

Selectmen's Meeting
Tuesday, March 6, 2007
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

Present

Frank F. Maxant, Chairman	X
Pauline Conley, Vice-Chairman	X
Carolyn McCreary, Clerk	X
Gary J. Luca, Member	X
Cornelius F. Sullivan, Member	X
Shaun Suhoski, Town Administrator	X
Janet Lewis, Secretary	X

The Board paused a moment for the 2006 Town Report Picture of the Board of Selectmen, Town Administrator and Chris Ryan-new Planning & Development Director.

Public Input-

1. Chairman Maxant welcomed Eagle Scout-Daniel Quin-Troop 3 Ayer, MA to the Meeting. Scout Master of Troop 3 Mark Smith and Asst. Scout Master Peter Johnston reviewed with the Board Daniels accomplishments and Eagle Project restoring/painting Town buildings at Pirone Park and Sandy Pond Beach for the residents of Ayer. Chairman Maxant read into the record a Certificate of Recognition to Eagle Scout Daniel Quin for his achievements and electing to do his Eagle Project for the betterment of his community. The Board thanked Daniel for coming in and congratulated him upon his achievement.
2. Patrick Hughes-Greenway Committee-Mr. Hughes stated he was present this evening to update the Board re the Committees trail concerns expressed by Selectman Conley at the 2-20-07 Board Meeting re trail building disturbing endangered species. Mr. Hughes advised to the Greenways Committee trail building done in concert with Audubon, Fish & Wildlife, Nashua River Watershed Assoc. etc. whose mission is to protect national resources of which committee membership is made up of environmental people well versed in protecting the natural habitat/endangered species. Selectman Conley questioned if an assessment was conducted. Mr. Hughes advised to this particular trail being included in a developers impact report which the Greenway Committee reviewed and the State agencies having final determination. Mr. Hughes stated in this case no need of assessment as the project was well thought.
3. Chairman Maxant re recent Verizon publication advising to streamlining cable permit process advising residents to beware of newsletter encouraging competition without local controls/authority.
4. Atty. Thomas Gibbons re West Main Street alternative site for parking garage/depot. Atty. Gibbons stated he represented Michael Taylor re the sale of his West Main St. property as an alternate site for the parking garage/depot. Atty. Gibbons also revisited site alternative, i.e. plans, Assessor's maps, updating the Board to owners of the adjacent lot present this evening and advising him their lot was also for sale (the Brew Locker) which would offer the Town a combined 5 acre site for the proposed parking garage/depot. Atty. Gibbons stated as directed at the last meeting he met with the Parking Task Force and told group was not interested in site. Atty. Gibbons requesting to have MART/Mohammed Khan look at site to see if it is a viable alternative questioning why the Board would not look at site as alternative. Selectman Sullivan revisited the Board's history re the Downtown Parking studies (Cecil & Maguire) which supported the downtown parking facility questioning Atty. Gibbons on how many other buyers he is representing vying for site? Selectman McCreary restating the Parking Task Force mission statement and vote to keep the facility ¼ mi from depot to ensure walk ability and moving the depot was not an option. Atty. Gibbons closing statement again urging the Board to send Mohammed Khan a letter to have him MART look at West Main St. site as alternative parking garage site.
Selectman Luca requesting to keep option open as alternative site.

Agenda Item 1. Ken Martin, Director Ayer Housing Authority re Pleasant Street School-Present for the discussion: Judy Pinard and Executive Director Linda Katsudas of DHCD. Mr. Martin stated he was before the Board to update the Board to project moving along nicely re the 22 unit Senior Housing conversion. Mr. Martin reviewed with the Board current funding availability and grant applications in process to complete the

project. Mr. Martin requested the Board assistance with MADev Brownsfield Asbestos Removal Funding application by writing a letter of support on behalf of the Ayer Housing Authority. Mr. Martin also requested the Board's assistance with forming a seven member non-profit group to assist with the development/planning of the park next to the Pleasant Street School (Pocket Park) and fund raising i.e. pocket park bricks-name/s for walkway. The Board suggested Mr. Martin run notice on Cable re soliciting volunteers as well as contacting former Pleasant Street School Neighborhood Group who were active re reuse of former school building.

Agenda Item #2. Medical Payment Request-Atty. Patricia Montminy and Dr. Terrence Hack re Ayer Police Patrolman William Blankenburg's outstanding bill. Atty. Montminy opened the discussion by reading into the record history of outstanding billing (\$5,941.00) –age of claim (almost 5 years) and correspondence from Dr. Hack's office and the Ayer Police Chief re William Blankenburg's claim and denial of claim by Town's insurer (Meditrol, Inc.). Atty. Montminy advising claim did not meet criteria (MGL Chapter 41, Section 100) and subsequent vote of Board of Selectmen on 6-11-02 that Mr. Blankenburg's 11-12-01 heart attack is a 111F eligible injury that qualifies him for 111F benefits as described in statute. Ms. Montminy spoke to correspondence received in August 2005 from Chief Rizzo advising Dr. Hack that Town & Union agreed that the medical bills incurred would be submitted to Blankenburg's personnel health insurance for payment and the Chief's understanding that this had been done. Atty. Montminy urging the Board to pay Dr. Hack's bill with interest along with her legal bills for representing Dr. Hack. Dr. Hack stated his embarrassment for being present... never having to go to this extent for payment. Selectman Sullivan explained when the decision was made to pay Dr. Hack's bill a lack of communication and miscommunication led to the issue being dragged out so long. Town Administrator Shaun Suhoski advised the Board to bill if approved for payment by board having to go on Spring Town Meeting Warrant due to bill being from prior year/s per Town Accountant. Selectman Sullivan moved the Board vote to support a warrant article at the Spring Town Meeting 2007 asking the voters to approve payment of \$5,941.00, 2nd by Selectman Conley for discussion requesting to include 12% interest calculated by Atty. Montminy for a total of \$9,310.00 (which included legal fees to be worked out with Dr. Hack) Selectmen Sullivan no, favoring his original motion, no 2nd to motion, motion lost. Selectman Conley then moved the Board vote to support an article in the amount of \$9,310.09 (the \$5,941.00 + interest @ 12% = \$3,377.09) on Spring Town Meeting Warrant to pay Dr. Hack & Atty. Montminy's legal fees (legal fees included in the \$9,310.09), 2nd by Selectman Luca, VOTE: Selectman Conley aye, Selectman Luca aye, Selectman McCreary aye, Chairman Maxant aye, Selectman Sullivan no. 4-1 motion passes.

