

Selectmen's Meeting  
December 18, 2007

Ayer Town Hall, 1<sup>st</sup> 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	
Carolyn McCreary, Vice-Chair	
Cornelius F. Sullivan	7:15p.m. entered meeting
Frank F. Maxant, Member	7:30p.m. entered meeting
Pauline Conley, Member	
Shaun Suhoski, Town Administrator	
Janet Lewis Secretary	

7:05p.m. Public Input: Chairman Luca announced Jeff Wilson Aid to Representative Robert Hargraves present this evening for Office Hours urging residents to come down to meet with Mr. Wilson if they have questions or concerns. Mr. Wilson to be at the Town Hall from 7:00p.m. to 8:00p.m. this evening.

Chairman Luca called for a motion to approve the Agenda. Selectman McCreary moved the Board approve the Agenda of 12-18-07 as posted 2<sup>nd</sup> by Selectman Conley VOTE: unanimous, so moved.

**Agenda Item #1. Manuel Velez, Veteran's Agent-Leave of Absence-**Mr. Velez met with the Board re his annual leave request from 1-3-08 to 4-8-08 due to health related issues. Mr. Velez re-introduced Mike DeTillion, Town of Shirley's Veteran's Agent to the Board advising to Mr. DeTillion's availability to cover for him during this absence. Mr. Velez requested the Board's approval to appoint Mr. DeTillion Temporary Veteran's Agent for the period of 1-3-08 to 4-8-08. Motion to approve Mr. Velez's request made by Selectman Conley, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved. The Board requested if Mr. Velez had coverage for his ZBA seat Mr. Velez advising the Board to his ZBA position being as an alternate and not necessary to cover.

**The Board being ahead of schedule took up Agenda Item #3. -Susan Provencher -CDBG Program Manager re a Lien Subordination-** Ms. Provencher requested the Board's consideration to approve or deny the subordination of the Town's lien for a first mortgage in the amount of \$208K for property located at 12 Jackson St., Ayer, MA. Case #04-251, advising the Board to outstanding liens will be equal to 95% of the appraised value of the property. After short discussion Selectman Sullivan moved the Board vote to approve the subordination as presented by Ms. Provencher, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Chairman Luca aye, Selectman Conley no- not wanting to set precedent approving to that level (95% of appraised value).

**Agenda Item #2. Public Hearing-Common Victualler's License-Heng Qiu Lin -Wok & Roll Restaurant-49 Park St., Ayer, MA.** Chairman Luca opened the Hearing by requesting Selectman Sullivan read into the record the Public Hearing Legal Notice advertised 12-7-07 & 12-14-07 in the Nashoba Publications Newspaper. Chairman Luca requested if there were any abutters present wishing to speak for or against the petition, no one stepped forward. The Board requested hours of operation: Monday through Sunday from 10:00a.m.-10:30p.m. Food Handler's Permit obtained through Nashoba Board of Health. Recent purchase of business. Selectman Sullivan moved the Board approve the Common Victualler's License for Wok & Roll Restaurant 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved. Selectman Sullivan moved the Board close the Hearing, 3<sup>rd</sup> by Selectman Conley VOTE: unanimous, so moved.

**Agenda item #4. Fire Chief re, Ambulance Billing RFP Award-The Board met with Robert Pedrazzi, Fire Chief**

Selectman Sullivan moved the Board award the Ambulance Billing Contract to Coastal Medical Billing, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved. Chief Pedrazzi advised the Board to Coastal having higher fee than Comstar (previous billing company) but Coastal has a higher collection rate 85% than Comstar 75%.

On another matter Chief Pedrazzi advised to All Alcohol establishments having been inspected and no unforeseen problems with any, two establishments having received temporary approvals re sprinkler system installations to be completed in 2008 advising the Board to Contracts established by both (O'Hanlon's & PYO-Fort Club)

