

## Selectmen's Meeting

November 20, 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	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. Open Session

Chairman Luca requested if there was anyone present wishing to meet with the Board under Public Input: Selectman Maxant re; Board of Directors-JBoS. To be taken up under New Business later in the evening.

Chairman Luca requested a Moment of Silence in memory of Kathleen Johnston long time resident of Ayer and local news reporter for the Lowell Sun who passed away on November 14, 2007. Selectman Maxant elaborating on importance of local reporters to the Town-key resource.

Chairman Luca took this opportunity to wish everyone present and viewing a wonderful Thanksgiving Holiday. Selectman Maxant took this opportunity to congratulate Larry Caldwell upon his thirty seven (37) years of service Anniversary to the Department of Public Works. Congratulations were echoed and sent by the full Board to Mr. Caldwell.

Chairman Luca called for a motion to approve the Agenda. Selectman Sullivan moved the Board approve the Agenda of 11-20-07 as amended, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

### **Agenda Item #1. Water & Sewer Rate Committee re: Fy-09 Water & Sewer Rate Tiers-**

**Three-tier rate structure-**The Board reviewed the recommendations submitted by the Water & Sewer Rate Committee (Lisa Gabree-Town Accountant, Mary Spinner-Fin-Com. Michael Madigan-Supt. of Public Works, Joseph Sampson/Cains-Representing SIU's and Chris Woodcock-Consultant to Committee) for Fy-09 who recommended continuing with the current three (3) tier rate structure due to the 1<sup>st</sup> tier capturing 83% of all customers (majority residential) the 2<sup>nd</sup> tier representing larger volume residential irrigation systems/small commercial customers and the 3<sup>rd</sup> tier representing large volume consumers. The Committee objecting to consideration of two (2) tier system due to increased rates for residential users and/or exorbitant rates imposed on the business community. Selectman McCreary moved the Board vote to approve three tier structure for Fy-09, as recommended by Water & Sewer Rate Committee 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Water/Sewer Abatement Policy-**Town Administrator updated the Board to Town Accountant seeking a formal abatement policy and advised to DPW Supt. Madigan providing a draft policy. The Committee reviewed the policy and added a revision requesting adoption of a two year "look back" period and advising the Board to three year maximum under State law, however the Board may elect a lower period. Selectman Sullivan moved the Board vote to approve the Water/Sewer Abatement Policy as recommended by Water & Sewer Rate Committee set forth in a memo dated 11-16-07 with three (3) year "look back" period, 2<sup>nd</sup> by Selectman Maxant VOTE: Selectman Sullivan aye, Selectman Maxant aye, Chairman Luca aye, Selectman Conley no, Selectman McCreary no 3-2 motion passes. Selectman McCreary wishing to make revision first, Selectman Conley agreeing and also requesting to get DOR's approval first and then run by Committee once more for their review and recommendation.

**Endorse Publication of Rates & Tiers-**Selectman McCreary moved the Board vote to approve the Water & Sewer Rate Committee's publication process outlined in Supt. Madigan's 8-14-07 memo to the Board. Posting of rates at the DPW Offices, town Hall, Library, Town Web-Site, local Access Programming, and issuing a press release to include inclusion in the Town's Annual Consumer Report mailed to every household in June of each year, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved. The Board thanked the Committee for their review and

recommendations presented this evening.

**7:35p.m. Fy-08 Tax Classification Public Hearing**-The Board met with Edward Cornellier, Sandi Jones and Chris Callahan –Ayer Board of Assessors and Thomas Hogan Assessor's Administrator. Chairman Luca opened the Hearing by requesting the Clerk read the Legal Notice into the record. Selectman Sullivan read the Legal Notice which ran in the Nashoba Publications the weeks of November 9 & 16, 2007. Mr. Cornellier, Chairman of the Board of Assessors turned the discussion over to Mr. Hogan re the tax classification re: Open Space determination, Residential Exemption up to 20%, Small Commercial Exemption up to 10%, and the adoption of the residential factor to determine the tax burden to be borne by each class of property.

