

Selectmen's Meeting
Tuesday, February 6, 2007
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, Ma

7:00p.m. Open Meeting

Present

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

Agenda Item #1. Public Input

Selectman Sullivan-Requested the Board amend the Agenda of 2-6-07 by taking up the minutes(Agenda Item #2) after the last item on the Agenda (Agenda Item #10 -Executive Session), 2nd by Selectman Luca, VOTE: unanimous, so moved.

James Fay, Shriver Job Corp. Mr. Fay thanked the Board for giving him the opportunity to promote the Shriver Job Corp Ctr. and distributed flyers concerning contact information re program eligibility. Mr. Fay also took this opportunity to publicly thank Mr. Suhoski for his assistance out reaching Job Corp students to "Shadow Town Hall offices and the DPW" last Friday 2-2-07.

Eagle Scouts-Troop 2, Ayer, MA-Tony Marciello and Cody Morse Certificates of Recognition

Chairman Maxant welcomed Eagle Scouts Marciello and Morse to the Selectmen's Meeting. Chairman Maxant read into the record Certificates of Recognition to Tony Marciello for his eagle project-building a set of benches for the North Middlesex Regional High School and Cody Morse also for building a set of benches for the Town of Shirley's recreation department both projects improving facilities for residents and staff. The Board thanked and congratulated both Eagle Scouts for their contributions to the region.

Judge Peter Kilmartin-Ayer District Court-Judge Kilmartin introduced Karen Raymond-Drug Treatment Program Coordinator. Judge Kilmartin reviewed with the Board the success of the Town's -Ayer District Court's Drug Program's Grant detailing eligibility, screening, program design and compliance. Judge Kilpatrick advised to the current grant expiring in September 07 and requesting the Board consider supporting an extension to the program and requested the Board's approval for a new one year program. Judge Kilmartin advised to deadline for new grant application 3-5-07 re this extension and looking to expand the program to families. Selectman Sullivan moved the Board vote to support the grant extension request application to be submitted under the Town of Ayer proposed by Judge Kilmartin 2nd by Selectman Luca, VOTE: unanimous, so moved.

Town Administrator-Mr.Suhoski advised the Board to School Committee Chair Dan Sallet requesting the Board clarify source of funding in advance of 2-10-07 Town Meeting having been deadlocked re source of funding at Board's previous meeting (1-23-07). The Board reviewed the Special Town Meeting Warrant Funding resources: Present for the discussion Town Accountant-Lisa Gabree.

Article 1. \$70K Additional Funding Transfer to Education from VOC. Ed. no action necessary-remains the same as represented on warrant

Article 2. \$150K Additional Funding Transfer to Education from Reserve Fund no action necessary-remains the same as presented on warrant

Article 3. \$299K Additional Funding Transfer to Education from Free Cash -Selectman Sullivan moved the Board approve transfer from Free Cash in the amount of \$299K additional funding to Dept. 600 Education for Fy-07 operating cost., 2nd by Selectman McCreary, discussion held re funding options use of Stabilization vs Free Cash and effect of either on Town's Bond rating by Selectman Conley and Town Accountant VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca no, Selectman Conley no, Chairman Maxant aye, 3-2 motion passes.

Article 4. \$200K Additional Funding Transfer to Litigation Defense-Selectman Sullivan moved the Board vote to transfer from Free Cash the sum of \$200K to Litigation Defense Fee for Fy-07 defense costs, 2nd

by Selectman McCreary, discussion again pursued re stabilization vs free cash funding by the Board. Chairman Maxant called for a vote: Selectman Sullivan aye, Selectmen McCreary aye, Selectman Luca no, Selectman Conley no, Chairman Maxant aye, 3-2 motion passes.

Article 5. Collective Bargaining-Contract ratification Firefighters 7-1-05 to 6-30-08.

Article 6. \$23,400.00 Transfer from Stabilization Fund to Dept. 300 Fire Dept.-which represents wage increases from Fy-05-Fy-07.

