

Selectmen's Meeting

September 18, 2007

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

7:10p.m. Open Meeting -Chairman Luca called the meeting to order

Public Input- Chairman Luca requested if there was anyone present wishing to speak under Public Input:

1. Elizabeth Bodurtha-Special Town Meeting Monday, September 17, 2007, voiced her dismay re lack of proper notice to residents re STM held on 9-17-07 manner wasn't effective getting word out. The Board discussed other options re notification i.e. banner, poster on town hall lawn, Web Site-Cable notices.
2. Harry Zane-Downtown Business Alliance, Planning & Development Office and Cultural Arts re Downtown Revitalization Meeting at Billiards Café-Main St. @6:30p.m. on September 27, 2007.
3. Paul C.-downtown parking-traffic congestion along side streets (West & Pleasant Sts.) and winter months ahead making parking even more difficult, along with construction concerns re new proposed parking facility traffic rerouting/parking issues.
4. Atty. Tom Gibbons re: Zoning Map Amendment warrant article for 10-22-07 Fall Town Meeting.

Chairman Luca called for a motion to approve the Agenda as amended. Selectman McCreary moved the Board approve the Agenda of 9-18-07 as amended, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #1. Atty. Thomas Gibbons-Atty. Gibbons ran through the proposed amendments related to land shown on Parcel 23 & 25 of the Town's Assessor's Map #23 and Parcel 29 as shown on the Town's Assessors Map #30 pursuant to MGL Chapter 40A Section 5 owned by Paul Routhier, Trustee of Ayer House Trust and Peter Central, LLC. Atty. Gibbons requesting the Board forward the petitioners request to the Planning Board for their review for placement on the Fall Town Meeting scheduled for 10-22-07. Selectman Maxant moved the Board vote to act in the affirmative and pass Atty. Gibbons proposed Zoning Map amendment to the Planning Board by mid morning on 9-19-07, to meet publishing deadlines 2nd by Selectman Conley. Selectman McCreary stated voting to send the proposed Zoning Map amendment/s to the Planning Board doesn't necessarily mean the Board endorses the amendment/s. Mr. Suhoski explaining Chapter 40A sets up process to get this before the Planning Board. Chairman Luca called for a vote: unanimous, so moved.

Selectman Conley took this opportunity to update the Board to Phil Berry making improvements to the downtown parking by creating three (3) additional new car/van fully accessible Handicap parking spaces for use by residents and commuters. The new spaces are located between the package store building and Berry merchants row building. The Board thanked Mr. Berry for this contribution to the downtown parking district.

Agenda Item #2. Minutes-Selectman Sullivan moved the Board vote to approve the amended minutes of 6-12-07, 6-20-07, 7-10-07, 8-7-07, 8-21-07 and 9-5-07, 2nd by Selectman Maxant, VOTE: Selectman Sullivan aye, Selectman Maxant aye, Selectman McCreary aye, Selectman Conley no, Chairman Luca aye, 4-1 motion passes. Selectman Conley requesting statement prepared by Town Administrator on the 6-12-07 minutes replace word to , and also requesting the status of the Executive Session minutes of 7-10-07, 8-7-07, 8-21-07 and 9-5-07.

Agenda Item #3. Taxi License Public Hearing-Chairman Luca requested the Clerk read the Legal Notice which ran in the Nashoba Publications Newspaper the weeks of 8-31-07 and 9-7-07. Selectman Sullivan opened the Hearing by reading into the record the legal notice which ran on the above dates. The Board met with Charles Lynch-C&M lynch Inc. of Fitchburg, MA. Mr. Lynch discussed with the Board his proposal re

