

**Selectmen's Meeting**

February 12, 2008

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.

**6:30p.m. Boston Post Cane Ceremony-Neville "Dutchie" Holland, 3 Brook St., Ayer, MA  
born on October 20, 1907 in Canning, Nova Scotia**

**Present: Chairman Gary Luca, Selectman McCreary and Selectman Sullivan, Janet Lewis Secretary**

**Family Present: Son- Horace "Dutchie" Holland, Grand-Daughter Tracy Holland, Henry Halpern, Great Grandchildren- Nicholas and Emmalee Hope**

**Friends Present: Joyce & Frank Finney, Reporters: Greg Barrows, John Love-Nashoba Publications, AyerPac  
Representative Don Swope and Long time family friend Rev. Bob Dobbs**

**Chairman Luca presented the cane to Mr. Holland and gave a brief background and history of the Cane. Ceremony to run on Cable (Channel 8). The Board congratulated Mr. Holland and wished him good health for many more years. Mr. Holland thanked all for coming. The Selectmen returned to the Ayer Town Hall to continue their meeting.**

**7:00p.m. Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA**

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

**Public Input-** Chairman Luca requested if there was anyone present wishing to meet with the Board under Public Input:

1. Patrick Hughes-Public Hearing Open Space & Recreation
  2. James Nehring-Regionalization Statement
  3. Chairman Luca advised to Agenda Item #4. MJTC Appointment taken off tonight's Agenda and to be rescheduled.
- Chairman Luca called for a motion to approve the Agenda. Selectman McCreary moved the Board approve the Agenda of 2-12-08 as amended, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
1. Patrick Hughes requested the Board's decision re the date for conducting his Public Hearing request of 1-22-08. The Board set Wednesday, March 19, 2008 at 7pm at the Ayer Town Hall for the Open Space & Recreation Public Hearing.
  2. James Nehring-Mr. Nehring read into the record a statement concerning Regionalization and his concern re benefit of smaller schools and Consultant's draft report emphasizing potential cost savings associated with Regionalization and giving less attention to potential cost increases. Mr. Nehring stating he does not have a firm opinion re regionalization his goal being to ensure all relevant information gets full exposure during deliberations. (see attached) The Board invited Mr. Nehring to stay for Agenda discussion later this evening for Regionalization update by Tom Casey.

**Agenda Item #1. Judge Kilmartin-Ayer District Court Grant-Present for discussion-Probation Court Officer Jim Kazeniak and Kerin Raymond-Advocates Treatment Coordinator.** Judge Kilmartin took this opportunity to publicly thank the Town of Ayer for taking a chance and partnering with the Court House for the 2007 Drug/Alcohol Addiction/Mental Health Services Treatment Program and for administering the Program. Judge Kilmartin stated it is a win-win program serving families struggling with addiction related issues. Judge Kilmartin advising to even though program was not funded for this round the program will continue. Judge Kilmartin stated Advocates will be opening up center in Depot Square early Spring of 2008 advising to Open House being held. Ms. Raymond invited the Board to graduation ceremony this Thursday, 2-14-08. The Board thanked Judge Kilmartin for coming in and wished Advocates continued success for all their hard work put into program.

**Agenda Item #2. Chief Richard Rizzo-** Chief Rizzo stated he was before the Board re his letter of resignation as Chief of Police effective 3-28-08 informing the Board to his last working day being Friday, March 7, 2008, after serving ten (10) years as Ayer's Chief of Police. Chief Rizzo advised the Board to his accepting Chief of Police position in Brunswick, ME and thanked the Board and Town for opportunity to serve community and working with a great staff of professional men & women. Chief Rizzo recommended the Board appoint Lt. William Murray as Acting Chief of Police effective 3-7-08. Selectman Conley moved the Board vote to appoint William Murray to the position of Acting Chief of Police effective 3-7-08 until such time the Board of Selectmen hires a new Police Chief, Lt. Murray to be paid at Grade 15 Step 1 or 2, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. Lt. Murray thanked the Board for their vote of confidence stated he encouraged an open door policy welcoming Board/residents to call him with questions or concerns. Selectman Sullivan

praising Lt. Murray's past performance during Chief's absence handling high profile case, demonstrating his ability and leadership. The Board determined that there was no need to fill the Lieutenant's position at this time.

