

Selectmen's Meeting

April 15, 2008

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

Meeting recorded by AYERPAC made part of meeting minutes-CD available for viewing by written request to Town Administrator or by purchase from AYERPAC directly.

Present

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

7:05p.m. **Public Input-** Chairman Luca opened the meeting by requesting if there was anyone present wishing to meet with the Board under Public Input.

David Bodurtha-questioned authority of ZBA breaking away from Planning & Development advising to no vote taken officially by Board. Representative from ZBA attesting to no formal vote of Board being taken at any meeting to separate from Planning & Development Office also questioning validity of move. Selectman Conley advising to letter received from Chairman of Board to Selectmen requesting to separate budget from Planning & Development Office.

Douglas Friedrich- Updated the Board to being the Veteran's liaison for disseminating information re Veteran's Benefits to Town of Ayer Veterans i.e. families, widows and requesting documentation from the Veteran's Agent be displayed in the Town Hall for residents advising to no information being made available to residents at this time. The Board agreeing and suggesting the Veterans Agent display Veterans documentation/information in the Town Hall kiosk in the 1st Floor Columbia Street hallway for Town of Ayer residents.

Jos Fay-Requesting the Board place signs/banner out notifying residents to the Town Election on 4-28-08.

Agenda Item #1. Certificates of Recognition

Acting Police Chief William Murray – Presented the Board a Telecommunicators Proclamation in honor of Telecommunicators Week April 14th through 18th in the Town of Ayer. Acting Chief Murray announced to the Board Victoria Roche Chief Telecommunicator for the Ayer Police Dept. being present this evening. Chairman Luca invited Mrs. Roach to step forward. Chairman Luca read into the record and presented the Telecommunicators Proclamation to Mrs. Roche on behalf of the Town of Ayer.

Certificates of Recognition-The Board presented Certificates of Recognition to Patricia Walsh and Viola Barnes.

Patricia Walsh-Chairman Luca announced Ms. Walsh being unable to attend the meeting this evening due to medical problems but read into the record her Certificate of Appreciation thanking her for service to the Town serving on numerous Boards and Commissions over the years. The Board requested the Certificate be delivered to Mrs. Walsh.

Viola Barnes- The Board welcomed Vi Barnes to the table and read into the record a Certificate of Recognition on behalf of the Town recognizing Ms. Barnes in conjunction with Black History Month her induction into the "Living Legends".

Agenda Item #2. Appointments-

- 1. Personnel Board-Kathleen O'Connor**-The Board met with Kathleen O'Connor re her request to be appointed to the Personnel Board –Mr. Suhoski updated the Board to Ms. O'Connor meeting with the Personnel Board on Monday, March 3, 2008 and Board voting 3-0 to recommend her to the Board of Selectmen for appointment. Mr. Suhoski advising to Ms. O'Connor filing the unexpired term of Charles Jones which expires on 6-30-08. The Board review with Ms O'Connor her reasoning for wishing to be on the Personnel Board. Ms. O'Connor gave the Board a brief history of her background in human resources managing health insurance, questions/disputes, insurance and cost benefits analyses. Ms. O'Connor also advised the Board to her serving on Groton Conservation Com., on the open-space as part of the Master Plan update as well as volunteering with Loaves & Fishes. Ms. O'Connor wishing to give back to the community through service o the Town. Selectman Sullivan moved the Board vote to keep Lisa White as

he employee to the Town's position and moved to appoint Kathleen O'Connor to the Citizens-at-Large position vacated by Charles Jones commencing June 30, 2008 through July 1, 2011, 2nd by Selectman Maxant, VOTE: unanimous, so moved. The Board welcomed and thanked Ms. O'Conner for volunteering her services.

Conservation Commission- The Board met with Williams Daniels, Chairman of the Conservation Commission who introduced Jessica Gugino who applied for appointed to the Conservation Commission. Mr. Daniels reviewed Ms. Gugino's background and desire to serve on the Commission with the Board. Mr. Daniels advised the Board to Commission meeting with and recommending the appointment of Ms. Gugino to fill the vacated seat of Susan Tordella Williams effective through 6-30-09. Motion to approve made by Selectman Sullivan 2nd McCreary VOTE: unanimous, so moved.