locating a Town cab service to the downtown district presently interested in two locations and meeting with owners. The Board reviewed with Mr. Lynch the Taxi By-law Policy & Procedures advising Mr. Lynch to his application being incomplete. The Board requested Mr. Lynch to meet with the Town Administrator or Mr. Ryan the Planning & Development Director to assist him with his application. Selectman Conley moved the Board continue the Public Hearing until 10-2-07, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Agenda Item #4. Laurie Sabol-Recycling Resolution Campaign-The Board met with Laurie Sabol, Chairman of the Ayer Recycling Committee who urged the Board to support the statewide effort to increase paper recycling. Selectman McCreary requested Ms. Sabol read the Resolution into the record. Selectman Sullivan took this opportunity to praise Ms. Sabol's efforts promoting recycling in the Town which has saved the Town a lot of money over the years. Selectman Maxant echoing Selectman Sullivan's remarks. Selectman Sullivan moved the Board vote to endorse the Resolution, 2nd by Selectman McCreary, VOTE: unanimous, so moved. Selectman Conley urging all municipal offices in Town recycle, and echoing both Selectman Sullivan & Maxant's appreciation. Ms. Sabol advised the Board to Grant application currently in process to further the Town's efforts and advising the Board to her appearing before the Board in the near future with new appointments to the Recycling Committee.

Agenda Item #5. Historical Commission-Historical Properties Survey Grant-The Board met with Chairman George Bacon. Mr. Bacon reviewed the award of a \$25K Historical Properties Survey Grant-Phase I funded by CPA-\$15K and \$10K matching funds. Selectman Sullivan moved the Board vote to approve the contract between the Town of Ayer and Alene Reich, Consultant, in the amount not to exceed \$25K, 2nd by Selectman Conley, VOTE: Selectman Sullivan aye, Selectman Conley eye, Selectman McCreary aye, Selectman Maxant no feeling the Historical Commission has authority to enter into contracts as an elected board and Selectman should not be involved, Chairman Luca aye, 4-1 motion passes.

Agenda Item #6. Dept. of Planning & Development/Planning Board-The Board met with Chris Ryan, Planning & Development Director. Mr. Ryan reviewed with the Board a proposed warrant article voted and sponsored by the Ayer Planning Board on 9-6-07 re accepting the Provisions of Chapter 43D of the MGL as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006 to approve the filing of an application with Interagency Permitting Board for the designation of a +/- 40 acre parcel of land at 200 Groton Rd. owned by Nashoba Valley Medical Center "NVMC" as a Priority Development Site (PDS). Mr. Ryan advised to the Planning Board conducting an informal public information hearing on 10-4-07 re this article. The Board requested Bonnie Biochi of MADEV be invited to attend this informational meeting to assist with questions/concerns. Mr. Ryan advised to key selling point is grant funds available to communities who adopt 43D up to \$150K for use re development review enhancements i.e. software, staffing and/or consulting services. Selectman Maxant stating his dismay creating more positions "municipal elephantitis" concerns. Mr. Ryan explained a PDS is only on the clock when the application is accepted by the Town after Town Meeting approval and after the State approves the PDS application. The Board requested clarification from Town Counsel re accepting Chapter 43D expedited local permitting and designating "NVMC" as a priority development site (PDS) calling for two (2) articles not one (1). Selectman Sullivan requesting clarification from Town Counsel re language of article. Town Administrator advising to placing article on draft warrant for Board's review on 10-2-07 stating the Board can remove if they wish at that time.

Agenda Item #7. Supt. Madigan's Report-The Board met with Mike Madigan-Supt Madigan requesting to take up the Wastewater Treatment Plant Appointment first.

- **Wastewater Treatment Plant Appointment-**Supt. Madigan introduced David Nelson of Fitchburg, MA to the Board. Supt. Madigan ran through position posted in house, applicant's responses, interviews of top five candidates and selection criteria with the Board. The Board after meeting with the candidate re addressing employment issues/concerns moved to approve Supt. Madigan's recommendation to appoint David Nelson to the position of Wastewater Treatment Plant Attendant. Selectman Sullivan moved the Board vote to appoint David Nelson to the position of Wastewater Treatment Plant Attendant contingent upon satisfactory drug testing within last two years and pre-employment physical and DOT drug test, obtaining a Hoisting License, and CDL B Drivers License with air brake endorsement within six months of employment, 2nd by Selectman Conley for discussion



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requesting friendly amendment, adding rate of pay of \$16.09 per hour to be included in the motion, amendment accepted, VOTE: unanimous, so moved.

