

Selectmen's Meeting
Tuesday, February 20, 2007
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

8:00p.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

Chairman Maxant opened the meeting by apologizing for the late start of the meeting due to the Board being in Executive Session, and requested if there was anyone present wishing to meet with the Board under Public Input other than the three listed.

AGENDA ITEM #1. Public Input-

1. Chairman Maxant noted that Rep. Hargraves Legislative Aide Ron Englade was present this evening from 7-8pm for Office Hours at the Town Hall.
2. James Stephen-Mr. Stephens gave his opinion as a resident of the Town of Ayer re use of Stabilization Funds to balance FY-08 budget and the Town should start thinking about how to generate additional revenue and begin restricting cash in preparation of FY-09 Budget. Mr. Stephen presented three copies of the book "Collapse" to the Board to share amongst themselves.
3. Ruth Rhonemus -Historical Commission requesting the Board's endorsement re Letter-of-Support to MA Cultural Facilities re Grant application for the Fort Devens Museum to be relocated at the historical Red Cross Bldg. on Devens. Selectman McCreary moved the Board vote to approve the letter of support for the MA Cultural Facilities grant application for the Fort Devens Museum relocation to the former Red Cross Bldg. 2nd by Selectman Luca, VOTE: unanimous, so moved.

AGENDA ITEM #2. Conservation Commission-The Board met with Bill Daniels-Chairman Conservation Commission.

Mr. Daniels reviewed the Town Administrator's Memo dated 2-16-07 advising the Selectmen to the Conservation Commission allowed by statute (MGL Chapter 40 Section 8C) and the Town's current Personnel Policy (Section 5.6) allowing the Commission to establish new position. The Commission must by statute/s submit a job description of the duties, skills, knowledge & other work related requirements to the Personnel Board & Town Administrator for processing and clarification, the Personnel Board has thirty (30) days to approve, deny or request additional information while classifying the new position within the Town's Compensation Plan. Town Administrator requesting one (1) change be made to the job description that being that the position report to the Director of Planning & Development and not the Town Administrator. Mr. Ryan being in the audience agreeing to that change to fall under his direction. Selectman Conley expressed her concern to Mr. Daniels and reluctance approving the position due to funding concerns and requesting Mr. Ryan watch over this budget carefully. Mr. Daniels again advising the Board to position part-time with no intention of becoming full-time. Chairman Maxant disagreeing with creation of position stating if position existed it could be filled again stating his opposition. Motion to approve position being sent to Personnel Board made by Selectman Sullivan 2nd by Selectman McCreary VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Conley aye, Selectman Luca aye, Chairman Maxant no 4-1 motion passes.

AGENDA ITEM #5. Earth Removal Renewal Permit-D&J Construction Inc. Willow Rd., Ayer, MA

8:15p.m. The Board went off the posted Agenda to take up the Public Hearing scheduled for 8:00p.m. Chairman Maxant requested the Clerk open the public Hearing by reading the Legal Notice into the record. Selectman McCreary read the Legal Notice which ran in the Nashoba Publications the week of 2-16-07 and the Lowell Sun the week of 2-9-07. The Board inquired if there were changes to the permit issued in 8-06, Mr. Butler stated no changes other than the remaining quantity of till to be removed approximately 60K cubic yards which slowed down removal due to weather conditions. Selectman Conley read into the record the previous years restrictions: inserting new amount of the renewals soil to be removed- approximately 60K Cubic Yards of soil/till to be removed, Method of removal: excavators, trucks, dozers Hours of Removal: Monday -Friday 7am to 5pm, Saturday from 9am to 4pm no Sunday excavation. Truck Rt. 2A/110 from Willow Rd. Area to be wet down for dust control. Erosion methods to be in place, and excavation to be in conformance with Site Plan and Conservation Order of Conditions. Selectman Conley moved to approve the renewal permit based upon the abovementioned conditions, 2nd by Selectman Sullivan, VOTE: unanimous, so moved. Selectman Conley moved the Board close the Hearing, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Agenda Item #3. Personnel Board-FY-08 COLA Recommendation

Town Administrator reviewed his Memo of 2-20-07 with the Board re FY-08 COLA recommendation for the Town's non-union personnel. Mr. Suhoski advised to the Personnel Board's recommendation of 3% and the Town's Collective Bargaining Agreements reflecting between 2&3% increments for FY-08. Mr. Suhoski also produced data from MA Municipal Assoc. retirement system and FOR determinations and survey from surrounding Towns. Based upon above Mr. Suhoski recommended a 2.5% COLA for non-union personnel for FY-08. Selectman Conley acknowledged the Town historically receives recommendation from the Fin-Com and Town Accountant and requested the Board request input from them for the Selectmen's March 6th Meeting. The Board took the FY-08 COLA recommendation under advisement pending this input.