**Agenda Item #3. Ayer Library Trustees request for Appointment-**The Board met with Paul McGuane, Library Trustee re the appointment of Louise Bresnahan to fill the unexpired term of Joanne Quigley until the next municipal election. Ms Quigley moving up to permanent Trustee filling the open seat of past Library Trustee -Ida Narparsek. Mr. McGuane advising to quorum of Library Trustees present: Karen Gibbons, Joanne Quigley, Tim Holland, Penny Kelley and himself to confirm the appointment of Louise Bresnahan to the Library Trustees. Selectman McCreary moved the Board vote to appoint Louise Bresnahan to the Ayer Library Trustees until the next Town municipal election, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Agenda Item #4. Montachusett Joint Transportation Committee Appointment-rescheduled**

**Agenda Item #5. Jeff Thomas, Park Director, re Youth Recreational Ctr.** -Present for discussion Bruce Paige-Park Commissioner. Mr. Thomas advised the Board to Ayer Park Dept. being notified by Devens Recreation of opportunity for regional Teen Ctr. for Ayer, Devens and Shirley youths/teens on Devens. Mr. Thomas distributed and reviewed with the Board general information -proposed Rules Regulations re the Devens Youth Ctr. Mr. Thomas advised the Board to insurance rider-Additional Insured to Town's insurance policy in process re the Park Dept.'s liability, cost of rider to be borne by Park Dept., and took this opportunity to address need for volunteers encouraging anyone interested in volunteering to contact the Park Dept. at (978) 772-8217. The Board congratulated Mr. Thomas for initiative for undertaking of this worthwhile activity and for doing wonderful job for the youth of Ayer.

**Agenda Item #6. Ayer Fire Chief-Robert Pedrazzi**

Mutual Aid Agreement-MGL Ch48 s59A.-Chief Pedrazzi requested the Board's acceptance of MGL Ch48s59A authorizing the Ayer Fire Dept. to respond to another Town which would cover injuries to Firefighters in the performance of their duties while working in another jurisdiction. Selectman McCreary moved the Board vote to accept MGL Ch48 s59A per the Chief's recommendation, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved. Congressional Fire Services Institute (CFSI)-The Board authorized Chief Pedrazzi's request to attend out of state seminar in Washington D.C. on April 2 & 3, 2008. Chief Pedrazzi advising the Board to District 6 Fire Mutual Aid sponsoring four spots and paying for the Chief's air-fare, hotel & seminar dinner. The Board congratulated Chief Pedrazzi on being chosen as District 6's delegate, credit to the Chief.

**Agenda Item #7. Supt. Madigan's Report-the Board met with Mike Madigan**

**Scrap Metal Collection-**Supt. Madigan reviewed with the Board his concerns re metal picking at the Transfer Station advising the Board to the recent rapid rise in the value of scrap metal, picking at the Transfer Station has greatly increased and the effect upon recycling operations is apparent. Supt. Madigan reviewed annual volumes/drops drawing the Board's attention to volumes recycled in 2003 depicting 236 tons of scrap metal as opposed to 2007 depicting 89 tons recycled. Supt. Madigan also expressed his concern re safety and liability exposure to the Town requesting the Board vote to re-consider their previous decision and stop scrap metal picking by the public. Towards this effort Supt. Madigan advised the Board to the Ayer Board of Health agreeing with his recommendation and endorsing his request to stop metal picking at the Transfer Station. Selectman Sullivan advising the Board to Harvey Flagg utilizing scrap metal area to pick-up bicycles for Town of Ayer children which he rebuilds and sells very cheaply or gives away to Town residents for their children. Selectman Sullivan moved the Board vote to approve Supt. Madigan's recommendation to stop scrap metal picking at the Transfer Station with the exception of old used bicycles/parts that may be reused to be kept separate, 2<sup>nd</sup> by Selectman Conley, VOTE: Selectman Conley aye, Selectman Sullivan aye, Selectman McCreary aye, Chairman Luca aye and Selectman Maxant no, feeling he supported the Board of Selectmen's vote of five years ago stating he gets upset when we loose something in Town, arguing to allow scrap picking and continue current policy, 4-1 motion passes.