- **Right of Entry Agreement-Groton Street Wall Replacement**-Selectman Sullivan moved the Board vote to approve Supt. Madigan's Contract for the Right of Entry Agreement approved by Town Counsel submitted to the Board in a memo dated 9-13-07 between the Town of Ayer and Ruth J. Tagg and Alice Hodge, Trustees, Park Street Nominee Trust u/d/t dated June 8, 1994 and recorded with Middlesex South Registry of Deeds in Book 24660 Page 299 and Page 307 at 52 Park Street, Ayer, MA, 2nd by Selectman Maxant, VOTE: unanimous, so moved. The Board discussed traffic re-routing during this wall replacement and rail trail access not being blocked off. The Board requested Supt. Madigan have flyers made up for distribution to residents, commuters, schools as well as signage directing traffic rerouting in advance of start up of work.
- **Sewer Abatement-49 Park Street**-Supt. Madigan updated the Board to water line ruptured inside the restaurant which ran undetected for a period of time advising the Board to water not reaching the sewer line. The sewer bill for the period of 1-3-07 to 7-3-07 indicated a bill of \$5,704.17 advising to normal sewer charge being \$288.60 recommending a sewer adjustment of \$5,415.57. Selectman Sullivan moved the Board vote to abate \$5,415.57 per Supt. Madigan's request and memo dated 8-31-07 for 49 Park St., Ayer, MA, 2nd by Selectman McCreary, VOTE: unanimous, so moved. Selectman Conley requesting if there would be any more abatements coming before the Board. Supt. Madigan stated nothing pending.

Scrap Vehicle and Equipment Removal Bid Award-Selectman Sullivan moved the Board award the Scrap Metal Bid to H. Schwartz and Sons, Inc. Ayer, MA for the bid award of \$115.00 per net ton (2,000 lbs.) and all work be done in accordance with the bidding documents per Supt. Madigan's request so stated in a memo dated 9-17-07, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #8. DOR Management Review- Mr. Suhoski ran through DOR's Financial Review suggestions with the Board.

1. The Board reviewed Group Benefits strategies and recommended procedures for adopting MGL Chapter 32B, Section 18 which mandates retirees and their spouses to enroll in Medicare. Retirees who are eligible for Medicare Part A at no cost, either through the retirees own earnings or those of a spouse, must enroll in Medicare Part B and enter a supplement to Medicare. The Board suggested an informal information session be conducted by the Treasurer's Office with retirees to discuss misconceptions and assist retirees with questions/concerns. Selectman Sullivan moved the Board authorize the Town Administrator to place Section 18 of MGL Chapter 32B on the Fall Town Meeting Warrant & schedule an informational session & notify the Treasurer's Office, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
2. The Board voted to institute a bi-weekly pay schedule, motion made by Selectman Sullivan, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
3. The Board voted to adopt a Reserve Fund Policy per DOR Financial Management Review. Motion made by Selectman Sullivan, 2nd by Selectman Conley, VOTE: Selectman Sullivan aye, Selectman Conley aye, Selectman McCreary aye, Selectman Maxant no, Chairman Luca aye, 4-1 motion passes.

Agenda Item #9. Selectmen's Goals & Objectives Mr. Suhoski ran through the mission statement for Fy-08

Selectmen Sullivan moved the Board vote to adopt the Fy-08 Ayer Town Administrator's & Board of Selectmen's Goals & Objectives/Work Plan presented by the Town Administrator, 2nd by Selectman McCreary. (see attached) Selectman Conley expressing her concern that there should be separate Goals & Objectives for the Selectmen apart from the Town Administrators. Chairman Luca disagreeing stating goals & objectives should be same for Town Administrator, Selectman Maxant stating list is to long need to cut to meet priorities, no more beyond this. Selectman McCreary stating list ends right here.

enda Item #10. Town Administrator's Report

1. **Water & Sewer permits**-Selectman Sullivan moved the Board vote to approve and authorize the Chairman's signature for Water & Sewer Permits for Lot 10 John Riley Rd. for 1" service/s and 48 Central Ave. for sewer service only, 2nd by Selectman McCreary VOTE: unanimous, so moved.