Article 7. Collective Bargaining-Contract ratification Patrolmen 7-1-05 to 6-30-08

Article 8. \$12,700.00 Transfer from Stabilization Fund to Dept. 300-Police Dept.-which represents wage increases.

Article 9. Funding removed re Regional School District Planning Committee (\$8K). Creation of special unpaid committee to be known as Regional School District Planning Committee.

The Board requested the Town Accountant draft a financial plan draft for the Board's review re the use of Free Cash and/or Stabilization funds to fund department overruns.

Agenda Item #3. Michael Taylor-citizen information re parking garage-The Board met with Thomas Gibbons, P.C. representing Michael Taylor owner of land located at 201 West Main Street, Ayer, MA re the possibility of locating the parking facility and train station at his site. Mr. Gibbons advised to 201 West Main St. being a 2.64 acre parcel with 265.78 feet of frontage along the Boston to Fitchburg rail line and 113.59 feet of frontage along West Main Street as shown on Town of Ayer Assessors Map 32 Parcel 15. Mr. Gibbons advised to location being eight tenths (0.8) of a mile from intersection of Park and Main Sts. Mr. Gibbons elaborated upon viability of location opportunity to keep train station in Town of Ayer and affords Town gateway revitalization opportunity, lessen traffic congestion, and will open parking along Main St. for downtown businesses. Mr. Gibbons also informed Board to abutting 2.32 acre parcel property currently for sale which could represent a combined 5 acres of land for parking facility and train station. Atty. Gibbons reviewed the aerial pictures with the Board depicting the property location/s. Selectman Sullivan expressed his views re site not MBTA-Downtown business conducive as well as concern re Federal Funding in jeopardy if Town switches gears at this juncture as well as wetland issues. Selectman McCreary expressing her concern re walkability of Town commuters which is factor of site and possibility of Lowell/Worcester line if train station becomes more possible. Selectman Luca expressed his concerns re environmental issues at 201 W. Main St. site and handicap viability re ground site very attractive and should not be passed over if environmentally clean. Selectman Maxant's concerns being that of residents in along West Main Street area with additional 350 car traffic. Mr. Suhoski updated the Board to Downtown Business Association planning a visit by Train to West Concord re positive impact of train station in their historic downtown business district on Saturday the 17th of Feb. at 9:30a.m. and returning later in the afternoon. Selectman Conley stating W. Concord is a single layer site not a three story parking facility. Selectman Sullivan stating benefits of train station to businesses substantial. Selectman McCreary advising Atty. gibbons to Parking Task Force Meeting scheduled for 2-15-07 at 7pm at the Town Hall. Atty. Gibbons to follow up with Downtown Businesses and Parking Task Force.

Agenda Item #4.- Office of Community & Development The Board met with Chris Ryan, Planning & Development Director present for the discussion Timothy Hansen, Program Manager.

1. Community Development strategy-

Mr. Ryan reviewed with the Board the 2005 Comprehensive Plan recommendations to update the 2006 Community Development strategy to meet the short term needs of the community. Mr. Ryan ran through the nine process, goals, and priorities: Housing Rehab Program-Target area., Update Town's zoning by-laws-smart growth, Downtown Sign & Façade Program, inventory of approved housing development, list deteriorated rental properties, expansion of Ayer senior Ctr., Hire professional planner to support planning & zoning offices, parking & improved rail station in downtown Ayer, Brownfield remediation-new fire station. Selectman Sullivan moved the Board approve the 2006 Community Development strategy as presented by Mr. Ryan, 2nd by Selectman Luca, VOTE: unanimous, so moved.

2. Target Area-

Selectman Sullivan moved the Board approve the Towns expanded downtown target area improvements to the Fy-07 CDBG Application to renovate up to four buildings in downtown target area

and authorize the Chairman's signature on the letter dated 2-6-07 to Mark Siegenthaler Manager Department of Housing & Community Development. 2nd Selectman Luca VOTE: unanimous, so moved.