Agenda Item #4 Historical Commission-Survey and Planning Grant Application

The Board met with George Bacon who stated he was before the Board to seek the Board's approval for a 60/40 Matching Grant from the National Park Service through the MA Historical Commission to help fund its inventory of historic resources. Mr. Bacon advised to the Town's match \$10K which was funded through the Community Preservation Act in 2003 and not expended. Mr. Bacon presented Assurances Form-Town agrees to comply with requirements to administer the project, Matching Share Information – Certifies the availability of the Town's share of funding, and Certification regarding debarment, suspension, ineligibility and voluntary exclusion-certifies the Town has not been deemed ineligible to receive Federal Grants. Selectman Conley requesting who will administer the Grant, Mr. Bacon responding the Historical Commission. Selectman Luca moved the Board approve the Historical Commissions 2007 Survey and Planning Grant Application for 60/40 Matching Grant with the National Park Services the Town's matching share not to exceed \$10K and authorize the Chairman's signature, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #6. Planning and Development Department-The Board met with Chris Ryan-Planning and Development Director.

1. Weston & Sampson Contract Amendment-Mr. Ryan reviewed with the Board additional assembly and re-organization of the assessment report necessary which was revised by Consultant Grant Writer and requiring additional time to develop narratives for various segments and CAD time to reframe aerial and photo frames re the Town's Slum & Blight Survey Assessment which exceeded the original scope of services in the amount of \$2,500.00 for a total cost not to exceed \$22,500.00. Mr. Ryan stating this additional work will give the Town a better chance of getting the grant approval. Selectman Conley moved the Board approve the amendment to the Weston & Sampson Agreement-Slum & Blight Survey Assessment not to exceed the sum of \$2,500.00 as recommended by Mr. Ryan in a memo dated 1-12-07, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
2. Mr. Ryan presented the Board the Town of Ayer's Fy-07 Community Development Block Grant Application prepared by his office under the Department of Housing & Community Development Program. Mr. Ryan advised the Board to the grant application being left in the Selectmen's Office for their review.
3. Lien Subordination-Case # 99-193-11 Columbia St., Ayer, MA- Mr. Ryan advised the Board to property owner seeking to subordinate the mortgage on the property re repairs to 11 & 24 Columbia St., Ayer, MA. The Board expressed concern re two multi-unit properties being rehabilitated and property owner from out of town. After a brief discussion with Mr. Ryan and the Town Administrator re clarification of program guidelines the Board voted to approve the subordination of the Town's lien conditioned upon a new mortgage not to exceed \$297K and authorize the Chairman's signature. Motion to approve made by Selectman Luca, 2nd by Selectman Conley VOTE: unanimous, so moved.
4. Program Income and Case Waiver Request-The Board rejected approving Case Waiver 06-266 for property located at 19 Auman St., on Devens bought under the Lottery Program in 2003. The house is located in the historic town boundaries of Ayer residing within the Devens Regional Enterprise Zone. The Board requested MADEV pursue all other avenues first i.e. insurance/liability coverage/s-unit rehab not up to standard by contractor, furnace repair, weather proofing windows etc. Mr. Suhoski suggested the Board send out Rehab Specialist to evaluate home re detailing scope of work needed. Selectman Luca opposing feeling assistance is not in Ayer's best interest, other Devens homeowners will line up for assistance. The Board moved to approve the house inspection by the Town's Rehab Specialist for case # 06-266 the Board to reevaluate after inspection. Motion to approve made by Selectman Sullivan, 2nd by Selectman McCreary, VOTE: Selectman Conley aye, Selectman Sullivan aye, Selectman McCreary aye, Chairman Maxant aye, Selectman Luca no. 4-1 motion passes.