**Request for Sewer Abatement-46 E. Main Street-**Selectman Sullivan moved the Board vote to approve Supt. Madigan's recommendation as stated in a memo to the Board dated 2-4-08 for a sewer abatement in the amount not to exceed \$133.64 to John Wyman for 46 E. Main Street, Ayer, MA, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**Highway Dept. Appointments-**Supt. Madigan updated the Board with the recent retirement of Larry Caldwell from the Highway Dept. the DPW Union polled its membership re interest in the Foreman's & Asst. Foreman's positions. Dave Kidder expressed interest in the Foreman's position and Doug Jasperson expressed interest in the Asst. Foreman's position the Union membership also agreed to allow these positions to be filled without going through the posting & bidding process. Supt. Madigan stated both Kidder & Jasperson are long term members of the Highway Dept. and substituted for Mr. Caldwell & Kidder during their absences. Supt. Madigan recommended the Board's consideration to appoint David Kidder as Highway Foreman and Doug Jasperson as Highway Asst. Foreman. Selectman Conley moved the Board vote to accept the recommendation of Supt. Madigan and appoint David Kidder to the Highway Foreman's position and Doug Jasperson to the Highway Asst. Foreman's position effective 2-13-08, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**Storm Water By-laws-** Supt. Madigan updated the Board to the Town being in the last year of a five-year stormwater program mandated by the Federal government under the National Pollutant Discharge Elimination System (NPDES) Stormwater Program. Supt. Madigan advising to major component of program was the development and acceptance of several by-laws & regulations re illicit discharges and the regulation of stormwater runoff from construction sites/land disturbances. Supt. Madigan advised to Stormwater Com. (Peter Johnston-Planning Board, and David Bodurtha-ConCom being very instrumental) developed bylaws with the assistance from the NRWA and the consultant Comprehensive Envir. Inc. for acceptance at the Spring Town Meeting (May 08). Supt. Madigan advising to Public Hearings, one or two, being planned prior to Town Meeting in March/April 08 as well as running on Channel 8 and Town's Website to educate and inform public to impacts to NPDES Stormwater Program can have on water quality to promote citizen participation in program development and implementation. Selectman Sullivan moved the Board vote to place both by-laws: By-law XLVII NPDES Phase II Stormwater Bylaw and NPDES Phase II Stormwater Regulations on the Town Spring Town Meeting Warrant subject to Town Counsel's review & comment prior to Public Hearing/s being conducted, 2<sup>nd</sup> by Selectman McCreary. Selectman Conley questioning why placing non-financial articles on Spring Town Meeting which is intended only for financial matters and placing on Fall Town Meeting which is intended for Planning/Zoning Articles/non-financial matters. Supt. Madigan responded timing being issue with Federal Government. Chairman Luca called for a vote: unanimous, so moved.

#### **Agenda Item #8. Town Accountant- The Board met with Lisa Gabree**

**Reserve Fund Transfer-**Ms. Gabree updated and informed the Board to upcoming need for FY-08 Financial Computer Budget Reserve Fund Transfer re unanticipated expenses related to upgrading the server to address the need to purchase data base support for upgrading financial application software due to program being corrupted (MUNIS), CAMA re-programming (state appraisal/valuation program), and staff training for new version of MUNIS. Ms Gabree informing the Board to the extent of the Reserve Fund Transfer not known at this time but thought it would be in the neighborhood of approximately \$5K. FYI only at this time.

