **TIF Agreement/Warrant Article-Nashoba Valley Medical Ctr.** The Board met with Chris Ryan and Steve Roach CEO, NVMC. Mr. Ryan reviewed the proposed TIF Agreement between the Town and Essent Healthcare, LLC re a twenty (20) year Tax Increment Finance Agreement (TIF) which would exempt \$10,013,068 and provide tax revenues for the Town of \$15,050,932 on estimated development of \$52,000,000 for a new acute care hospital facility and medical office condominiums. The Board requested the following amendments to the TIF Agreement per Town Counsel and the Board's edits:
  - Add in 1<sup>st</sup> paragraph (Acting through its Board of Selectmen)
  - Property is located within the Economic Opportunity Area ("EOA") as established pursuant to MGL C 23A, Section 23E
  - NVMC is committed to the economic revitalization and provision of quality healthcare to the community of Ayer and its surrounding Towns
  - This project will further the economic development goals & criteria established for the EOA
  - Now therefore in consideration of the mutual promises of the parties contained herein and other Good and valuable consideration, receipt which is hereby acknowledged(edits to 9 (provisions)
    1. 1<sup>st</sup> line end of sentence add on the property
    - 2<sup>nd</sup> sentence after 225,00 square feet – add at an estimated total construction cost of \$45,000,000
    4. Remove Post Office from posting sites
    6. 2<sup>nd</sup> sentence remove Section 3 after Chapter 23A (contained under 23A)-add year 21 showing 0 balance

**Under Additional Provisions: changed from 5 provisions to 8 provisions**

Add new #5. NVMC shall submit annual reports on job creation, job retention, and new investment at the property to the Town and Economic Assistance Coordinating Council each year of the Certified Project designation. The annual report shall include the number of permanent full-time job created and number of people hired from within the EOA annually and on a cumulative basis and the value of capital investments made by the NVMC with respect to the property annually and on a cumulative basis.

Add new #6. NVMC agrees to allow the Town to monitor and enforce this agreement.

Add new #7. If NVMC fails to meet the investment and job creation commitments specified above, the Town acting through its Board of Selectmen may take action to request decertification of the Certified Project by the MA Economic Assistance Financing Council. Upon decertification the Town shall discontinue the TIF Exemption benefits provided to NVMC as set forth herein commencing with the first fiscal year in which NVMC has failed to meet such commitments. The Board requested the amended agreement be run by Town Counsel.

Selectman Conley moved the Board approve the twenty (20) year TIF Agreement with the Town of Ayer and Essent Healthcare-Ayer, Inc. D/B/A Nashoba Valley Medical Center revised on 4-17-07 and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Luca VOTE: unanimous, so moved.

Selectman McCreary moved the Board place the Tax Increment Financing Agreement submitted by Essent Healthcare, LLC (NVMC) for the property at 200 Groton Road (40+/- acres) as detailed on Assessors Map 4 Parcel 2 located within the Town of Ayer's Economic Opportunity Area on the 5-14-07 Spring Annual Town Meeting Warrant to be shown as Article #28, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

2. **UDAG Budget Request**-Mr. Ryan presented and reviewed his Fy-08 Budget Proposal with the Board. Fy-08 UDAG-\$65,614.00-pays ½ of the Director's salary, purchasing and supplies. Incorporated into the proposal \$15K for research and expertise to consider energy options re Ayer's options in regard to electrical consolidation i.e. franchising/aggregation/purchase of energy credits from local cogenerators such as Grady Research suppliers of wind, solar, hydroelectric power at cost savings. Options re acquiring street lighting, short and long term cost savings to the town/citizens. Mr. Ryan advised the Board to his discussions with Roger Beeltje former manager of Groton's Power/Light Department who he would like to bring in to meet with the Board to discuss alternate energy cost savings with local control. Mr. Ryan also discussed hiring of part-time administrative assistant to assist his office with clerical responsibilities and also acquiring a summer intern to help organize files, enhancing database/spreadsheets and conduct research for GIS and other matters. Selectman Sullivan moved the Board approve the Planning & Development Budget as proposed by Mr. Ryan for Fy-08 in the amount of \$50,614.00 (\$15K removed from Planning & Dev. Budget to UDAG funding) 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

