

DRAFT Selectmen's Minutes

March 20, 2007

Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

Present

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

Public Input:

Chairman Maxant welcomed Representative Robert Hargraves to the meeting announcing Rep. Hargraves Office Hours at the Town Hall this evening from 7-8pm urging residents to come down to meet with Bob re questions of concerns he may help them with.

Chairman Maxant opened the meeting by requesting a Moment of Silence be observed for Lillian Messer, Ayer's most senior resident and holder of the Town's Boston Post Cane. Ms. Messer passed away on Sunday, March 11, 2007 at the age of 99 three months shy of 100.

Public Input:

1. **Ralph Longton**-MA Motorcycle Association-re Motorcycle Awareness Month-April 2007. Mr. Longton advised to Chief Rizzo approving a sign being placed at the Police Station promoting awareness to the warm weather ahead and motorcycles coming back out onto the road. Mr. Longton advised to the MA Motorcycle Club promoting public awareness for the safety of cyclists and pedestrians encouraging Board's participation in promoting this awareness and advising to sample Proclamation sent to all MA cities & towns. Mr. Longton to submit copy of proclamation to Mr. Suhoski for the Board's review and action.
2. **Liisa Dowd**-Grady Research, Inc. corporate sponsor of the Battered Women's Resources, Inc.-10th Annual Gala Fundraiser. Ms. Dowd gave the Board a brief background of the Organization, programs available to women and expanding to family/teens through school based programs dealing with violence to women. Gala to be held at the Leominster Four Points Sheraton on Saturday, April 21, 2007 starting at 6pm. Tickets: \$100.00/ea. Ms. Dowd advised to local Town's/Cities contributing baskets to raffle at the event encouraging Town of Ayer to participate. The Board suggested Ms. Dowd contact APAC re running notice of event on Cable-local origination channel.
3. **Wellman Parker-Emergency Management Director**-present for the discussion Fire Chief Robert Pedrazzi re National Incident Management System (NIMS). Mr. Parker reviewed with the Board his recommendation the Town to accept the NIMS system as the local standard for incident management for the Town of Ayer's official incident response system. Mr. Parker advising not adopting the policy would prevent the town of Ayer from receiving Federal Funding. Chief Pedrazzi stating in the event of a large scale incident having NIMS System on board keeps everyone i.e. Fire, Police, DPW on same page as well as training paid for by Federal Government re three levels of responsibility. Selectman Luca moved the Board vote to approve the NIMS policy as the Town's official standard incident response system, 2nd by Selectman Conley. Selectman Sullivan offering a friendly amendment to defer action until Supt. Madigan is present, just as a courtesy to bring him on board re NIMS policy/procedures prior to vote. Amendment not accepted. Motion defers back to original motion made by Selectman Luca. Chairman Maxant called for a vote: Selectman Conley aye, Selectman Luca aye, Selectman McCreary no, Selectman Sullivan no, Chairman Maxant no 3-2 motion fails. Action deferred until Supt. Madigan is present for discussion.
4. **Selectman Sullivan request to add Agenda discussion item re Commuter Rail Station as Item 4A**

Chairman Maxant called for a motion to accept the Agenda. Selectman McCreary moved the Board approve the Agenda for 3-20-07 as amended, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Agenda Item #1. April 23, 2007 Town Election Warrant- Mr. Suhoski advised to the 4-23-07 Election Warrant being prepared for the Board's signature. Selectman Luca moved the Board endorse the Town Election Warrant, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #2. Fire Chief re 2008 Ambulance Rates/Call Fire-fighters raise Fy-08