**GASB 45 Consultant Contract Award-**Ms. Gabree advised the Board to three proposals received to conduct actuarial costs -value of post- employment benefits (OPEB) associated with GASB 45. Ms Gabree advising to 5-15-07 ATM funding \$15K associated with GASB 45. Selectman Conley moved the Board vote to award the Retiree Welfare Benefit Plan proposal for GASB 45 Actuarial & Consulting Services to low bidder Primoris Benefit Advisors, Inc. in the amount not to exceed \$7,750.00 which includes 3 budget allocations, additional work at hourly rate of \$250, provided the Contract includes professional liability and Errors and Omissions insurance covering and naming the Town of Ayer as an Additional Insured, 2<sup>nd</sup> by Selectman VOTE: unanimous, so moved.

**Town Accountant-Job Description-**The Board requested the reclassification of the Town Accountant's Job Description be run by the Finance Com. prior to being sent to the Personnel Board for classification. The Board requested the Personnel Board post a meeting for the same night as the Board of Selectmen in order to discuss the reclassification if approved by the Board. Motion made by Selectman McCreary, 2<sup>nd</sup> by Selectman Sullivan VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Conley no, Selectman Maxant aye, Chairman Luca aye, 4-1 motion passes.

**Agenda Item #9. Planning & Development Director's Report**-The Board met with Chris Ryan.

Department Assistant's Position-After a brief review by Mr. Ryan re need to hire Dept. Assistant and Board's discussion re shared position with Town Acct. & Treasurer's Offices, the Board moved to approve the recommendation by Mr. Ryan to appoint Janet Berube to the department assistant position for the Planning & Development Department for the annual allocation of \$6500.00 for twelve (12) hours of work until the end of Fy-08 to be reviewed for Fy-09 for six (6) hours per week annually. Funding source UDAG. Motion to approve made by Selectman McCreary, 2<sup>nd</sup> by Selectman Sullivan VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Conley aye, Chairman Luca aye, Selectman Maxant not voting 4-1 motion passes.

**Fy-09 CDBG Application & HDSP NOI**-Ms. Scarsdale presented the Board the revised Fy-09 CDBG letter of Support for the Board's endorsement in the amount of \$977,416 to rehabilitate 21 units of housing and improve 6 commercial buildings in the downtown target area through the Sign & Façade Program along with the approval of the following CDBG Forms: CEO Certification Form, Fy-08 CDBG Cover Sheet (2) copies, CDBG Funding Displacement Certification, Massachusetts Fy-08 Anti-Displacement and Relocation Assistance Certification, Program Certification. Selectman Sullivan moved the Board vote to authorize the letter of support and CDBG forms as requested, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**2008 Community Development Strategy**-Selectmen Sullivan moved the Board vote to approve the 2008 Community Development Strategy as presented by Margaret Scarsdale dated 2-8-08 to be utilized as standard Format, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

**MGL C.43D**-present for the discussion Patricia Walsh, Chairman of the Planning Board & Planning Board member Mark Fermanian. Mr. Ryan reviewed with the Board the next steps revised outline re: the Board of Selectmen officially appointing a single municipal point of contact, Selectmen with Planning Board's support authorize the Consultant to begin work on 43D initial zoning changes-Mr. Ryan to develop scope & work with Consultant. Selectman create Advisory Group to oversee effort, Selectmen create a technical review committee, Selectmen implement remainder of Consultant recommendations to implement 43D for the hospital (NVMC). Selectman Conley moved to approve the proposal by Montachusett Regional Planning Commission dated 2-6-08 in an amount not to exceed \$20K, the Town's contribution not to exceed \$15K for the Zoning By-law review and MGL c43D related tasks. Contact: Christopher Ryan, Director of Planning & Development, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved. Calvin Moore speaking on behalf of downtown businesses stated dismay with friction between Planning Board & Chris Ryan requesting the Selectmen to get issue between them worked out and questioning why a member of Planning Board is also on Zoning Board being very unfair stating Zoning Board is appeals board and should not be driven by persons that sit on both boards. On another issue the Board voted to approve the agreement between the Town and MRPC to update the Town's Zoning Map in the amount no to exceed \$1,430.15 together with authorization to utilize the Town's annual allotment of GIS services. Funding source: Town Meeting Article. Contact: Ayer Planning Board. Motion made by Selectman Conley 2<sup>nd</sup> by Selectman Maxant, VOTE unanimous, so moved.

