

Selectmen's Meeting

March 18, 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	Absent
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- Acting Chairman McCreary opened the meeting in absence of Chairman Gary Luca due to personal injury. Acting Chair McCreary requested if there was anyone present wishing to meet with the Board under Public Input-no one stepped forward.

Selectman Maxant-resignation of Patricia Walsh & Devens Development.

Selectman Conley-Arts Smart

Acting Chair McCreary called for a motion to accept the Agenda. Selectman Sullivan moved the Board approve the Agenda of 3-18-08, 2nd by Selectman Conley for discussion requesting the Board postpone Agenda Item #7 re Town Accountant Reclassification until full board is present due to discussion concerning policy and appointment advising to speaking with the Town Accountant and informing the Board to Ms. Gabree having no objection. Selectman Sullivan objecting and moved the Board not postpone the discussion. Acting Chairman McCreary called for a vote: Selectman Sullivan aye, Selectman Maxant aye, Selectman Conley no, Acting Chair McCreary aye. 3-1 motion carries.

Selectman Maxant-read into the record the resignation of Pat Walsh from the Planning Board, ZBA, CPC, MRPC and Democratic Town Committee effective immediately due to health related issues. Selectman Maxant acknowledging Ms. Walsh's long standing community spirit recognizing although no one is irreplaceable but it will take a handful of people to replace her. Selectman Maxant requesting the Board thank Ms. Walsh for her many years of service to the Town of Ayer and accept Ms. Walsh's resignation with regrets.

Devens -Selectman Maxant updated the Board to Town of Harvard's Town Meeting Warrant having an Article on the warrant to take back the land of Harvard and another one to establish a new Town of Devens based on DEC. Selectman Maxant stating Town of Ayer should do same. Selectman Maxant expressing his preference being to voting yes to taking land back; stating let voters control future of Devens urging everyone to think carefully re Devens.

Selectman Conley-Congratulating Ayer Arts Council with Saturday's March 8, 2008 Arts Smart Event at the Ayer Town Hall from 10-3 showcasing local Ayer talent and exhibits including crafts, photography, paintings, musical performances. Ms Conley extended thank you's to Lisa White, Chairman of the Ayer Arts Council members: Margaret Phillips, Vi Barnes, Penny Kelley, Julie Lacey, Diane Dolan, Paul Fillebrown Jr., Bob Myatt stating Ayer has a very active Arts Council.

Agenda Item #1. Bennetts Brook Roadway Acceptance-Town Administrator Shaun Suhoski updated the Board to recertification in process and place holder on 5-12-08 Annual Town Meeting Warrant. Supt. Madigan advising to plans meeting Town's specifications re roadway acceptance.

Agenda Item #2. Public Hearing-Class II License- set back for later in evening-Board ahead of schedule.

Town of Pepperell ETA Request-Town Administrator advised the Board to receipt of correspondence from the Town of Pepperell's Town Administrator Robert Hanson requesting the Town of Pepperell become a member of the existing ETA (Economic Target Area comprised of Groton, Shirley & Ayer) by amending the Town's ETA to include the Town of Pepperell. Selectman Sullivan recused himself from the discussion due to having a client directly involved in this request. Selectman Maxant voicing his concern re needing more information

and questioning funding not being made available when Ayer would need assistance. Selectman Sullivan updating the Board to funding not issue re ETA request only TIF (Tax Increment Funding). Selectman Conley calling a Point of Order re Selectman Sullivan recusing himself and possible influence of another Selectmen's decision. Selectman Maxant assuring all to his decision not being influenced by information given by Selectman Sullivan stating he should be allowed to comment. The Board took no action on Pepperell's request.