Veteran's Agent- The Board met with Manny Velez, Veteran's Agent re his annual re-appointment which expired on 3-31-08. The Board welcomed back Mr. Velez from his leave of absence. Selectman McCreary moved the Board vote to re-appoint Manny Velez as Veterans Agent effective 4-1-08 through 3-31-09, 2nd by Selectman Sullivan VOTE: unanimous, so moved. Mr. Velez was advised to Mr. Friedrich's request earlier re placing documentation re Veteran's benefits/information in kiosk in Town Hall 1st floor lobby for residents. Mr. Velez having no objection and happy to do so.

Veteran's Services Reserve Fund Transfer (RFT)-Line Item 01547- The Board moved this item up on the Agenda while Mr. Velez was present. Mr. Velez stated RFT was required to pay the benefits for the months of April \$3,987.00, May \$3,987.00 and June \$3,987.00 2008. Mr. Velez stating two (2) new cases and increase of fuel allowance to \$250.00/per month attributed to request. Selectman Sullivan moved the Board approve the Veterans Services Reserve Fund Transfer (RFT) in the amount of \$10,288.50, 2nd by Selectman Conley for discussion requesting Town Accountant's documentation be attached to RFT, VOTE: unanimous, so moved. Selectman McCreary requesting assurances this large amount was budgeted for and advised it was.

Board of Health-Animal Control Officer Appointment- not necessary, taken off agenda.

Agenda item # 3. Ayer-Shirley-Lunenburg School Regionalization Update-Thomas Casey Mr. Casey informed the Board to more than 20 meetings of the Committee conducted and forum scheduled for 4-30-08. Mr. Casey advising to support from the N.E. School Development Council which he provided to the Board together with an Executive Summary briefing. Mr. Casey applauding the efforts of all three Superintendents & their personnel and advising to personnel studies & facilities inventory provided evidence to complex challenges, but not obstacles re staffing & design with a target date of 3-25-08 for each town to determine their recommendation of further pursuit of school regionalization. Mr. Casey informing the Board to the Ayer Committee recommending a sum of \$20K from each of the Towns of Ayer, Shirley & Lunenburg for the writing of an agreement for final approval. Mr. Casey advising to Annual Town Meetings: Lunenburg-May 3, 2008, Ayer's-May 12, and Shirley-May 17, 2008. Mr. Casey reviewed with the Board "what if we don't pursue regionalization" question and pro's & con's of regionalization. Mr. Casey also reviewed with the Board the Executive Summary's eight areas for study: i.e. expected benefits of regionalization, enrollments current/projected, inventory of educational facilities-potential construction efficiencies, administrative structure & organization, Geographical characteristics of region, transportation economics, fiscal costs & benefits and components of a regional agreement. (see attached). The Board thanked Mr. Casey for update and coming in to meet with the Board.

Agenda Item 4. Non-Union COLA- Town Administrator opened discussion by reminding Board to recommendations received by Personnel Board 3%, Fin-Com 1.5% and his recommendation (Town Administrator's) 2%. The Board again entered into a very lengthy discussion re various proposals. Selectman Conley defending Fin-Com's recommendation stating it is the best of all scenarios. Selectman Sullivan again defending premise is to present a balanced budget assuming litigation defense @ \$300K optimistic at best-suggesting allocating \$150K to litigation now and another \$150K at the Fall Town Meeting, fiscal health plan \$80K established (Board & School Committee need fortitude), Union COLA-\$45K and no non-union COLA, steps built into pay increases for all non-union employees. Margaret Scarsdale, Program Manager CDBG read and presented the Board a petition signed by 20 non-union employees requesting the Board's consideration and recommendation for a 3% cost of living increase for the Towns current non-union employees. Supt. Michael Madigan also spoke to no COLA increase as an insult to non-union employees. Chairman Luca spoke

purpose of Steps in Compensation Plan and suggested the Board consider a 2.25% COLA @ and estimated \$28K cost to the Town and if needed the Board could defer the IT Assessment & Implementation to FY-10. Selectman McCreary spoke to CPI @ 3.5% and researched wages and feels COLA would also include a 3.5% Step Increase to wages for non-union employees. After a lengthy deliberation Selectman Conley moved the Board vote to approve a 2.25% COLA as presented by Chairman Luca for the non-union employees, 2nd by Chairman Luca, VOTE: Selectman Conley aye, Selectman Maxant aye, Selectman Sullivan no, Selectman McCreary no, Chairman Luca aye, 3-2 motion passes.