**Agenda Item #5. Selectman McCreary-Zoning By-laws/Map Update-**Selectman McCreary updated the Board to 2006 Spring Town Meeting –Article 31- Town voted and authorized the hiring of a consultant to reformat the existing by-laws and recommend updates to the Town's Zoning By-laws to be consistent with the 2005 Comprehensive Plan Update and funded for \$30K. RFP was developed and bids put out for four components: codify & update bylaws, Zoning Map, Downtown Overlay District and to implement 43D. Selectman McCreary advising to CPIC (Comprehensive Planning Implementation Committee) reviewed RFP and voted to go forward - Review Committee recommended and awarded RFP to VHB to update the Town's Zoning By-laws/Map. Selectman McCreary stated it is by Town vote that we proceed Selectman McCreary moved the Board vote to enter into a contract with VHB, 2<sup>nd</sup> by Selectman Sullivan. Selectman Conley requesting to meet with Planning Board representatives present. The Board met with Patricia Walsh Chairman of the Planning Board and James Lucchesi member. Mrs. Walsh stated her disagreement with recollection advising the Selectmen to Planning Board being an elected board and not CPIC's role to approve did not have authority to approve RFP with out Planning Board approval. This met with objection from residents Harry Kane, Patrick Hughes and Chris Ryan Director of Planning & Development who advised the Board to having tape with Planning Board giving the go ahead to go forward with RFP. Ms. Walsh stated Planning Board did not support RFP at this time needed more information. Discussion was heard re intent and scope of RFP, Planning Board not being involved with selection process i.e. interviewing of finalist etc., Mr. Ryan addressed this issue by advising to Planning Board appointing Steve Wentzel from their Board to serve on this review committee, also serving were Chris Ryan-Planning & Development Director, Selectmen's delegate-Carolyn McCreary and CPIC member Patrick Hughes. The subcommittee reviewed the proposals and determined a preliminary score and ranking for each and interviewed to discuss the project in more detail. Vanasse Hangen Brustlin was unanimously recommended. Discussion continued re authority of Planning Board re zoning by-laws/map update being under their purview. Glen Garber certified planner spoke to need of a specialized professional consultant needed to update/codify zoning by-laws/map work being a colossal job and Town needs to move aggressively to update zoning by-laws 10 years is a long time between updates. Mr. Garber stated Planning Board's role is stewards of records- and updating zoning to be adopted by Town Meeting. Selectman Conley reminded all to motion on floor and read the Planning Board's 12-12-07 letter to the Board of Selectmen into the record advising the Selectmen to Planning Board voting on 12-6-07 not to support the awarding of the Zoning By-law Map Update Contract feeling the process should be explored further. Selectman Sullivan urging the Planning Board not throw out the process questioning Planning Board which one of the three consultant chosen do they want, no response. Chairman Luca called for a vote on the motion on the floor by Selectman McCreary, and 2<sup>nd</sup> by Selectman Sullivan: Selectman McCreary aye, Selectman Sullivan aye, Selectman Maxant no, Selectman Conley no, Chairman Luca no 3-2 motion fails. Chairman Luca questioned Ms. Walsh if Planning Board will work with CPIC to formalize by Feb. 08 for zoning bylaws and map update recommendation back to the Board of Selectman. Mrs. Walsh stating yes Feb. 08 should give the Planning Board enough time to review stating overlay and expedited permitting does not belong in re-write both being a case by case process.

**enda item # 6. Selectman Sullivan re Parking –Washington St-Main St./Newton Street** –the Board met with e zzo and Howard Griffin. Selectman Sullivan stating Mr. Griffin has requested to speak to the Board re parking es. Mr. Griffin stated he has spoken with the Fire Chief, DPW and Police Chief re their input to his issues. Intersection of Washington Street & Main Street-right hand side of Washington St. –very difficult to make turn-public safety issue addressing work being done on lower Washington St. buildings plus snow banks adding to problem, have to drive on wrong side of street to pass, insurance issue if accident –won’t cover –suggest eliminating parking space/spaces on corner and add one to top by Newton St. (former Markham Priest area). Newton St.-Corner of Newton Street all the way down, eliminate all parking-buy empty lot across from rear of Town Hall and make parking lot for Town Hall. Mr. Griffin advised to people going up one way street very fast especially on Saturday when bank closes at 12:00 and also to park to go into O’Hanlon’s. Mr. Griffin advised to seriousness of speeding on this street and requesting new signage be placed “Do Not Enter” signs @ Newton St. and Columbia and “One Way” across the street from Church (Apple Valley Baptist) and on Central Ave.. Mr. Griffin offered Police Officer/s use of his parking area to observe in traffic.

Pleasant & Pearl-Narrow Street parking by commuters everywhere encouraging two hour parking signs be placed at corner of Pleasant St & Pearl Streets .No parking sign end of Cambridge/Pearl. Measure Road Look into moving center line at Washington & Main and run by Fire/Police for comment. Review area by Dentist Office on Pleasant Street re 2-Hour parking, presently unlimited. Selectman Sullivan moved the Board authorize an additional parking space on the east side of Washington St. as suggested and recommended by Police Chief , 2<sup>nd</sup> by Selectman Conley VOTE: unanimous, so moved. The Board instructed DPW to review and improve signage 1-way and Do Not Enter at Newton St. and ‘No Parking’ sign at rounding easement at Pearl & Cambridge. The Chief to review other areas and report back.

**enda Item #7 . 2008 License Renewals-All Alcohol, Common Victualler, Amusement, Class I, Class II, Class Sunday Entertainment.** Selectman Sullivan moved the Board vote to approve the 2008 Blanket License ie s submitted by the Selectmen’s secretary dated 12-18-07, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman ivan aye, Selectman Maxant aye, Selectman McCreary aye, Selectman Conley no, Chairman Luca aye. VOTE: 4- , so moved. Selectman Conley expressing concern re outstanding balances being owed to Town by Licensees being l prior to approval. Ms. Lewis assuring Board to present & past practice to no license renewed without proof of ment re outstanding balances submitted to her by DPW, Town Clerk or Treasurer. another issue Selectman Sullivan requested Mr. Berry appear before the Board re C.R. Pierce’s All Alcohol License status of License concern re “Pocket License” and marketing of business. To grant license but for Town to hold nse for six (6) months and again to continue holding an additional 6 months if necessary.