Agenda Item #2. Continuation of Public Hearing of 3/4/08- Class II License-Jason Goldthwaite-Alpha

Landscaping Contractors, LLC Nashoba Trailer & Equipment. The Board met with Jason Goldthwaite. Acting Chair McCreary opened the Public Hearing by requesting the Clerk read the Legal Notice into the record. Selectman Sullivan read the Legal Notice published in the Nashoba Publications the week of 2-29-08 into the record. Mr. Goldthwaite stated his business was landscaping and snow removal and carrying a line of equipment/supplies to be used in his business. Mr. Goldthwaite reviewed with the Board a copy of the proposed site plan dated 1997 advising the Board the plan did not depict the area presently laid out for 8 Bryan Way. Mr. Goldthwaite advised the Board to his plans to meet with the Planning Board re present site plan review and of his plans to improve property. Selectman Conley moved the Board vote to approve the Class II License for alpha Landscaping Contractors, LLC/Nashoba Trailer & Equipment, 2nd by Selectman Maxant. Resident Elizabeth Burdutha questioned number of vehicles to be placed on lot and if trees would screen business from neighboring homes. Acting Chair McCreary requested if there were any abutters present no one stepped forward. The Board conducted a brief discussion re type of vehicles and location of Zone II area. Acting Chair McCreary expressing her concern re parking of vehicles on dirt and having no protection re vehicles which leak requesting groundwater protection in near future of paving area where vehicles are to be parked. Selectman Sullivan requested friendly amendment re parking trailers to east of his building as depicted on plan away from residents and subject to Planning Board approval. Amendment accepted. VOTE: unanimous, so moved.

7:45p.m. Selectman Maxant moved to close the Class II Public Hearing, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #3. Public Hearing-Earth Removal Renewal Permit-Crabtree Dev. Corp.-The Board met with Steve Mullaney. Acting Chair McCreary opened the Public Hearing by requesting the Legal Notice be read into the record by the Clerk. Selectman Sullivan read into the record the Legal Notice which ran in the Nashoba Publications the weeks of 2-29-08 and 3-7-08. Mr. Mullaney updated the Board to construction starting up in October 07 on the western half of the Ridgeview Project and abutters notified of renewal application and of pre-construction start up as required. Selectman Conley ran through the past renewal restrictions requesting if there were changes to any of the items. Mr. Mullaney advising to no changes.

Selectman Conley moved the Board vote to approve the Earth Removal Renewal Permit for Crabtree Dev. Corp.-Ridgeview Heights Permit #03-08 for the removal of 240K cubic yards of common morrow from 7:00am to 5:00p.m. Monday through Saturday, with DPW monitoring of truck loads and residents of Cannongate and Old School House Condominiums to be notified of pre-construction start-up, Truck Route 110/Rt.2A 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

7:50p.m. Acting Chair McCreary welcomed Rep. Hargraves to the meeting advising residents to Rep. Hargraves conducting Office Hours at the Ayer Town Hall this evening until 8:00p.m.

Town Administrator presented to the Board Massachusetts Electric's Assent document for permission to install underground and overhead electric distribution system within the Slope Easement-Ridgeview Heights URD Layout # 9207-6562 off Snakehill Rd and Littleton Rd., Ayer, MA conveying a Slope Easement Agreement from George & Catherine Dumas to the Town of Ayer dated 11-4-04 Book 50510 Page 296 and Robert & Jane Dumas dated 11-4-04 Book 50510 Page 298. Selectman Sullivan moved the Board approve Mass Elec. Assent Agreement as presented above by the Town Administrator, 2nd by Selectman Maxant VOTE: unanimous, so moved.

Agenda Item #4. Planning & Development Director-ITT Needs Assessment Proposal-The Board met with Chris Ryan. Mr. Ryan presented to the Board his recommendation on IT Needs Assessment Proposal RFP dated 11-8-07 advising the Board to three (3) proposals received and reviewed by the review committee made

up of: Shaun Suhoski, Ann Callahan, Lisa Gabree, Michael Madigan, Gary Luca, Michael Thibeault, Brian McDermott, David Bodurtha and Dennis Curran. Mr. Ryan and the Review Committee recommended based upon the \$30K maximum authorized by the Board of Selectmen recommended retaining the team of Applied Geographic's and JFK Systems to conduct the Town of Ayer's IT and GIS needs assessment for not to exceed the amount of \$30K. Selectman Conley after review of funding options/availability moved the Board vote to approve the recommendation of Chris Ryan & Review Committee dated 3-10-08 and award the IT contract to Applied Geographic's and JFK Systems to conduct the Town of Ayer IT and GIS needs assessment not to exceed \$30K- Funding Source: UDAG funds, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Agenda Item #5. Non-Union Employees-Health Insurance Contribution-

Town Administrator Shaun Suhoski proposed the Board adopt a three-part policy that would provide both short-term and long-term cost avoidance in respect to the Town's Health Insurance.