**Agenda Item #10. Tom Casey-School Regionalization Update (see attached summary)**-Mr. Casey reviewed with the Board the progress report of the School regionalization Planning Committee made up of Cheryl Simmons, Ted Januskiewicz and himself. Mr. Casey advised the Board that the Committee has been meeting since May 07 with representatives of the Towns of Shirley & Lunenburg along with informational sessions with Christine Lynch of DOE, Glenn Koocher of MA Assoc. of School Committees, Bill Ryan of Acton – Boxborough School District, Atty. Ed Lenox, Legal Specialist of Regionalization Agreements. Mr. Casey reported on funding by Ayer \$5K, Shirley \$5K and Lunenburg \$8K and N.E. School Development Council chosen consultant to complete Detailed report on requisite comparative data among the 3 communities to guide & support analysis and decision making. The report to include: benefits of reorganization, projected enrollments, inventory of facilities, administrative organizations, geographic characteristics, transportation economies and fiscal costs and issues. School Superintendents have been comparing each districts current programs, philosophies on early childhood, elementary, middle and high school education. Mr. Casey advised the Board to Committee pursuing Regionalization incentive monies from the State Legislature and DOE as well as School Building Assistance to support building renovation required to regionalize. Mr. Casey requesting article on the May Town Meeting

Warrant to hear & respond to progress report from Committee as well as placeholder article for a sum of money in event the Committee is prepared to move forward with a regionalization agreement. Mr. Casey to keep the Board apprised advising to Committee meeting every week until the 1<sup>st</sup> of April. The Board thanked Mr. Casey for coming in to meet with the Board.

**Agenda Item #11 Town Administrator's Report-The Board met with Shaun Suhoski**

- 1. No Water/Sewer Permits submitted.**
- 2. Ratification of CPAC Consultant's Contract-**Mr. Suhoski presented the Board the Community Preservation Act Committee's contract with Jennifer M. Goldston, AICP for services related to developing a Community Preservation Plan in the amount not to exceed \$4,100.00 funding from CPA administrative account. Selectman Sullivan moved the Board vote to ratify the CPAC request of 2-7-08 to enter into a Contract with Jennifer Goldston for services of developing a Community Preservation Plan in the amount not to exceed \$4100.00, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.
- 3. Consulting Agreement with Tata & Howard-**Selectman Conley moved the Board vote to approve Planning Board's request to enter into a Consulting Agreement with Tata & Howard on a case by case basis and funded by the developer under Consultant By-law, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
- 4. Revised Fy-09 Budget & Town Meeting Timeline-**presented and review to Board by Mr. Suhoski.
- 5. 5-12-08 Annual Town Meeting Warrant opened.**
- 6. Executive Session-Fire Dept. Collective Bargaining set for 2-19-07 starting at 7pm.**

**10:57p.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 Collective Bargaining, to adjourn from Executive Session to re-enter into Open Session for the sole purpose of adjourning the meeting 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

7p.m. Open Session concluded.

*Cornelius F. Sullivan*

DATE: \_\_\_\_\_

*4-15-08*

Cornelius F. Sullivan, Clerk

AYER BOARD OF SELECTMEN