**enda Item #9. Town Administrator’s Report**–The Board met with Shaun Suhoski

1. **Fy-09 Budget**–Mr. Suhoski updated the Board to Fy-09 Budget message initiated and deadline for All Town Departments work-plans and budgets to be submitted back to him by 1-4-08. Mr. Suhoski advising the Board to level fund services and prioritizing and justifying any new service, increases or need that would exceed a maximum of 2% increase anything exceeding 2% to be flagged. Fin-Com budget meetings to commence with Department Heads on 1-9-08 and full Tri-Board Meeting on 1-16-08 to address Health Insurance. The Board reviewed with Mr. Suhoski the projected School Fy-07 Deficit and projected Fy-09 budget forecast.
2. **Sand/Salt Request** by residents/businesses–Mr. Suhoski advised the Board to concern of small business in Ayer re receiving sand/salt from DPW and told sand/salt was for residential use only, although they did allow the business to receive sand/salt the establishment took exception to this and notified the Selectmen’s Office objecting to the restriction. Mr. Suhoski reviewed with the Board the current practice of distribution of sand/salt and Supt. Madigan’s recommendations to this policy. The Board endorsed Supt. Madigan’s recommendation to distribute sand/salt with the following conditions: must be a resident or own a business in Town, maximum quantity at one time is two 5 gallon pails, people requesting sand/salt must make themselves known to FPW office staff to increase public safety of people in sheds and discourage abuse of the distribution privilege. The Board deferred this distribution to the Supt. discretion rather than make Town policy.

3. 3. Nuisance By-law –Mr. Suhoski updated the Board to vote of Board on 12-4-07 re enforcement of the Snow Removal from sidewalks not complying with By-law re fine of \$50 per offence. By –law states \$200.00. Selectman Maxant objecting to \$50 fine amount placed in motion advising he did not place amount of fine in motion due to not knowing the exact language amount. Discussion held on enforcing of by-law Nuisance vs. Police By-law. Chief Rizzo advising to Town Counsel recommending enforcing the simplest one-Police By-law. Selectman Maxant read Nuisance By-law (see attached copy) into record and recommended the “Nuisance By-law” be enforced. Selectman Sullivan stated his concern re confrontations with residents and DPW/Police personnel re snow plowing. The Board requested the Town’s Web Site and APAC place warning to residents re enforcement of snow removal from sidewalks.
4. Energy Contract Extension Rescinded. Mr. Suhoski updated the Board to reduction in the number of municipal accounts that Constellation Energy was willing to price at the agreed upon rate, and the spike in the proposed rate for those accounts he did not initial the revised contract pages, and at this time the Town will revert to the National Grid default rate. Mr. Suhoski requested the Board approve to lock-in the quarterly fixed rate with National Grid through April 2008. Selectman Sullivan moved to approve Mr. Suhoski’s recommendation 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

**Agenda item #9. Selectmen’s Questions/New Business**

Selectman Sullivan moved the Board approve the Minutes of 9-18-07, 10-2-07, 10-9-07, 10-30-07, 11-6-07, 11-20-07, 11-29-07, 2<sup>nd</sup> by Selectman Conley for discussion, requesting edits. Selectman Sullivan advising Board to minutes sent around hard copy & email and edits to date incorporated and requested the Board approve minutes as is. Chairman Luca called for a vote: Selectman Sullivan aye, Selectman Maxant aye, Selectman McCreary aye, Selectman Conley no, Chairman Luca aye, 4-1 motion carries. The Board did edit spelling of Cathleen Johnston name by changing K to C.

10:35p.m. Chairman Luca called for a five minute extension it being after 10:00p.m., 2<sup>nd</sup> by Selectman Maxant VOTE: Selectman Conley aye, Selectman Maxant aye, Chairman Luca aye, 3-2 motion passes.

Mr. Suhoski reminded Board to January’s Meeting schedule: 1-8-08, and 1-22-08 with full Tri-Board on 1-16-08.

10:40p.m. Selectman McCreary moved the Board adjourn the meeting, 2<sup>nd</sup> by Selectman Sullivan VOTE: Selectman McCreary aye, Selectman Sullivan aye, Chairman Luca aye, Selectman Conley no, Selectman Maxant no 3-2 motion passes.

10:40p.m. Meeting adjourns no Executive Session



DATE: 1-22-08

Cornelius F. Sullivan, Clerk  
AYER BOARD OF SELECTMEN