Chairman Maxant took this opportunity to acknowledge Board members for what he thought to be their strongest contributions this past year during his tenure as Chair. Chairman Maxant thanked Selectman Sullivan for all his attention to Healthcare the Town's largest budgeted line item and fastest growing line item per year, Selectman Conley thanking her for her attention to detail, Selectman Luca for all his time and effort assisting the Board with contract negotiations, and Selectman McCreary for her moderating/reasoning skills keeping the Board's temperament in line when discussions flared.

**Agenda Item #5. Parks Commission-Pirone Park Survey Contract Ratification**

The Board met with Jeff Thomas, Director-Ayer Park Dept. Mr. Thomas updated the Board to David E. Ross Assoc. the low bidder re professional land surveying services. The Board voted to ratify the letter agreement dated March 1, 2007 between David E. Ross and the Ayer Parks Commission in the amount not to exceed \$8,500.00 for land surveying services at Pirone Park. Motion to approve made by Selectman Conley 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**Agenda Item #6. Supt. Madigan's Report**-The Board met with Michael Madigan

1. **Extension Contracts**- Supt. Madigan updated the Board to Town of Groton's bid opening on 4-5-06 re municipal award. Supt. Madigan recommended the Board extend the existing contracts for one more year for **PJ Keating-Lunenburg, MA** for road pavement, binder course, cold planning, adjust casting for overlay, raise/adjust valve boxes, **Poirier Guidelines, Athol, MA** for painted traffic lines and **Superior Sealcoat Inc., Wilmington, MA** for crack sealing. Selectman Sullivan moved the Board approve the bid awards for the Extension Contracts re Regional (Ayer, Groton, Shirley, Pepperell) Highway miscellaneous Unit pricing as recommended by Supt. Madigan in a memo dated 4-11-07 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.
2. **Elizabeth Estates**-Individual Water/Sewer Units Agreement-Supt. Madigan advised the Board to his incorporating the Selectmen's comments of 4-3-07 into Clause 13 of the Sewer Agreement to agree with Clause 11 of the Water Agreement and Clause 14 of the Sewer Agreement and Clause 12 of the Water Agreement revised to add the following language to the end of the clause ("if and when requested"). Selectman Conley moved the Board vote to approve the revised sewer pumping unit agreement and the water booster pump agreement between the Town of Ayer and the developer of Elizabeth Estates as presented in Supt. Madigan's memo dated 4-6-07, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.
3. **Stratton Hill Sub-division-revised plan approval**-Supt. Madigan updated the Board to DEP's 3-25-07 approval of revised plan installing sewage pump station at the bottom of Stratton Hill Sub-division and a force main along Wright Rd. to existing manhole at the intersection of Wright Rd. and Wright Way. No action required. (FYI)
4. **DEP Consent Order Compliance and Closure**-Supt. Madigan updated the Board to Town completing compliance with DEP administrative consent order ACOP-CE-97-1007 relative to wastewater upgrades. Supt. Madigan thanked the SIU's involved in the efforts as well as Department employees.

5. **CPF-Water Credit**-Supt. Madigan advised the Board to human error responsible for billing error on CPF account #1800030300 credit of \$154,594.39 (see memo dated 4-13-07) due to meter roll over between 3-1-04 and 6-2-04 (from 999,999 back to zero). Supt. Madigan advised to corrections made to this account so subsequent reading will not reflect the extra zero when downloaded to the billing program. The Board requested the Town Accountant report back to the Board with recommendations re correcting computation problem in software. Selectman Sullivan moved the Board apply the credit of \$154,534.39 against future usage, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

6. **Town Administrator's Report**-The Board met with Shaun Suhoski

1. **Special Town Meeting Warrant**-The Board approved the May 14, 2007 Special Town Meeting Warrant presented by Town Administrator Shaun Suhoski consisting of 4 articles:

1. **Transfer of funds to School Tuition Revolving Acct.** (\$232,393)

2. **Balance transfer from Reserve Fund**-Transfer sum of (\$9,310.09) From Reserve Fund to Police & fire Liability Acct. to settle claim for medical services

3. **Rescind prior borrowing authority-**

- **Gym dividers:** \$18K
- **Town Hall Roof** \$79,722.85
- **School Fire Alarms** \$50K

4. **Close Balances from prior articles**

- **1995 ATM Microfiche** \$1,483.43
- **2000 ATM Park Field Upkeep** \$587.17
- **2002 ATM Woodlawn Holding Bldg** \$2,620.00
- **2004 ATM School Fire Alarms** \$9,155.66

Selectman McCreary moved the Board approve the Special Town Meeting as recommended by the Town Administrator, 2<sup>nd</sup> by Selectman Conley VOTE: unanimous, so moved.

2. **May 14, 2007 Spring Annual Town Meeting Warrant**-Town Administrator presented the Board the Annual Town Meeting Warrant for their review: Selectman Conley requesting the Selectmen eliminate their COLA stipend from the budget for Fy-08. Selectman Luca moved the Board eliminate a COLA increase in the Selectmen's Budget for the Board of Selectmen, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

Selectman Conley moved the Board approve the amended Fy-08 Omnibus Budget, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved. Selectman Sullivan moved the Board approve the May 14, Spring Annual Town Meeting Warrant (\$20,899,806.00) 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved. Copies of handout presented by Mr. Suhoski to be made available at Town Meeting. Mr. Suhoski advised the Board to Warrants to be submitted to printer on Friday April 20<sup>th</sup> deadline for mailing out to residents ten days prior Town Meeting.

2. **Devens Letter**-The Board authorized Mr. Suhoski to respond back in writing.

#### **Selectmen's Questions/New Business**

1. **Chairman Maxant**-advised the Board to resident requesting damage report/evidence re bill given to him in the amount of \$290.00 by Chief Rizzo. Chairman Maxant stating he did not want to force restitution on resident unless the Town can prove the damages. The Board members advising damages were determined by the Court and took no further action.

11:10p.m. Selectman McCreary moved the Board adjourn from open session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b Exemption #3 Collective Bargaining & strategy re litigation. Selectman Luca requesting to add Exemption #5 Criminal Complaint, to adjourn from Executive Session to re-enter into Open Session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Conley VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Conley aye, Selectman Luca aye, Chairman Maxant aye, VOTE: unanimous, so moved.

-DATE: \_\_\_\_\_

Carolyn McCreary, Clerk

# Board of Selectmen

MEETING TUESDAYS AT 7:00 P.M. • UPPER TOWN HALL • 1 MAIN STREET • AYER, MASSACHUSETTS 01432

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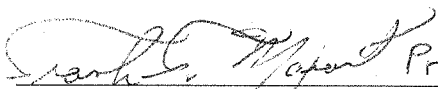
Town Administrator  
(978) 772-8210




## Board of Selectmen Budget Policy No. 07-01

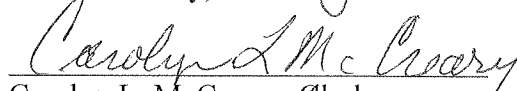
The Board of Selectmen shall commit 20 percent of available free cash, or a minimum of \$100,000.00, whichever is greater, yearly to the Stabilization Fund and cap that fund's total amount at 8 percent of the previous year's total budget.

Approved: April 17, 2007


  
Frank F. Maxant, Chairman

*Provided: policy = objective, not mandatory, per discussions.*

  
Pauline Conley, Vice Chairman

  
Carolyn L. McCreary, Clerk

  
Gary J. Luca, Member

  
Cornelius F. Sullivan, Member

*I agree with Frank!*

File copies to: Town Administrator  
Town Accountant  
Town Treasurer  
Finance Committee