

Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room
Ayer Massachusetts, 01432
3-2-10



Tuesday, March 2, 2010

Meeting Date: 3-2-10

Present:

Cornelius F. Sullivan, Chairman (Mr. Sullivan)	X	Carolyn McCreary, Member (Ms. McCreary)	X
Richard D. Gilles, Vice-Chairman (Mr. Gilles)	X	Gary J. Luca, Member (Mr. Luca)-	X
James M. Fay, Clerk (Mr. Fay)	X	Shaun Suhoski, Town Administrator (Mr. Suhoski)	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

Open Session:

7:10p.m. Chairman Sullivan called the meeting to order.

Chairman Sullivan opened the meeting by calling for a Moment of Silence for Charles "Chuck" Horgan, Town Moderator Emeritus who passed away earlier today. Chairman Sullivan reflected upon Mr. Horgan presiding over Town Meetings for over a quarter-century, retiring on October 24, 2006 and recalling his sterling reputation for adhering to parliamentary procedure at Town Meetings. Chairman Sullivan closed his remarks by adding that Chuck Horgan is forever woven into the fabric of our community and very well loved.

Public Input: Chairman Sullivan requesting if there was anyone present wishing to meet with the Board under Public Input.

Jeff Mayes-Communications Committee-Web Master, announced Town of Ayer recognized to receive award from Common Cause Massachusetts' 2010 e-Government Award on Tuesday, March 16, 2010 at 11:a.m. in Hearing Room A-1 at the State House in Boston. Mr. Mayes thanking all for making this award possible through timely submissions of Meeting Notices, Agendas, Minutes, Town Meeting Warrants, etc. to the Town's Website.

2. Frank Maxant-also offering a tribute to Mr. Horgan reflecting upon his generosity as owner of Ayer Oil Co. throughout the years advising to many Townspeople was kept warm who couldn't afford to pay. Mr. Maxant also taking this opportunity to promote openness and spirit of cooperation re Town's Spectacle Pond Aquifer/PanAm development re unloading facility, to keep the Town's public water supply safe.

3. Selectman Luca invited Worth Robbins-Harvard Free Press, and Doug Becker joins the Selectmen at the Table re Google's Next Gen Community-Google Fiber for Communities. Mr. Robbins updated the Board to Google planning to launch an experiment to make internet access better & faster by testing ultra-high speed broadband networks in one or more trial locations across the country. Google networks will deliver internet speeds more than 100 times faster than most people have access to over 1 gigabit per second, fiber-to the home connections. Service is being offered to at least 50,000 to 500,000 people. Mr. Becker advised to interested municipalities having to submit information about the community through and RFI to be used to determine where to build the network until March 26, 2010, advising to Ayer definitely interested... Mr. Robbins advised to a Regional approach in the works with Havard, MaDev, Shirley, Boxborough, Littleton, Bolton, and Ayer being approached to join. Selectman Gilles moved the Board support Google initiative as a Town, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

4. Chairman Sullivan requested the Board amend the Agenda by adding a Beer & Wine License request from St. Mary's Church for their St. Patrick's Day Dinner to be held on Saturday, March 13, 2010 at 7:00p.m.

Selectman Luca moved the Board vote to approve the license, 2nd by Selectman Gilles, VOTE: unanimous, so moved.