9:10p.m. The Board took a five minute recess

9:15p.m. The Board re-entered Open Session

Agenda Item #5. Director of Planning & Development-Chris Ryan's Report

1. **43D By-law/Grant**-Mr. Ryan updated the Board to Guide Book established by MRPC re the 43D Application-Town of Ayer Expediated Permitting Guidebook –A guide to the review and approval process for priority development sites. Mr. Ryan advised the Board to this guide outlining the step by step permitting instructions through issuing permit. Mr. Ryan advised to Planning Board voting to endorse the Guide Book on a 4-0 unanimous, vote. Mr. Ryan advising to guidelines being distributed to 43D Advisory Committee and being advised by the State (EOCD-\$100K) that the 43D Grant will need to be accepted by 5-14-08. Mr. Ryan advising to key projects of this grant being the overhaul of the zoning by-law process & procedures and being a major component of the Comprehensive Plan Update adopted in 2005.
2. **Traffic Calming Amendment**-The Board approved Amendment #1. to the Scope of Services re Weston & Sampson's Engineering services contract- Traffic Calming Washington St. (vicinity of schools) and Central Ave. (vicinity approaching & leaving hybrid solution parking lot) as presented in Attachment C presented by Mr. Ryan not to exceed \$5,500.00 new cost of project \$28,500.00 to be funded from Program Income-CDBG and authorize the Chairman's signature. Motion to approve made by Selectman Sullivan 2nd by Selectman Maxant VOTE: unanimous, so moved.
3. **Electrification RFQ** -Mr. Ryan advised the Board to the Electrification RFQ being released with responses due on May 9, 2008 at 4:00p.m.. Mr. Ryan advising to the RFQ posted online-Town's Web Site.

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

1. **Chapter 90 Sandy Pond Rd.**-The Board voted to support adding Sandy Pond Rd. from Old Sandy Pond Rd. approximately 1555' westerly (approximately 500' west of Town Beach) not to exceed \$51,700.00 Supt. Madigan advising to this section of Sandy Pond Rd. includes the section of the road damaged by the water main break. Selectman Sullivan moving motion 2nd by Selectman Maxant VOTE: unanimous, so moved. Balance in Chapter 90 after this expenditure \$580,452.48.
2. **Spectacle Pond (PanAm) Monitoring Wells**-Present for the discussion Kevin Trainer of Geo Insight. Mr. Trainer gave the Board a presentation re monitoring well locations re Guilford's (PanAm) unloading facility construction site on Willow Rd. The Board in August 2007 installed additional up gradient monitoring wells re monitoring potential releases of oil/hazardous materials. The Board moved to approve the original six wells and additional 2 wells on N.E. Way/Stoney Brook property, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
3. **Balch Pond Dam/Dike**-Supt. Madigan updated the Board to his request for an extension in time to meet the requirements of the Dam Safety Order of non-compliance. Supt. Madigan advising Office of Dam Safety and Dept. of Conservation & Recreation notifying them to Balch Pond Dam ownership shared between the Town of Ayer and MA Highways. Supt. Madigan requested the Board approve proposal from Weston & Sampson to perform follow-up inspection for \$1,850.00. Supt. Madigan requesting the Board authorization for extension and approval to enter into contract with Weston & Sampson in the amount of \$1,850.00. The Board approved Supt. Madigan's requests to proceed.
4. **Redevelopment of Grove Pond Wells No. 1 & 2.** Selectman Sullivan moved the Board vote to approve the contract with D.L. Maher for the contract amount not to exceed \$40,055.00 per Supt. Madigan's recommendation dated 4-14-08 to the Board, 2nd by Selectman Maxant VOTE: unanimous, so moved.