3. Fy-07 CDBG Grant Approval- Selectman Sullivan moved the Board vote to approve the Fy-07 CDBG Grant as presented by Chris Ryan, 2nd by Selectman Luca, VOTE: unanimous, so moved.

4. Lien Subordination- Housing Rehab Program-Single Case Waiver 06-310

The Board approved a waiver of the Housing Rehabilitations Program Cap for Case No. 06-310 to continue the scope of work. This waiver shall be for a maximum not to exceed \$8,400 and funding to come from Program Income, motion made by Selectman Sullivan 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #5. Conservation Commission-

1. Conservation Administrator Position-The Board met with Bill Daniels, Chairman, George Bacon and David Bodurtha from the Conservation Commission. Mr. Daniels advised to the Commission present this evening to further discuss the position presented to the Selectman on 1-23-07 to assist the Commission with more expert advice re conservation issues- benefiting the Town, applicants and Commission. The Selectman reviewed in-fighting issues-one secretary serving three boards, budgetary deficit if Conservation Commission pulled away from Planning & Zoning Office and Secretary's salary shortfall of approximately \$11K. Selectman McCreary endorsing new position stating Conservation Commission is a regulatory Board and is not being served well. Selectman Luca stated his being leery of 08-budget projections and would entertain such a position discussion in the future. Fin-Com member Mary Spinner advising to position funded at current secretary's position approximately \$18/hour. Selectman Sullivan arguing lack of action will allow no admin support and increase hours by Planning & Zoning Offices. Mr. Daniels stated Commission is presently being charged for Overtime not utilized by Conservation Commission-secretary does not attend their meetings. The Board requested time card clarification re three boards use of secretary Selectman Sullivan requesting audit if necessary re hours worked by secretary. Mr. Daniels again stating Commission was before Selectmen just to bring this new position before the Personnel Board re rating it and approving the job description. Selectman McCreary moved the Board support the Conservation Commission's request to allow Commission to go before Personal Board for position rating, 2nd by Selectman Sullivan. Chairman Maxant re-stated he is against the creation of a new position, and advising the Board to person referred for position never got back to him which only supports his belief that the position isn't necessary/needed. Selectman Sullivan inquiring if his decision was based upon residents advising Board to need for position and if so he withdrew his seconding the motion stating the Board would like to hear from them requesting residents email Conservation Commission if they feel position is needed. The Board took this matter under advisement pending hearing from residents to need of position.

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

1. Water/Sewer Permits

Selectman Conley moved the Board approve Water/Sewer Permits for 7A-Unit 36 Sunflower Ct.-1" service, 7B-Unit 35 Sunflower Ct-1" service, 9A-Unit 38 Sunflower Ct.-1" service, 9B-Unit 37 Sunflower Ct.,-1" service, 2nd by Selectman Luca VOTE: unanimous, so moved.

2. Ayer/Harvard Development (Mill Corp.) comments-Supt. Madigan updated the Board to directive by the Board on 12-19-06 to review & comment back his comments re proposed development in Harvard being served by Town of Ayer Water and Sewer services. Proponents of the project-Mill Corp/J.C. Madigan (no relationship). Mr. Madigan concerns as presented to the Board:

- Existing utility easement-would need to be obtained by developer to utilize water/sewer lines. Ayer portion of the proposed sub-division did not extend to Harvard portion of the subdivision-Harvard project would need to be submitted to Ayer for review before determination would be made regarding providing water and sewer services outside the Town.