Agenda Item #1. Taken off Agenda—Certificates to be mailed

Agenda Item #2. Senator James Eldridge- Chairman Sullivan announced State Representative Robert Hargraves and Senator Jamie Eldridge present this evening. Rep. Hargraves for Office Hours and Sen. Eldridge to meet with the Board re Legislative update, i.e. Bills recently passed by Legislature that could effect Ayer, grants and stimulus funding for Ayer, Bills passed/pending that are specific to Ayer (Home Rule Petition) and other legislative items. Senator Eldridge reviewed with the Board Grants and Stimulus Funding to the Town of Ayer: Community Development Block Grant: \$531,579-----Education \$334,713. in Ed. Fiscal Stabilization Fund in Elementary & Secondary Ed, and Special Ed Grants to States (IDEA)-ARRA and Bills passed/pending specific to Ayer (Home Rule Petition) Passed: Chapter 146authorizing DEC to grant a license for the sale of All Alcohol Beverages to be drunk on premise. The Board welcomed Jeff Gendron a local Ayer businessman to the Table owner of Vineyard LLD a beer & wine package store on Park St. who addressed the need for the Town to have another All Alcohol License to compete in current economy. The Board requesting Senator Eldridge's Support for this additional license request made by the Town last year. Selectman Luca spoke to his concern re new DEC change proposed re change of make-up –direct conflict of interest and advised by Senator Eldridge to change struck from bill DEC current structure will remain as is. Senator Eldridge spoke to bill pending (\$475K-earmark) for Ayer/Shirley School Regionalization transition advising to legislature committed to support funding i.e. facilitate curriculum, program alignment and for the new regional administrators to be established. Senator Eldridge stated in Fiscal year 2010 he will be advocating for a local aid resolution seeking to hold harmless cities & towns for any changes in Chapter 70 or unrestricted Government aid. The Board reviewed with Senator Eldridge a letter sent by the local delegation to Secretary Bialecki requesting additional stimulus/matching funds from the 2006 transportation bond bill for the downtown parking project in Ayer advising to the next phase of work programmed on the regional TIP and Federal funding in place and MART advising to DOT/Governor needing to release \$250K of the \$2 million to complete the design, engineering and property acquisition for parking at train stations along the commuter rail line. Senator Eldridge supporting the release of state transportation bond money. PanAm concerns addressed by Selectman McCreary thanking Senator Eldridge for his support re aquifer protection and requesting continued support with MA DEP/USEPA oversight of PanAm's expansion plans and advised to changes in the works from State to Federal Law re environmental sensitive areas so what happened in Ayer doesn't happen again. Chairman Sullivan questioning Senator Eldridge if he supports subjecting State Legislature to the Open Meeting Law, Prevailing Wage Law as a local option, support reducing state sales tax, and making Massachusetts an Economic Opportunity Area, and assured that he would support all above given current climate. On the State Budget Senator Eldridge advising to the Legislature passing a \$27.4 billion budget ensuring that core services and programs would continue in this present climate when questioned by Selectman Gilles re long term financial modeling by the State to help cities & towns in the next five years re deficit projection. The Board thanked Senator Eldridge for coming in to meet with the Board and for the informative update.

Agenda Item #3. Fire Chief, re Automatic Fire Alarm Systems By-law Update-Chief Pedrazzi also took a moment to memorialize Chuck Horgan by stating he served the town in a lot of different ways recalling the year Mr. Horgan joined the Call Fire Dept. in 1977 sharing many great memories about a really good guy.

By-law update-Chief Pedrazzi stated he was before the Board to update the Town's Automatic Fire Alarm Systems. Chief Pedrazzi advising to the By-law adopted in 1992 and does not cover Radio Master Fire Alarm Boxes which are frequently used for transmission of alarms directly to the Fire Dept. stating this year the first radio alarm was installed with two more pending. Chief Pedrazzi also requested to increase the fee from \$200.00 to \$300.00 annually which hasn't been increased in 18 years. The Board scheduled a Public Hearing for the next Selectmen's Meeting 3-16-10 at 7:30p.m. re the Automatic Fire Alarm By-law update & fee increase. Announcement re Public Hearing requested to be posted and announced on WEBSITE & Cable

Agenda Item #4. Police Chief, re Central Avenue extension request of two-hour parking signs-The Board met with Police Chief William Murray. Chief Murray advised to meeting with merchants and landlord on Central Ave. re petition circulated re extending the two (2) hours parking zone (6-8 parking spaces) further up Central Ave. due to impact upon their businesses. Chief Murray advising Board to having no problem with this request but it will affect the 8-10 commuters parking there. Chief Murray advising to problem occurring when Depot Sq. was shut down. The Board debated extending the 2-hour parking signs pro/cons making it harder and harder on commuters to find parking spaces. Selectman Luca moved the Board vote to move up the 2-hour parking signage up by six (6) spaces and no more than eight (8) spaces on Central Ave. 2nd by Selectman Gilles, VOTE: unanimous, so moved. Town Administrator advised the Board to David Maher Director of Economic Development meeting with merchants/landlords and personally monitoring situation and impacts if any to the merchants/landlords and currently working on a proposal with the Police and Supt. of DPW which will be presented to the Board at their 3-16-10 meeting. The Board continued this discussion to the 16th. On another matter the Chief addressed the Crosswalk Flagmen signs suggested for use along Main St. at a previous meeting being more of a hindrance than a help i.e. they get broken, runover more of a focus for people than people in the crosswalk, plus very costly to replace (\$300.00 (+/-)). The Board to re-look at traffic calming study.