1. **Fy-08 ambulance Rates-**The Board met with Fire Chief Robert Pedrazzi. Chief Pedrazzi reviewed past practices with the Board re the Town of Ayer's ambulance rate setting reflecting the national average Medicare cost for providing this service. Chief Pedrazzi advising the Board to the rates last changed in 2001. Selectman Conley moved the Board allow Chief Pedrazzi to establish a policy to set the Town's ambulance rate 30% over the Medicare allowable rates. Selectman Luca expressed his concern that it has historically been the practice of the Board to set the Ambulance Rates. No 2nd to Selectman Conley's motion. Selectman Conley restated her motion and moved the Town Ambulance rate remain at 30% above the National Medicare rate, 2nd by Selectman McCreary VOTE: Selectman Luca aye, Selectman Conley aye, Selectman Sullivan aye, Selectman McCreary aye, Chairman Maxant abstained 4-1- motion passes.
2. **Call Fire-fighters Fy-08 COLA-** Chief Pedrazzi on another issue stated he was before the Board re Call Fire-Fighters Fy-08 COLA requesting the Board approve a 3% COLA. Chief Pedrazzi reviewed with the Board regional rate of pay for Call Fire-fighters and Ayer being lowest in area. Chief Pedrazzi advised to impact to his budget \$1,151.00 for 3% raise or \$14.49/hr. Selectmen Conley moved the Board approve a 3% COLA for Fy-08, 2nd by Selectman Luca. Selectman Sullivan stated the Full-time and Call Fire-fighter do not get paid the same rate and Call Fire-fighters get longevity. Mr. Suhoski advising to all non-union employees receiving a 2.5% increase for Fy-08. Chairman Maxant called for a vote: Selectman Conley aye, Selectman Sullivan no, Selectman McCreary no, Selectman Luca no, Chairman Maxant no 4-1 motion fails. The Board in keeping with their vote for all non-union employees voted to grant call fire-fighters a 2.5% COLA for Fy-08. Motion made by Selectman Luca 2nd by Selectman Sullivan VOTE: unanimous, so moved. The Board suggested reviewing firefighter pay rate in advance for Fy-09.
3. The Board revisited the National Incident Management System set back earlier in the evening until Supt. Madigan was present for the discussion and vote of Board. The Board updated Supt. Madigan to the earlier discussion with Mr. Parker, Emergency Management Director and Fire Chief Robert Pedrazzi. Supt. Madigan advised the Board to being aware of the NIMS Program policies but requesting the DPW be given fair share of funding. Fire Chief ran through guidelines re training funding, equipment etc. Selectman Luca moved the Board vote to approve/adopt the principles and policies of the National Incident Management System (NIMS) and authorize the Chairman's signature, 2nd by Selectman Conley, VOTE: unanimous, so moved.
4. **Supt. Madigan's Report-**The Board met with Supt. Michael Madigan
 1. **Repairs/replacement-Highway Dept. Loader-**Supt. Madigan updated the Board to 1993 Samsung Model SL150 broke down during snowstorm on 2-23-07-transmission failure/clutch packs.. cost to repair/rebuild estimated at \$21,556.00. The Board reviewed Town's replacement options with Supt. Madigan purchase of new loader as a Capital Request or from Chapter 90 Funds. Supt. Madigan advising to purchase under Chapter 90 eligible funding option for the purchase of 2007 Caterpillar Model 928Gz presenting quotes re outright purchase: \$115K or lease purchase 5/year \$27,037.40/yr. Selectman Conley moved the Board vote to approve a three (3) year lease-to-own agreement at 4.85% interest to purchase a 2007 CAT928GZ Front-end Loader at the cost not to exceed \$126,660.00 funded Chapter 90. Agreement includes trade-in of \$2,500.00 for old loader to purchase three (3) year 5000 hour warranty on new 2007 Caterpillar Model 928GZ. (annual payment estimated at \$42,220.00) 2nd by Selectman Luca, VOTE: unanimous, so moved.

2. The Board approved a 2" Water Service, 6" Fire Service and Sewer Permits for 4 New England Way (Robert Kanniard), 15 Fitchburg Road 4" sewer service-(C. Donell Homes, Inc.), and Lot 9 Riley Road for a 1" water & sewer service (John S. Giaimo, Inc.). Motion to approve made by Selectman Sullivan 2nd by Selectman McCreary, VOTE: unanimous, so moved.