Part 1. 75% contribution for non-union employees effective 7-1-08-Selectman Conley moved the Board implement the 75% - 25% contribution for non-union employees effective July 1, 2008, 2nd by Selectman Sullivan VOTE: unanimous, so moved. Selectman Maxant extended the Board thanks and appreciation to the DPW Union for stepping up urging other Town Unions to do same.

Part 2. Wage offset to mitigate transition cost for effected employees-Selectman Conley moved the Board implement a wage offset for non-union employees that are and were enrolled in the Town's health care plan as of March 1, 2008 as follows: \$36.31 per week for employees enrolled in a family plan and \$16.99 per week for employees enrolled in an individual plan., 2nd by Selectman Sullivan for discussion for the Board to act consistent re wage-offset adopt with equity-if contracts come out considerably different Selectmen be equitable to Town of Ayer non-union employees. Acting Chair McCreary called for a vote. VOTE: unanimous, so moved.

Part 3. Health Insurance Buy-out Program-Mr. Suhoski reviewed the premise with the Board that the Town would provide an annual payment for employees currently enrolled in a Town Health Plan that obtain alternative Health Insurance coverage. Proposing \$5K for Family Plan Buy-outs and \$2,400 for individual plan buy outs prorated and paid weekly only during such period of time that the employee is not enrolled in a Town Health Plan. Selectman Sullivan moved the Board vote to adopt the Health Insurance Buy-out Program described in a memo to the Board dated 3-14-08, 2nd by Selectman McCreary, VOTE: unanimous, so moved. The Town Administrator to prepare draft to be presented/shared with the Supt. of Schools, Town Accountant and Treasurer re annual benefit disbursed semi-annually vs. weekly.

Agenda Item #6. Planning Board Wall Petition Installation - The Board met with James Lucchesi-Ayer Planning Board. Mr. Suhoski updated the Board to Planning Board's request of 3-14-08 to install wall petition in the 3rd floor office of the Dept. of Planning & Development. Mr. Suhoski stated although care, custody and control of Town Hall are within the purview of the Board of Selectmen advising the Board to his directing staff not to install any walls unless directed by the Board. Stating creating another barrier between the public and staff that are suppose to serve the public does not make sense as well as the financial cost associated with the installation. Mr. Sushoski stated further the opinion of Dan Sherman -Town Hall Facilities Manager the installation would negatively impact the function of the heating and cooling system on the 3rd floor and finally due to staff concerns re security Mr. Sherman changed out the locks to the 3rd floor office and re-issued keys to staff. Selectman Sullivan moved the Board vote to adopt the Town Administrator's recommendation, 2nd by Selectman McCreary. Selectman Conley stating she agreed this was the best course of action but requested a directive be given to individual responsible for moving furniture to quit/stop. Selectman Conley stating she was sensitive to this request due to past history.. Selectman Maxant concurring stating space was assigned and hands off. Mr. Luchessi expressed his frustration with situation knowing direction Board would take and urged the Board to call vote. Acting Chair McCreary called vote: Selectman Sullivan aye, Selectman Maxant aye, Acting Chairman McCreary aye, Selectman Conley no 3-1 motion carries.

Agenda Item #7 Lisa Gabree Town Accountant

A. Reserve Fund Transfer-Financial Computer- Selectman Conley moved the Board vote to approve the Reserve Fund Transfer submitted by the Town Accountant due to unanticipated expenses related to upgrading the server in the amount not to exceed Two Thousand Three Hundred Sixty Two Dollars and fifty cents (\$2,362.50), 2nd by Selectman Sullivan VOTE: unanimous, so moved.

2. Position Reclassification-Mr. Suhoski updated the Board to the Personnel Board re-classed the Job Description of Financial Manager/Town Accountant's to Grade 14 (\$73,205.28) in the Town's Compensation Plan.