2. Communications Workers –Correction to Town’s Health Insurance Contribution Rate-Mr. Suhoski advised as a result of research & review of several Town contracts/grievances it has come to his attention the Town is over-paying the required 75% contribution to health insurance benefits of the Communications Workers of America (Police Dispatchers). Mr. Sushoski advised to language clearly articulates the Town’s obligation (75%). Selectman Sullivan moved the Board direct the Town Administrator to make the health insurance change effective 10-1-07 or as soon as feasibility possible by the Treasurer’s Office to the Communication Workers of America (dispatchers), 2nd by Selectman McCreary VOTE: unanimous, so moved. Selectman Maxant wishing to applaud and thank the Communication workers for being lead union stepping up to make change.

3.Alleged Liquor License Violations-Mr. Sushoski updated the Board to the Police Chief notifying the Board of liquor control violations from the result of a “sting”. Mr. Sushoski advised as a result of the Town’s 14 Alcohol Establishments five were found to have served a minor. The Board scheduled a License Violation Hearing for October 9, 2007 starting at 7p.m. with five minute intervals to hear each of the five establishments individually re their violations pursuant to MGL C138 S 23. The Board requested the Officer involved be requested to attend the meeting. (The Vineyard, Jack-O-Lantern, Carlins, Shaker Hills Golf Club & LaSita).

4.Veterans Services Agreement-Devens-Mr. Sushoski updated the Board to Ayer’s Veterans Agent required to provide administrative benefits for all veterans living within Ayer’s municipal jurisdiction to include veterans residing in Ayer’s portion of Devens. Mr. Suhoski presented to the Board the proposed Agreement to ensure Ayer is fully compensated for any actual cost of benefits not reimbursed by the Commonwealth (generally 25%) and provide 20% administrative fee to the Town for processing the case advising the Board to both the Town Accountant and Veterans Agent agree with the proposal. Mr. Suhoski requested the Board vote to approve the Agreement for Consulting Services in the amount not to exceed \$3,500.00 between MADeV and the Town of Ayer. Selectman Maxant stating his total opposition giving false impression residents not from the Town of Ayer, stating he is strongly opposed. Selectman McCreary questioning taxation issue money out of Town of Ayer. Selectman Conley requesting to check with MIIA naming MADeV as an additional insured to insurance as non-employee at no additional cost to the Town. Selectman Conley also requesting Town Counsel look at Agreement i.e. provide service vs. consulting service.

5. PACE Letter of Support-The Board approved PACE’s request to send letters to MDEP, USEPA, State Senators, Congressional Office, Representatives, BRAC, MADEV, DEC and cc Ayer Board of Health re concern re Shepley’s Hill Landfill arsenic contamination not being addressed or properly maintained, pond sedimentation, high levels of methane gas well above MA guidelines emanating from the landfill for over seven years and of the Army’s unwillingness to complete or continue studies required under MA regulations for a landfill of this type and to fully define the horizontal & vertical extent of landfill wastes.

6.Kurt Hayes (Congressional District Candidate) wishing to be placed on next Selectmen’s Meeting Agenda The Board rejected this request.

9:45p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 litigation and Collective Bargaining strategy 2nd for discussion by Selectman Maxant, who requested status of placing monitoring wells (4) by GeoInsight on Pam Am Railway land between the proposed construction area and the well field. The Board requested Town Counsel be contacted re drafting letter to Pam Am Railways on behalf of the Town (Board of Health-threat to health & safety) to see if that accomplishes anything & cite consent decree re impact to groundwater quality that may be associated with PamAm’s proposed construction. Selectman Sullivan stating his opposition to letter Guilford resolved all issues.

The Board established the Following meeting dates: 10-2-07, 10-9-07, 10-17-07-10-22-07.

10:00p.m. Chairman Luca called for a vote to Selectman Sullivan’s motion to enter into Executive Session Selectman Sullivan aye, Selectman Conley aye, Selectman McCreary aye, Selectman Maxant aye, Chairman Luca aye, unanimous, so moved.

10:00p.m. Open Session concluded



12-18-07