Rep. Hargraves responds to Senator Eldridge comments-advising to House preparing amendment to Chapter 498 if fails in the Senate. Rep. Hargraves stated his support of Home Rule Petition re additional liquor license for Town of Ayer as well as supporting subjecting State Legislature to Open Meeting Law, prevailing wage-a local option advising to Unions keeping prevailing wage in construction contracts, reducing the State Sales tax to 5% and supports the release of state transportation bond money for the design & construction of the Town's parking facility.

Agenda item #5. Supt. Nason's Report-

1. 118 Oakridge Drive, Ayer, MA -Water Abatement Request-The Board met with Supt. Nason and Paul Bresnahan representing Dorothy Marino of 118 Oakridge Dr. re hardship abatement. Mr. Bresnahan gave the Board a brief background re recent billing re water/sewer services at this address which was grossly inaccurate re usage presenting past three years billing reflecting average of \$135.00 per reading and current reading billed at over \$1900.00. Supt. Nason advised to old meter upgraded, bench test conducted and meter re-read 99% accurate. Mr. Bresnahan stated something very wrong, no leaks and this billing presents significant hardship for owner. Selectman Gilles moved the Board vote to wave difference from average/typical bill or \$1,795.60, 2nd by Selectman Fay, VOTE: unanimous, so moved.

2. WATER/SEWER Permits- Selectman Fay moved the Board approve Water & Sewer Permits for 52 Nashua St. and 66 Littleton Road for 1" water service and 6" PVC and authorize the Chairman's signature, 2nd by Selectman Luca, VOTE: unanimous, so moved.

3. VHB Update-Stormwater Utility Fund-The Board The Board met with Julie Hines of VHB re presentation of the Stormwater Utility Fund-see attached.

Agenda Item #6. Capital Plan Committee-

Present for discussion: Town Accountant Lisa Gabree, Mary Spinner. Ms Gabree updated the Board to due to lack of funds expected For Fy-2011 the Capital Planning Committee is recommending the following items be funded by a Capital Outlay Expenditure Exclusion:

- Schools feasibility study: \$200K (once study completed design & construction will follow in a subsequent year i.e. Fy-12)
- Jaws of Life \$41K
- Town Hall Generator \$65,024
- Police Admin Vehicle \$30K
- DPW Supt. Vehicle \$25K

• Street Signs	\$58K
• Full mounted mower	\$9,500
• ¾ Ton utility truck	\$35K
• 6 wheel dump truck	\$141K
TOTAL	\$604,524

Ms. Gabree stated minimum assessed value of home in Town of Ayer assessed at \$276K or \$20.00 per \$1K or \$120.00 per year per household for one (1) year Capital Exclusion. The Board deliberated on whether to place this on warrant as one time only expenditure vs. raise appropriate. Selectman Fay moved the Board vote to accept the recommendation of the Capital Planning Committee and Fin-Com and place the \$604,524.00 Capital Outlay Expenditure Exclusion on the ballot & warrant as a Capital Exclusion, 2nd by Selectman Luca, VOTE: Selectman Fay aye, Selectman Luca aye, Selectman McCreary aye, Selectman Gilles aye, Chairman Sullivan no, 4-1 motion passes.

Agenda Item #7. JBOS-Devens Enterprise Commission (DEC) change-The Board endorsed the Town Administrator’s letter to Senator Eldridge & Representative Hargraves re opposing the inclusion of the DEC in the economic development legislation and recommend that changes to Chapter 498 include full discussion and participation of the host communities. Motion made by Selectman McCreary, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Frank Maxant adding Chapter 498 cannot be changed unless approved by host towns.

Agenda Item #8. Town Administrator’s Report-

1. Dept. of Energy Resource Grant Award \$150K Clean Energy Choice Award \$4,902.97. Mr. Suhoski informed the Board to the Town’s receipt of grant awards to increase energy efficiency to develop capital improvements/efficiency.

2. Drug Court Evaluation Contract-DMA Health Strategies-Mr. Suhoski presented to the board DMA’s contract for one year in the amount not to exceed \$60K in accordance with approved application and budget for the drug court. Selectman Luca moved the Board vote to approve the one year contract with DMA for the amount not to exceed \$60K and authorize the Chairman’s signature, 2nd by Selectman Fay, VOTE: unanimous, so moved.

