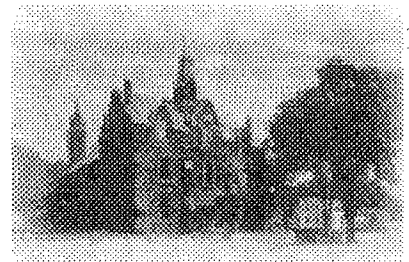


Town of Ayer
Board of Selectmen
Town Hall, First Floor Meeting Room
Ayer Massachusetts, 01432
12-18-08



Thursday, December 18, 2008

Meeting date: 12-18-08

Present:

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

Meeting Called to order at 3:00p.m.

Chairman McCreary opened the meeting by making the following Power Outage Announcement-National Grid reports that 19 customers in Ayer remain without power as of this morning. If you or your neighbor/s are still without power contact National Grid directly at 800 465-1212 to ensure placement on the individual service restoration list.

Public Input-Chairman McCreary requested if there was anyone present wishing to meet with the Board, no one stepped forward. Selectman Fay- add additional Agenda Item 4A. MMA Conference January 23, 24, 2009.

Chairman McCreary called for a motion to accept the Agenda. Selectman Fay moved the Board vote to approve the mended Agenda for 12-18-08, 2nd by Selectman Gilles. VOTE: unanimous 4-0, so moved.

Agenda Item #1. Library-ratify vote for carpet contract. Mr. Suhoski updated the Board to the Library Trustees unanimously approving the bid from Capital Carpet Flooring Specialist, Inc. for the upper and lower level of the Ayer Library. Mr. Suhoski advising the Board to the carpeting approved at the 2008 Annual Town Meeting. Selectman Fay moved the Board vote to approve and ratify the Library Carpet replacement to Capital Carpet and Flooring Specials of Woburn, MA in the amount not to exceed fifty one thousand three hundred and ten dollars (\$51,310.00), 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Agenda Item #2. Planning & Development Staffing-deferred to 12-23-08 Selectmen's Meeting.

Agenda Item #3. Regionalization of Services-DPW Superintendent position with the Town of Harvard, MA

Mr. Suhoski updated the Board to the DPW Screening Committee meeting with Richard Nota, the DPW Director in the Town of Harvard. Mr. Suhoski advised the Board to the Committee finding Mr. Nota has the education, skill and experience required for the DPW Supt. position, the Committee did not vote on whether the Town of Ayer should "share" services with Harvard feeling that is a Selectmen's decision. Mr. Suhoski requesting if the Town of Ayer wishes to enter into an Intermunicipal Agreement with Harvard to utilize Mr. Nota's services of whether the Board wishes to receive a list of finalist from the Screening Committee. Mr. Suhoski ran through draft "Pilot Program" Agreement for the Board's review:

- Effective date of Selectmen's ratification through June 30, 2010
- Inclusion of a 30 or 60 day "opt out" provision, without penalty, by either party
- Mr. Nota to remain an employee of the Town of Harvard
- Ayer and Harvard to split cost of wages, benefits and payroll cost evenly
- No specific hours of coverage for either community (leave to incumbent with direction from Town Administrators and boards of Selectmen as needed)
- Town of Ayer names as additional insured on the Town of Harvard's liability insurance policy with limits to match Ayer's existing MIA Policy (\$1 million per occurrence; \$2 million umbrella)

Mr. Suhoski urging the Board's decision re above or run risk of loosing "in-house" candidates.

Selectman Sullivan urging the Board conduct a Public Hearing to take input from residents and invite Mr. Nota to this meeting to report on how he would administer two (2) Town's DPW. Selectman Sullivan suggested the Board vote to adopt the Town Administrator's draft "Pilot Program" with a sixty (60) day opt out clause and termination of Mr. Nota from Town of Ayer not to be penalized. Selectman Gilles suggesting a one (1) year agreement-short term agreements for a couple of years. If issues arise i.e. termination/discipline "opt out" clause would cover. Selectman Gilles advising to Worcester County - Pioneer Valley has been participating in regional sharing of municipal services i.e. Town Accountant and would request a copy of their agreement for the Board's review. Selectman Fay urging the Board's quick action re sharing of services to get Town Administrator out from under DPW duties. Selectman Gilles stating it has to be work in progress and Public Hearing will decide if regional or not. The Board requested a Public Hearing be conducted the first week in January 2009 and invite Harvard's DPW Director to attend to allow Town of Ayer residents to air thoughts. This put in the form of a motion by Selectman Gilles, 2nd by Selectman Fay. VOTE: unanimous, 4-0 so moved.

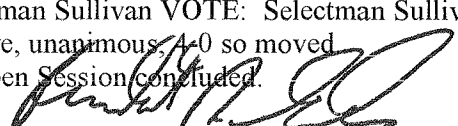
Agenda Item #4. PanAm Update-Mr. Suhoski advised the Board to Chairman McCreary and he preparing a letter to STB re Geo Insight filing additional comments to Surface Transportation Board (STB) re Environmental Assessment re protection of the Spectacle Pond Well field from the construction and operation of a new auto unloading facility directly atop a MA dept. of Environmental Protection (MADEP) Zone II Recharge Area. The Town's primary source of drinking water (see Comments on Environmental Assessment dated 12-15-08). Requesting the STB to adopt the following:

1. Require applicants redevelop existing vacant unloading facility located outside of the Zone II Aquifer.
2. Mandate inclusion of SEA's environmental mitigation measures identified in Section S.5 (page S-7) with additional specificity and oversight through EPA and MaDEP
3. Require applicant's to adhere to any comments or conditions suggested by the EPA, MaDEP and Ayer's Federal & State legislative delegation
4. Require PAS to install and allow the Town of Ayer to operate groundwater monitoring wells detailed by Geo Insight 7-3-07 in a report entitled "Spectacle Pond Well fields" Proposed Well Locations: PanAm property filed with STB as Exhibit B to the Town of Ayer's 9-4-08 comments.

Agenda Item 4A MA Municipal Association Annual Meeting 1-23-09 & 1-24-09-Mr. Suhoski updated the Board to Selectmen's 2009 Budget not sufficient for all the Selectmen to attend the Annual MMA Meeting. Chairman McCreary moved the Board limit amount per Selectman to attend be set at \$200.00 to cover registration fee and one (1) meal. Town Administrator's registration/hotel for MMA Meeting to be paid from DPW 2009 budget. Motion to approve made by Selectman Gilles 2nd by Selectman Fay, VOTE: unanimous, 4-0 so moved.

3:30p.m. Selectman Gilles moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23 B Exemption #3, to adjourn from Executive Session for the sole purpose of adjourning the meeting, 2nd by Selectman Sullivan VOTE: Selectman Sullivan aye, Selectman Fay aye, Selectman Gilles aye, Chairman McCreary aye, unanimous, 4-0 so moved.

3:30p.m. Open Session concluded.



DATE: _____

1-20-09

Richard Gilles, Clerk