9:00p.m. The Board took a five minute recess;

9:05p.m. The Board reconvened the meeting.

Agenda Item #3. Fin-Com re Fy-08 COLA Recommendation-

Mr. Suhoski revisited with the Board his Fy-08 COLA recommendation advising to the Personnel Board and Fin-Com concurring with a 2.5 COLA for the Town's non-union employees. Selectman Sullivan moved the Board adopt the Fin-Com's Fy-08 COLA of 2.5% for the Town's non-union employees, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #4. Planning & Development Director's Report-The Board met with Chris Ryan and Susan Provencher.

1. Subordination Policy Revision –Ms. Provencher advised the Board to proposed change to assist the Selectmen to review fewer subordinations taking up less of the Board's time re process. Ms. Provencher reviewed with the Board the following changes:
 - Department of Planning & Development approve subordination of property that has less than or equal to 65% of the appraised evaluation
 - Recommend approval of subordination of property that has debt ration of more than 65% but less than 80% of appraised evaluation
 - Recommend approval with conditions, or deny a property that has a debt ratio of more than 80% of appraised evaluation

Selectman Conley requested Page 2. 1A second sentence-third word "can" be changed to "may".

Selectman Sullivan moved the Board approve the Housing Rehabilitation Program Subordination Policy

- with amendment as stated above, 2nd by Selectman Luca, VOTE unanimous, so moved. Ms. Provencher advised to \$50.00 fee placed in Program Income per guidelines .
2. Case Waiver-Case # 06-315 Ms. Provencher updated the Board to this case waiver bid being rejected by the Rehabilitation Specialist due to boiler quote not being 90% efficient as instructed. Ms. Provencher advising to new low bid amount changed from \$6300.00 to \$7500.00 with a 10% unforeseen included (\$8,250.00) changing the 25% owner obligation from \$1,575.00 to \$2,062.50. Selectman Sullivan moved the Board approve the waiver of the owner's match required for Housing Rehab case #06-315 based upon the representation of financial hardship, said waiver conditioned upon client executing a fifteen (15) year recapture lien in accordance with program guidelines, 2nd by Selectman Luca, VOTE: unanimous, so moved.
 3. Devens Housing Rehab-Request for Assistance Case Report-The Board reviewed the Rehab. Specialist's report on 19 Auman St., Devens -Case #06-266 and determined request not being of an emergency nature and moved to deny Case #06-266 for emergency assistance, 2nd by Selectman Luca, VOTE: unanimous, so moved. The Board invited the individual to apply to program and get onto list under non- emergency. The Board discussed the boundary concern re Program Assistance provided to Ayer residents and location of home being on Devens but included in Town boundaries; requesting the Town Administrator contact Boston Office re formal decision re assistance authorization/clarification.
 4. Mr. Ryan requested the Board designate him as the Town's Environmental Certifying Officer and execute same for filing with State. Selectman Sullivan moved the Board appoint Chris Ryan as the Town's Environmental Certifying Officer, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #5. Spring Town Meeting Warrant-Mr. Suhoski reviewed with the Board the Citizens' petitions received to date along with Town Department article submissions. Mr. Suhoski requested the Board close the Spring Town Meeting Warrant by April 16, 2007, in order to finalize warrant for printing and mailing to residents.

Agenda Item #6. JBoS Update-Chairman Maxant updated the Board to the JBoS Meeting on the 15th of February's accomplishment being how the stakeholder communities (Ayer, Harvard, Shirley and Devens Committee) can work together and function effectively. Rep. Eldridge proposed the JBoS contact Gov. Patrick re his availability dates that he would be available to come out to meet with JBoS. The letter should be written on JBoS letterhead and copied to four entities.

Agenda item #7. Town Administrator's Report

1. Mr. Suhoski reviewed with the Board the Draft Fy-08 Budget projecting \$470K town-wide deficit for Fy-08. Three potential factors to deficit were identified being: school. Health insurance, and litigation. Mr. Suhoski advised to projections for health insurance \$360K, \$400K school and \$200K litigation. Mr. Sushoski advising to Town receiving only 1.4 percent increase in state Aid questioning why Town's figure was substantially smaller than other communities in the region. The Board revisited the Planning/ZBA/ConCom budget questioning hours of secretary breaking out ConCom from budget; over-time, (must work 40 hours/8 hours day per personnel policy) hours worked including office closed on Monday, vacation, time-sheets, workflow etc.). This discussion to be brought forward on the 13th Dept. Head budget work-shop.
2. Fire Station -land taking. Selectman Conley moved the Board vote to approve the Order of Taking for the Park Street property, 2nd by Selectman Luca VOTE: unanimous, so moved.

10:15pm Selectman Sullivan moved the Board adjourn the meeting, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Date: _____

Carolyn McCreary, Clerk