3. MIIA Dividend Award- \$5K credit applied to Town’s Property & Liability and Workers Compensation.

4. Packets-Board of Selectmen Meeting materials-Mr. Suhoski advised the Board to requests made by citizen re requesting Selectmen’s packet prior to Selectmen’s Meeting and advising citizen to not releasing packet until full board votes on request. The Board voted against releasing material prior to Selectmen’s Meetings to include press. One packet made for public consumption to be available at meeting along with press copy. Selectman Fay stating he in not in favor of releasing Agenda packet he hasn’t seen, and should charge \$0.20 cents per page for everyone seeking copies of the packet. Motion to approve not releasing Selectmen’s Packets prior to Tuesday night meeting to press or for public made by Selectman Fay 2nd by Selectman McCreary, VOTE 3-1 Selectman Gilles left meeting, Selectman Fay aye, Selectman McCreary aye, Chairman Sullivan aye, Selectman Luca no. 3-1 motion passes.

5. Mr. Suhoski read a letter into the record re his resignation as Town Administrator informing the public to his accepting position as Town Administrator in Sturbridge, MA Mr. Suhoski’s last day of employment 4-16-10 last day of work 4-9-10. The Board moved and accepted Mr. Suhoski’s resignation with regrets and thanks for his 11 years of loyal and dedicated service to the Town of Ayer. Mr. Suhoski started his employment with Town of Ayer as the Town’s Economic Development Director in April 99 and as Town Administrator in January 2006. The Board discussed hiring of interim Town Administrator and advertising Mr. Suhoski’s position.

Agenda Item #9. Selectmen’s Questions/New Business-Selectman McCreary reminding Board to submit letter to DEP/EPA re PanAm’s new construction.

Selectman Fay, moved the Board vote to approve the Minutes of 2-11-10 and hold the Minutes of 2-16-10 until review by Mr. Suhoski (Minutes taken by Janet from home) 2nd by Selectman Luca VOTE: unanimous, so moved.

10:55p.m. Selectman Fay moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 re Collective Bargaining, to adjourn from Executive Session for the sole purpose of adjourning the meeting, 2nd by Selectman Luca, VOTE: Selectman Fay aye, Selectman Luca aye, Selectman McCreary aye, Chairman Sullivan aye, unanimous, so moved.

DATE: _____

James M. Fay, Clerk

AYER BOARD OF SELECTMEN

Selectmen's Meeting Tuesday, March 2, 2010
Ayer Town Hall, 1st Floor Meeting Room, Main St., Ayer, MA

6:30p.m. Open Session with the possibility of entering
Executive Session pursuant to MGL Chapter 39 Section 23B
Exemption #3 Strategy with respect to Collective Bargaining

7:00 p.m. Open Session

Public Input:

Chairman Sullivan	Special Town Meeting –Ayer/Shirley Regionalization Saturday, March 6, 2010 @ 10:00a.m. Ayer High School-Auditorium-Washington St.

- | | | | |
|----|-------------------|-------|--|
| 1. | 7:00p.m.-7:10p.m. | 10min | Certificates of Recognition
1. Robert Hammond-Boy Scout Troop 2
Retiring after 56 Years of Service
2. Larry Cole-Ayer Fire Dept. Deputy Chief Call Fire-fighters
Retiring after 35 years of Service |
| 2. | 7:10p.m.-7:30p.m. | 20min | Senator James Eldridge |
| 3. | 7:30p.m.-7:40p.m. | 10min | Fire Chief Robert Pedrazzi, re Automatic Fire Alarm Systems
By-law update |
| 4. | 7:40p.m.-7:55p.m. | 15min | Chief of Police William Murray
1. Recommendation on extending 2-hour parking-Central Ave.
2. Flagmen signage-crosswalks |
| 5. | 7:55p.m.-8:10p.m. | 15min | Supt. Nason's Report
1. Water/Sewer Permits
2. VHB Update-Stormwater Utility Fund |
| 6. | 8:10p.m.-8:20p.m. | 10min | Capital Plan Committee
Re: Capital Exclusion |
| 7. | 8:20p.m.-8:30p.m. | 10min | JBOS
1. DEC Legislation Change |
| 8. | 8:30p.m.-8:55p.m. | 25min | Town Administrator's Report
1. Dept. of Energy Resources Grant Award \$150K and
2. Clean Energy Choice Award \$4,902.97
3. Drug Court Evaluation Contract
4. MIA Dividend Reward
5. Board of Selectmen Meeting Packets
6. Misc. |
| 9. | 8:55p.m.-9:00p.m. | 05min | New Business/Selectmen's Questions
1. Minutes of 2-16-10 |

Open Session with the possibility of entering Executive Session
Pursuant to MG.G.L. Chapter 39, Section 23B, Exemption #3
Re: Collective Bargaining

Adjourn

02-26-10P03:10 RCVD