On another matter Chairman Maxant aired his displeasure re condition of sidewalks not shoveled by residents along main streets in town from recent snow storm forcing residents to walk into street reminding residents of By-law enforcing residents to clear snow from in front of their homes. Supt. Madigan advised to being short-handed .. down five (5) men due to sickness during last snow storm and working diligently at clearing side streets/walks. Chairman Maxant suggesting establishing procedures at schools re student volunteers.

Old Groton Rd.-(Pleasant St.) Chairman Maxant advising Supt. Madigan to residents in that area contacting him re status of road. Supt. Madigan to look into and report back.

Agenda Item # 4. Pan-Am Unloading Facility Discussion-Town Administrator updating the Board to 1-26-07 Pan-Am packet & plans being distributed to all relevant Departments in town i.e. Board of Health, DPW-Water Dept., Conservation, Planning Board, Zoning Board-Town of Littleton Water Dept. for comment back to Board of Selectmen. Present for the discussion Marilyn McMillan, Chairman Board of Health and Supt. Madigan. Ms. McMiller reviewed with the Board monitoring well request receiving no acknowledgment from Guilford and Board of Health going under the assumption Guilford will not allow Town access with 60 days passing and still no response. Supt. Madigan recommending town place monitoring wells on Willow Rd. far away from Spectacle Pond and up gradient to PanAm site. Selectman Conley reminding Board to field trip conducted on Kanniard property (Zone II Area) and possibility of utilizing two well there and advised by Supt. Madigan to wells dry and unusable. Selectman Sullivan reminding Board to funding approved at 2003 Town Meeting including a contract that may be of use for development of groundwater monitoring wells to include sampling locations both up gradient and down gradient of PanAm site. Supt. Madigan referring back to Tata & Howard plan utilizing maximum number of wells to rule out Guilford contamination and cost associated with sampling/monitoring. Selectman McCreary referring the Board back to Guilford Consent Decree which required Guilford to install wells and sample for two (2) years. The Board requested Supt. Madigan work with the Board of Health re plan development to include locations, scope of work and estimated cost for a system of groundwater monitoring wells/sampling locations up gradient and down gradient to the Guilford site and survey costs with respect to the right-of-way needed . The Board also requested the Town Administrator contact PanAm to facilitate a meeting to informally discuss the Town's concerns. Selectman Luca volunteering to participate at this meeting. Beverly Schultz & Rob Hartz of PACE sitting in on the discussion also took this opportunity to request the Board look into restricting use of fertilizers in this Zone II area.

Agenda Item 4A Commuter Rail Station-Selectman Sullivan reminded the Board to the Board of Selectmen voting in May 2005 to adopt the recommendations of the Cecil Group set forth in the February 2005 Ayer Transit Workshop Summary set forth in the October 2005 Ayer Transit Parking Study Report for the future location of a commuter rail station to serve the Town of Ayer. Selectman Sullivan moved the Board re-affirm the Finding-of-Facts and implement the recommendations of the Cecil Group as set forth in the February 2005 Ayer Transit Workshop Summary and Ayer Transit Parking Study Report, 2nd by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Chairman Maxant aye, Selectman Conley no, Selectman Luca abstained, 3-1-1 motion passes. Discussion followed re parking, traffic, surface site/s, downtown district delineation concerns. (Findings of Fact attached)

Agenda Item #5 Selectman McCreary-Minutes-Selectman McCreary moved the Board approve the Selectmen's Minutes of 9-26-06, 10-30-06, 10-17-06, 11-9-06, 11-14-06, 11-28-06, 12-5-06, 12-19-06, 1-9-07, 1-23-07, 2-6-07, 2-20-07 and Executive Session Minutes of 1-8-07, 2nd by Selectman Sullivan VOTE: Selectman McCreary aye, Selectman Sullivan aye, Selectman Luca aye, Chairman Maxant aye, Selectman Conley no, 4-1 motion passes.