1. **Open Space Discount**-land maintained in an open or natural condition which contributes to the benefit of the public. The Selectmen may discount up to 25% of the Open Space percentage share. Mr. Hogan advising to Board traditionally not adopting. Selectman Sullivan moved the Board vote not to adopt the Open Space Discount, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
2. **Residential Exemption**-Mr. Hogan advising to this exemption applied to every residential property which is the principal residence of a taxpayer, Selectmen may adopt an exemption of up to 20%. Mr. Hogan advising to past practice of Board not adopting. Selectman Sullivan moved the Board vote not to adopt the Residential Exemption, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
3. **Small Commercial Exemption**-Mr. Hogan advising to this exemption shifts the tax burden within the C&I Class and Selectmen may adopt an exemption of up to 10% of eligible parcels. Mr. Hogan advising to past practice of Board not adopting. Selectman McCreary moved the Board vote to not adopt the Small Commercial Exemption, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
4. **Residential Factor for the purpose of determining the percentage tax burden to be borne by each class of property**-Mr. Hogan reviewed with the Board the Town of Ayer's 2008 Tax Rate Summary to include valuation, tax levy and 2007 tax data along with graph depicting the Town's Fy-08 classification data value of percentages, levy percentages and scale of estimated tax rates from 2003 to 2008. The Board moved to adopt a .64% shift –residential factor of 67.6318%-56%CIP-44% Residential establishing a residential tax rate of \$9.69 and \$24.14 CIP tax rate for 2008. Motion to approve made by Selectman McCreary, 2<sup>nd</sup> by Selectman Sullivan, VOTE: Selectman McCreary aye, Selectman Sullivan aye, Selectman Maxant aye, Chairman Luca aye, Selectman Conley no, 4-1 motion passes.

**8:40p.m.** Selectman Sullivan moved the Board close the 2008 Tax Classification Hearing, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**Agenda Item #3. Susan Provencher-Program Manager –CDBG**

1. **Lien Subordination**-Case # 06-315-5 Forest Street, Ayer, MA. Ms. Provencher updated the Board to owner being approved for Emergency CDBG funding to rehabilitate property for work on heating system and also seeking funding from Get the Lead Out Program to assist with deleading property. Selectman McCreary moved the Board vote to approve the Lien Subordination of the Town's prior lien as recommended by Ms. Provencher in a memo to the Board dated 11-20-07, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
2. **Fy-05 Community Development Fund No.5637**- Ms. Provencher advised the Board to extension request requested to complete the commercial rehabilitation program for Sign & Façade Program. Ms. Provencher reviewed with the Board the status of activities, staffing, no revised budget being required due to sufficient administrative funds remaining to fund staff & consultants through extension period and revised implementation schedule through December 2007 and June 2008. Selectman Conley moved the Board approve the request for program extension of the Fy-05 Community Development Fund No. 5637 to 6-30-08 and authorize the Chairman's signature on verification form, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Conley aye, Selectman McCreary aye, Selectman Sullivan aye, Selectman Maxant not voting, and Chairman Luca aye, 4-0-1 motion passes.

**Fy-06 Community Development Fund No.00505**-Ms. Provencher advised the Board to extension requested to complete Commercial Improvements re staffing changes, Housing Rehabilitation units remaining under construction, Council on Aging RFQ for new addition, no budget revision required sufficient administrative funds remain available to fund staff and consultants through extension period of June 30, 2008. Selectman Conley moved the Board approve the Request for Program Extension of the Fy-06 Community Development Fund No. 00505 to 6-30-09, and authorize the Chairman's signature on the verification form 2<sup>nd</sup> by Selectman

Sullivan VOTE: Selectman Conley aye, Selectman Sullivan aye, Selectman McCreary aye, Selectman Maxant not voting, Chairman Luca aye, 4-0-1 motion passes.