- Ownership of water/sewer lines, road and sewer pump station within Bennetts Brook has never been taken by Town will occur at 2007 Fall Town Meeting.
- Nashoba Boards of Health reviewing sewer sub-surface disposal systems. Tata & Howard cc'd and submitted their comments.
- If the subdivision were connected to Town water system within Bennetts Brook the subdivision would approach 400 feet requiring connection to the public water/sewer systems.
- Fire flow and hydraulic modeling need to be completed to determine the serviceability of the subdivision.
- Some lots may require water booster pump station and/or water storage tank. (subdivision proponent)
- Transfer of water from one water basin to another may require State approval
- Questions/concerns supplying water from one municipality to another i.e. water rates, who would operate, maintain and replace when needed water system infrastructure
- Water ban enforcement
- Unpaid water bills-recourse
- Compensation to Ayer use & reuse water/sewer infrastructure
- Wastewater handling alternatives Harvard sub-division
- Effect of subdivision on Ayer's ability to meet water demands
- Engineering costs evaluation/assessment increased water/sewer demands
- new infrastructure required
- legal & operational issues
- Intermunicipal Agreement
- Construction compliance with standards of Ayer Public Works
- Cost of construction administration to Town of Ayer
- Construction concerns of two projects & effect upon Shaker Rd.
- Traffic control intersection of Shaker Rd.
- Secondary/Emergency access between two subdivisions cc Fire Dept.
- Proponents contribute to Ayer's water/sewer capital improvements to direct effect upon Ayer's current water/sewer capacity.

Selectman Luca expressing his concerns and stating for the record he is against project. Selectman Sullivan expressing concern re collection of fees from Harvard for water/sewer no sure way to collect. Selectman Conley spoke of uncertainties re negative impact on Towns water/sewer capacity. The Board took this under advisement.

Agenda Item #7 Mark Coulter

Mr. Coulter (retired Ayer Police Officer) stated he was before the Board re complaints (4) filed with the Board of Selectmen re employee of the Town. Mr. Coulter requesting the Board hear his complaint to see if his complaints are valid. The Board expressed concern re hearing the complaint/s and making a decision before department head is heard from. Mr. Coulter requested why the Board wasn't investigating his complaint. Selectmen Sullivan stating concern re person who the complaints are against must be present-do process. Board cannot not make decision without party present. Chairman Maxant offering to hear Mr. Coulter's complaint first and than ask party (employee) to participate after Mr. Coulter makes his presentation. Town Administrator to contact Town Counsel to clarify the issue/procedures. Selectman Conley's suggestion to revisit the Gants Report procedures stirred up a heated debate/discussion between the Board. The Board scheduled an Executive Session for Tuesday, Feb. 27, 2007, at 7:00p.m. to hear Mr. Coulter's complaint/s.

Agenda Item #8. Town Administrator's Report:

1. **PanAm Update-** Mr. Suhoski advised the Board to latest PanAm correspondence/construction plans distributed to Town Departments, Board of Health, Conservation Commission, DPW-Water Dept, Planning Board, Town of Littleton, along with Memo from Town Administrator to get back to Board of Selectmen with their comments within thirty days.

2. Parking Facility Update- Mr. Suhoski briefed the Board to outstanding issues to be resolved re Mohammed Khans letter:

A-1 Administrative-Town Counsel to work with DCR's legal counsel re ownership transfer.

E-1 Funding Transfer-\$3.1 million in State Transportation Funding to be transferred to Federal Highway Funding.

Berry Easement-Have Town Counsel to produce Right-of-Way at Registry of Deeds.

The Board requested Town Administrator set up a meeting with Congressman Meehen as soon as possible to facilitate transfer of funding. Motion made by Selectman Sullivan 2nd by Selectman McCreary, VOTE Selectman Sullivan aye, Selectman McCreary aye, Chairman Maxant aye, Selectman Conley no, Selectman Luca abstaining 3-2 motion carried.

3. School Heating Problem Page/Hilltop School. Mr. Suhoski advised to School Dept. closing school at Page/Hilltop due to heating problem -National Grid working with School to resolve.

10:15p.m. Selectman Conley moved the Board adjourn the meeting, 2nd by Selectman Sullivan VOTE: unanimous, so moved.