Agenda Item #6. Town Administrator's Report-The Board met with Shaun Suhoski.

1. **North Post Reassertion of Jurisdiction-**Mr. Suhoski –advised Board to need of formulating a policy position on future governance of North Post area suggesting the Board effectuate this position by including participation from the Planning Board, Fin-Com, IDFA and citizen volunteers. Mr. Suhoski advising to need to act on this recommendation sooner than later because once development begins at the airfield it will become more difficult for the Town to capture revenues while suffering impacts. Chairman Maxant updated the Board to recent finding of documents from prior Board of Selectmen with original draft language which included the Moore Airfield/Williard Field in Town boundaries. Chairman Maxant suggested need to place an article on Town Meeting Warrant restoring historical boundaries and eliminating Devens Enterprise Commission (DEC). The Board requested area be identified & copy Board Chairman Maxant's original language and draft language restoring municipal authority to Ayer Harvard and Shirley for comment back to Board for the 4-3-07 Selectmen's Meeting.
2. **JBoS Update-**Mr. Suhoski reminded the Board to the next JBoS Meeting scheduled for 3-22-07 at 7pm at the Ayer Town Hall. Mr. Suhoski advised to Mr. Marshall being contacted re attendance/no response back as yet and Governor's Office responding to unavailability due to scheduling conflicts.
3. **Fy-08 Budget Public Hearing-**Mr. Suhoski reviewed with the Board his draft Fy-08 updated Omnibus worksheet. Mr. Suhoski advising the Board to Police/Fire liability insurance, School Dept., School Transportation and raise article still being worked on. Mr. Suhoski proposal limited the School Dept. to no more than 4% increase over their Fy-07 budget, level funds general government absent Health Insurance increase. Mr. Suhoski advising to Town of Ayer's State Aid is the lowest in the entire region. Mr. Suhoski presented draft letter to State Legislators asking why Ayer received substantially small increase than regional communities. Mr. Suhoski also suggesting meeting with Fin-Com & School as soon as possible re Fy-08 Budget. The Board set 3-28-07 to meet with the Fin-Com, School, Town Acct. re revisiting budget re opportunities for additional savings. Selectman Luca presented Chapter 70 letter for the Board's consideration. Selectman Sullivan to redraft the Town Administrator's letter to legislators to soften request re formula used re Town of Ayer's State Aid being lowest in region.
4. **Reserve Fund Transfer-Dr. Hack/Blanenburg.** Selectman Luca moved the Board approve a Reserve Fund Transfer in the amount not to exceed \$9,310.09 for settlement re Dr. Hack's claim for medical services of William Blankenburg-former Police Officer, 2nd by Selectman Conley, VOTE: Selectman Luca aye, Selectman Conley aye, Selectman McCreary aye, Chairman Maxant aye, Selectman Sullivan no, 4-1 motion passes.
5. **Fire-fighter's Contract-**Mr. Suhoski advised the Board to contract revised and meeting MOA and is in process of double checking revisions and should be completed this week for the Board's review and action.

Agenda Item #7. Selectmen's Questions/New Business-

1. **Selectman Conley-**Questioning why APAC was not given notice to Parking Task Force Meeting and requesting Town Administrator ensure APAC receives monthly calendar of meetings. Mr. Suhoski stating APAC notification is not within his scope of duties and that the Task Force is not an official Town entity. He agreed to provide the meeting calendars to APAC with understanding that dates/meetings times may change.
2. **Selectman Luca** –updated the Board to documentation re Turbine Electricity-Trust Financing. Selectman Sullivan suggesting working in concert with Municipal Electric Proposal.
10:30p.m. Selectman McCreary moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B re Exemption #3 DPW Collective Bargaining to adjourn from this Executive Session to re-enter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Sullivan VOTE: Selectman McCreary aye, Selectman Sullivan aye, Selectman Luca aye, Selectman Conley aye, Chairman Maxant aye, unanimous so moved.