#### **Agenda Item #4. Wolf/Coach Essco Proposed TIF Agreement**

The Board met with Richard Hitchcock, Vice President of Operations for L-3 Communications, Peter McElhinney-L-3 Communications and Lynn Tokarczyk of Business Development Strategies and Chris Ryan, Planning & Development Director. Mr. Suhoski opened the discussion by updating the Board to TIF Team comprised of Gary Luca, James Stephen, Chris Ryan and Mr. Suhoski met on November 8, 2007 with Wolf Coach to which a workable agreement was reached that allows the project to move forward and provides a substantial new tax base to the Town. The plan recommends a twenty (20) year TIF that exempts \$487,870 while providing additional tax revenues to the Town of \$743,383 re estimated development costs of \$2 million dollar upgrade to existing facility at 24 Nemco Way. Mr. Suhoski updated the Board to the agreement providing a full 60% of available revenue from the tax increment and only exempts 40% which represents a far more favorable proposal of a 53% exemption and closer to the counter proposal of 29% and 36% requested by Board of Selectmen. Mr. Ryan took the Board through the Agreement and spoke to project resulting in 235 permanent manufacturing and engineering jobs from Ayer and the region which will result in a positive economic base. (i.e. Hotels, employees utilizing restaurants/businesses in Town, home purchases/apartment rentals, etc.-three way partnership Town of Ayer, Community and Company.) Mr. Ryan spoke to new positions estimated at up to 30 largely skilled, technical and professional positions to be employed from Ayer and the Economic Target Area. Mr. Ryan advised to Wolf Coach conducting a Public Outreach/Meet & Greet re TIF presentation & overview for Town of Ayer residents on 12-4-07 from 6pm to 6:45pm at the Ayer Town Hall prior to the Selectmen's Meeting. Selectman McCreary moved the Board vote to approve the Tax Increment Financing Agreement (TIF) with L-3 Communications/Essco, Inc. (Wolf Coach) and EIP-Nemco Way, LLC dated 11-16-07 as prepared and presented this evening by Chris Ryan-Director of Planning & Development, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved. Selectman McCreary moved the Board vote to call a Special Town Meeting on 12-10-07 at 7:00p.m., 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved. Selectman McCreary moved the Board vote to open the 12-10-07 Town Meeting Warrant and include on the warrant the L-3 Communications/ESSCO (Wolf Coach) TIF article and two (2) placeholders (DPW Contract & Superior Officers Collective Bargaining Contracts) as presented, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

9:30p.m. Selectman McCreary moved the Board vote to close the 12-10-07 Special Town Meeting Warrant and to issue a mail advisory of the Special Town Meeting to Town residents, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved. Selectman Conley requesting Town be reimbursed for holding Special Town Meeting not budgeted for. No action taken. Chairman Luca suggesting postcards be utilized re mailing notice to residents.

**Agenda Item #5. 2008 Alcohol License Approvals**-Present for discussion Fire Chief Robert Pedrazzi. Ms. Lewis reviewed with the Board the Alcohol License Renewal for 2008 and advising the Board to two establishments requiring the Fire Chief's and Building Inspector's Safety Certifications (O'Hanlon's and Brew Locker) all others passing the Chief's inspection. Fire Chief Pedrazzi advising the Board to extensions in the process with completion dates to be finalized re the two establishments. Selectman Conley requesting the Board take no action on licensees due to outstanding balances on many of the establishments (water/sewer, taxes, ect.). Selectman Sullivan also requesting owner of CR Pierce d/b/a Bookberry be invited in to meet with the Board re status of closed business re holding license (pocket). Selectman Sullivan moved the Board take no action on the license and reschedule for 12-4-07 Selectmen's Meeting and invite Mr. Berry in to meet with the Board re: CR Pierce/Bookberry building, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved


#### **Agenda Item #6. Town Administrator's Report-**

1. **Water/Sewer Permit**-Lot 8 Pheasant Circle-Selectman Sullivan moved the Board vote to approve a one inch water & sewer service for a 4 bedroom single family home for Lot 8 Pheasant Circle, Ayer, MA and authorize signature by the Chairman 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.
2. Mr. Suhoski updated the Board to meeting with Shirley Board of Selectman scheduled for 12-11-07 and Shirley Selectman requesting Ayer Board's Agenda. Selectman Sullivan requesting Board not go before JBoS but to meet first with Shirley Selectmen re MacPherson Rd. and North Post and support of Town of Ayer's train station.

3. Selectman Sullivan also advising the Board to Town of Harvard requesting to meet with Ayer Selectman re intermunicipal agreement with Shaker Hills re sewerage. The Board requested the Conservation Commission be notified re NOI necessary.
4. Selectman Maxant re MADEV not living up to Re-Use Plan re recent notification re location of hair salon on Devens and competing with local businesses which is contrary to re-use plan.

10:10p.m. Selectman Sullivan moved the Board 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 this Executive Session to re-enter into Open Session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant aye, Selectman McCreary aye, Chairman Luca aye, unanimous, so moved.

10:10 Open Session concluded.

  
Cornelius F. Sullivan, Clerk  
AYER BOARD OF SELECTMAN

-DATE: 12-18-07