Agenda Item #7 Town Administrator's Report-Mr. Suhoski presented his updated Fy-09 Omnibus Budget in the amount of \$22,982,182 updated from 4-8-08 Selectmen's Meeting which included:

- No non-union COLA (Town Administrator still recommending 2%)
- Level funded Selectmen's Budget at \$160,206 (steps & longevity absorbed)
- Town Counsel's budget reduced to \$90K
- Dept. 200 Town Accountant budget outstanding needing closure
- Separated line item budgets for ZBA & Planning Board

Selectman Sullivan recommending to reduce Town Accountants budget by \$9K. Selectman McCreary agreeing requesting Board overturn decision. Selectman Conley moved the Board vote to approve the Omnibus Article submitted by the Town Administrator in Totality with COLA adjustment to be included, 2nd by Selectman Maxant, VOTE: Selectman Conley aye, Selectman Maxant aye, Selectman Sullivan no, Selectman McCreary no, Chairman Luca aye, 3-2 motion passes. Selectman Sullivan stating his opposition and for the record stated he voted against the motion.

5-12-08 Annual Town Meeting Warrant-Special Town Meeting Warrant- Selectman Maxant moved the Board approve the Special Town Meeting Warrant for the payment of prior years bills, to be taken up prior to Annual Town Meeting, 2nd by Selectman McCreary, VOTE: Selectman Maxant aye, Selectman McCreary aye, Chairman Luca aye, Selectman Sullivan no, Selectman Conley no, 3-2 motion passes.

COLA-Selectman Conley moved the Board not approve COLA stipend for Selectmen, 2nd Selectman Sullivan, VOTE: unanimous, so moved. Selectman Conley recommended 0 COLA for Assessors and Moderator, and Tree Warden 2nd by Chairman Luca, VOTE: Selectman Conley aye, Selectman Luca aye. Selectman Maxant aye, Selectman McCreary aye, Selectman Sullivan no. 4-1 motion passes.

Article 14.- Selectman Sullivan moved the Board approve as presented. 2nd by Selectman McCreary VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Maxant aye, Chairman Luca aye. Selectman Conley no 4-1 motion passes.

Article 15- Selectman Sullivan moved the Board delete \$60K and insert \$100K transfer from Ambulance Fund Surplus to Free Cash, 2nd by Selectman Maxant, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Maxant aye, Chairman Luca aye, Selectman Conley no 4-1 motion passes.

Article 18.- The Board requested following language to be inserted after - from available funds "for the purpose of drafting a proposed regional school district agreement".

Article 19. Selectman Sullivan moved to reduce Litigation Defense Fees from \$300K to \$150K, 2nd by Selectman Conley, VOTE: Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant aye, Chairman Luca aye, Selectman McCreary no 4-1 motion passes.

Article 25- remove in it's entirety (Gift of Land)

Articles 26 -28. Planning Board to sponsor

Articles 29-31 Citizens Articles

#3.. Reserve Fund Transfers #1.The Board moved to approve a Reserve Fund Transfer in the amount of \$2,055.00 Line Item 01193-57430 Building Insurance-cost associated with defending claim by former employee with MA Com. Against Discrimination and **#2.** a Reserve Fund Transfer in the amount of \$1,997.07 Line Item 01912-51720 Workman's Compensation re annual payroll audit. Motion made by Selectman Sullivan to approve Reserve Fund Transfer 1 & 2 as presented by the Town Administrator in a memo dated 4-9-08, 2nd by Selectman McCreary VOTE: unanimous, so moved.

#4. Water/Sewer Permit- Selectman Sullivan moved to approve a Water/Sewer Permit for 86 Pleasant St. (Twin Valley Homes) for a 1" water & 1" sewer service, and authorize the Chairman's signature 2nd by Selectman Conley VOTE: unanimous, so moved.

#5 Misc. Comment Period Extension-Construction of Armed Forces Reserve Ctr-Devens

The Board requested PACE and Rich Dorothy be contacted to coordinate extension.

Agenda Item 8 Minutes- Minutes of 2-12-08, 2-26-08, 3-4-08, 3-18-08 and XBos 4-8-08 Selectman Sullivan moved the Board approve as amended, 2nd by Selectman Conley VOTE: unanimous, so moved.

11:30 p.m. Selectman Sullivan moved the Board vote to adjourn from Open Session to enter into Executive session pursuant to MGL Chapter 39 Section 23B, Exemption #3, re strategy with respect to litigation and strategy with respect to Collective Bargaining to adjourn from Executive Session to reenter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman McCreary VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Maxant aye, Selectman Conley aye, Chairman Luca aye. Unanimous, so move.

11:30p.m. Open Session concluded.

Michael J. Sullivan DATE: 5-6-08
CORNELL SULLIVAN, Clerk
AYER BOARD OF SELECTMEN