Board of Selectmen

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

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BEST CHOICE FOR THE FUTURE LOCATION OF A COMMUTER RAIL STATION TO SERVE THE TOWN OF AYER

After several public meetings to discuss the best choices for the future location of a commuter rail station to serve the Town of Ayer and after sponsoring the "Ayer Transit Workshop" conducted by Steve Cecil of The Cecil Group, the Ayer Board of Selectmen makes certain findings of fact and reaffirms the spirit of its prior findings of fact on this issue as follows:

1. That the total traffic generated by the current downtown commuter rail station or any future commuter rail station in downtown Ayer will have a relatively insignificant impact on the volume of traffic in our downtown.
2. That having a commuter rail station in our downtown is an asset to our Town because it enhances residential property values, contributes to the welfare of our downtown businesses, offers convenient rail service for our resident users, is consistent with "smart growth" principles and enhances the competitiveness of our Town when seeking various state grants.
3. That we have a downtown parking deficit of approximately 450 spaces, which are needed to serve our residents and downtown businesses.
4. That we need to create an effective parking and associated redevelopment strategy for our downtown business district.
5. That we favor multiple small parking structures and/or surface parking lots with adequate lighting and security to serve our residents, downtown businesses and train station parking needs.
6. That we need to develop design standards for any parking structures and surface parking lots serving our residents, downtown businesses and train station parking needs.
7. That we need a parking management and enforcement program to insure that commuters using our train station use parking facilities intended to serve our train station rather than on-street parking.
8. That we adopt the recommendations of The Cecil Group as set forth in the February, 2005 "Ayer Transit Workshop Summary Memorandum" and as set forth in the October, 2005 "Ayer Transit Parking Study Report".
9. That we secure funding to secure the services of The Cecil Group to assist the Town of Ayer in moving forward to implement the recommendations of The Cecil Group as set forth in the February, 2005 "Ayer Transit Workshop Summary Memorandum" and as set forth in the October, 2005 "Ayer Transit Parking Study Report".

JBOS

Joint Boards of Selectmen

Minutes JBOS

Date March 22 2007

Present: Gary Luca(A), Pauline Conley(A), Frank Maxant(A), Mike Boucher(D), Tom Kinch (D), Chip Geurcio (S), Bob Eubank

Motion was made and seconded by Gary to acknowledge agenda Item #4 which was an excerpt from the DDEB meeting on 11/9/06 made by William Marinelli to:

1. Suspend operations pending further instructions by the Boards
2. Request instructions on how to proceed by February 1st.
3. Recommend that the Devens Committee be included as members of the JBOS.
4. Recommend that the proposal of the Devens Committee to review the process be adopted by the JBOS and the results be incorporated into the new instructions provided to the DDEB as they see fit

Motion passed unanimously

Discussion concerning the funding allocation of \$106,156.05 that is in DDEB control. What do we want to use money for? The date of June 30th was used as a date to use the funds in question by. Does this money flow through JBOS? Mike believes this money is controlled by Ayer's Office of Community Development. Peter Lowitt thought the funds might be in DDEB. Check with Town Counsel. Is a formal meeting needed w/DDEB to transfer money if they are disbanded?

Discussion by Chip concerning Shirley's commitment for the concept of Devens becoming a town. Questioned what went wrong with the vote and if we need to go through the MOU line by line. Gary stated that we shouldn't discount a lot of hard work done and that the MOU addressed 95% of concerns. Gary suggested a ballot question by the three towns to see if the concept of a town is an option. Pauline suggested an article(s) on the warrant to address the issue. Mike thought it was a good idea as did Chip. Bob thought that more needs to be done before we get to that point.

Mike asked if a letter has been sent to the Governor and Frank stated that correspondences have been sent without success.

Ayer and Shirley decided to bring two questions back to their respective boards for action.

1. Does the JBOS want to continue the disposition process?
2. Does the BOS want to support the concept of Devens becoming a town?

Meeting adjourned at 9:10