Selectman Conley requesting the new Grade be implemented to 2-26-08. Mr. Suhoski advising the Board to Selectmen re-classing another employee earlier this year and this change becoming effective on 7-1-07 expressing his concern re equity. Mr. Suhoski advising the Board should they approve the classification tonight the incumbent will go to the next step in the new grade closest to but higher than the current wage effective immediately. Mr. Suhoski advising the Board also having the ability to select a step higher than the minimum called for in the Personnel Policy but suggesting/recommending against any additional steps given the need to negotiate a successor contract in the upcoming weeks. Suggesting the Board accept the Personnel Board's recommendation and approve Grade 14 position only. Selectman Conley moved the Board approve the recommendation of the Personnel Board to establish the job description of Financial Manager/Town Accountant at Grade 14 as outlined in the Memo from Lisa White dated 3-4-08 and retro to 2-26-08, 2nd by Selectman Maxant. Selectman Sullivan opposing retro and recommending Grade not become effective until 7-1-07 to be consistent with other departments. Selectman Conley rescinding earlier motion and moved the Board vote to approve the recommendation of the Personnel Board to establish the position of Financial Manager/Town Accountant at Grade 14 per email from Lisa White dated 3-4-08 effective 7-1-08, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Contract Negotiations-Ms. Gabree requested to defer for later date due to Board's vote this evening.

Agenda Item #8 Town Administrator's Report-The Board met with Shaun Suhoski

1. Draft-09 Budget-Mr. Suhoski updated the Board to working session with the Fin-Com on 3-19-08 draft preliminary revenue projections to be presented at that time. Mr. Suhoski also updated the Board to School Committee Public Hearing scheduled for 3-26-08 re Fy-09 budget and not having final numbers until after Public Hearing from school. The Board set the Fy-09 Water/Sewer Public Hearing for 3-25-08, Mr. Suhoski advised to next JBoS scheduled for 3-27-08. The Board set 4-2-08 for the Town's Fy-09 Budget Public Hearing @7pm at the Town Hall.
2. JBoS Funding-Mr. Suhoski updated the Board to receipt of letter from Com of MA Dept. of Business & Technology re Chapter 140 Acts of 2007 Line Item 7007-0900 the Devens Disposition Steering Committee Earmark of \$106,156 under the Fy-07 General Appropriation Act and PAC's and to Fy-08 deadline of March 31, 2008 for documentation submission.
3. Pleasant Street School-Conservation Restrictions -Mr. Suhoski advised to Conservation Restrictions accepted. Thanking all for co-operative efforts.
4. State Transportation -new Commuter train route proposed (Union Station in Worcester and North Station in Boston that would supplement existing commuter rail service from Worcester to South Station in Boston and provide new commuter service in West Boylston, Clinton and Lancaster)-Mr. Suhoski advising to this update adding leverage to retaining T. stop. Mr. Suhoski reviewed Telegram's 3-6-08 Article with Board. On another note Mr. Suhoski advised the Board to the Executive Office of Transportation not needing to wait for funds to be released that State has funds. The Board requested another letter be submitted re status of release of funding.
5. Town Administrator advised to Fin-Com recommendation of 1.5% COLA.

Agenda Item #9. Selectmen's Questions-New Business-

Minutes 2-12-08 & 2-26-08 set back for next Selectmen's Meeting.

Selectman Maxant-stated his frustration with State Legislature insulating themselves re liability for wrongful incarceration & passing it onto Towns.

Selectman Conley-Police Chief's Position-requesting Board post vacancy.

Fire Station (Washington St.) urging the Board pursue sale by having Town Counsel begin Title search for placement on Annual Town Meeting Warrant, stating Town needs money.

10:25p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 strategy with respect to litigation and strategy with respect to Collective Bargaining to adjourn from this Executive Session for the sole purpose of adjourning BOSMIN3-18-08/PG. 5

the meeting, 2nd By Selectman Maxant, VOTE: Selectman Sullivan aye, Selectman Maxant aye, Selectman Conley aye, Acting Chairman McCreary aye, unanimous, so moved.

10:25p.m. Open Session ended.



Cornelius F. Sullivan, Clerk

DATE: _____

4-15-08