Agenda Item # 7. Supt. Madigan's Report-

1. Weston & Sampson Contract-Cured-in-Place Pipe Lining-Supt. Madigan updated and clarified the Board to Weston & Sampson Engineering Proposal for the preparation of plans and specifications for the cured-in-place pipe (CIPP) lining for the existing 10 and 12 inch sewer lines along Main Street for the sum not to exceed \$12,100.00 paid from pre-approved Capital request for sewer system rehabilitation to reduce inflow/infiltration (\$50K). Selectman Conley moved the Board approve Weston & Sampson Proposal for the cured-in-place pipe lining for the sum not to exceed \$12,100.00 and authorize the Chairman's signature, 2nd by Selectman Luca, VOTE: unanimous, so moved.
2. Weston & Sampson Design Services-Groton Street Retaining Wall-Selectman Sullivan moved the board vote to approve the survey and design services for the Groton Street retaining wall rehabilitation in the amount not to exceed \$5,800.00-funding from previously approved Chapter 90 funding and authorize the Chairman's signature, 2nd by Selectman Luca VOTE: unanimous, so moved.
3. Calvin Street Alteration of layout-Supt. Madigan updated the Board to history of Calvin Street extension -late 1990's-and of an informal request made by the Town to Bill Lawrence to take a sliver of land to widen the street to allow school buses to turn. Mr. Lawrence agreed to this land acquisition in exchange for free sewer connection fee. The Board of Selectmen voted to issue a sewer tie-in at their 8-19-03 meeting in exchange for the land donation. Town Counsel in 2006 recommended a seven step process re this land taking: the 1st step in this process is a "vote of intention to alter layout". Supt. Madigan stated he is before the Board to start this process and take the 1st step. Selectman Conley moved the Board hereby intends to alter of Calvin Street as shown on a plan titled Plan of taking in Ayer, MA prepared for Ayer Public Works Department; dated October 2005, prepared by David E. Ross Assoc. Inc. and forwards said matter to the Planning Board (the 2nd step) for its review and recommendation, 2nd by Selectman Sullivan VOTE: unanimous, so moved. Selectman Sullivan suggesting Town Counsel prepare deed to Town of Ayer no order of taking.

4. Water Loss Prevention Grant-Supt. Madigan appraised the Board to Town being awarded a Water Loss Prevention Grant in the amount of \$31K. Supt. Madigan advised to his meeting with Rick Linde, Tata & Howard and DEP re the grants scope of work. Budget and schedule. The Board congratulated Supt. Madigan upon this award.
5. Water/Sewer Permits-Selectman Conley moved the Board approve the Water & Sewer Permits for Lot 4 & 5 Pheasant Circle for one inch (1") water/sewer services, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Selectman Conley re status of Balch Pond Dam-Supt. Madigan advised to work in progress -\$415K Capital Program. Selectman Conley requesting if Grants available. Supt. Madigan advised to MA Highways contacted re funding availability.

Agenda Item # 8 –Town Administrator's Report

1. **Fy-08 Budget Update**-Mr. Suhoski reviewed with the Board his revised Fy-08 Budget schedule due to budget revenue projections not expected until April 2007 from the Governor and initial revenue projections not being completed until the end of February and awaiting projections for health, police/fire liability insurance premiums and proposed School Budget. Mr. Suhoski advised to a draft budget being prepared for the Boards 3-6-07 meeting. The Board reviewed Mr. Suhoski's revised budget development schedule dated 2-15-07. Mr. Suhoski advised the Board to his plans to moderate an information session to informally review the warrant in advance of the Spring Annual Town Meeting. Mr. Suhoski advising to Fin-Com and Selectmen representatives invited to present recommendations. The public and press will also be invited Mr. Suhoski intent to give the voters more information in advance of the Town Meeting facilitating a more efficient meeting. Mr. Suhoski took this opportunity to remind residents to May 07 Spring Town Meeting Warrant open and to get warrant articles in to Selectmen's Office. Selectman Luca advising to his submission of by-law changes re changing Town Meeting to Saturdays and another by-law to place a set amount of money into Stabilization. Selectman Sullivan also stated he too had prepared a proposed new by-law re Unregistered Voters at Town Meeting. Selectman Conley reminding all to need for Public Hearing to be held re Change of By-law and also advise the Town Clerk Office to these proposed bylaw revisions.
2. **MIIA Insurance Dividend**- Mr. Suhoski updated the Board to Ayer's portion of MIIA's total reward dividend for Fy-07 coming in at \$4,207.00 and unfortunately the payroll audit re Worker's Compensation revealing an additional\$3,464.00 due on the insurance premium. Total dividend remaining after Worker's Compensation expenditure \$800.00 to the Town.
3. Mr. Suhoski reminded the Board to JBoS scheduled for Wednesday, February 21, 2007 at 7pm at the Ayer Town Hall 2nd floor Great Hall and Town of Harvard's meeting notes distributed.
4. Mr. Suhoski advised the Board to PanAm plans and proposal for the 750 car unloading facility distributed to all Town Departments effected by facility and placed on the Board's upcoming March 6, 2007 Agenda.
5. Mr. Sushoki updated the Board to Water/Sewer Rate Committee being reformed and requesting Board's delegate to sit on committee. Chairman Maxant to be the Board's delegate.

Agenda Item #9. Selectmen's Questions/New Business

Selectman Conley re: article in Lowell Sun Newspaper re Greenways Committee walking path-Autumn Ridge. Requesting Audubon Society be contacted re protected species in area.

Selectman McCreary re: Parking Task Force Meeting last week update-advising to 3rd group endorsed not to look at anymore satellite sites and only look at site within ¼ mile radius of depot. Selectman Sullivan elaborated on West Concord train trip on 17th re stimulating economic advantage in community re development around train station and hopefully apply what learned from that trip for Ayer.

Selectman Sullivan also commented upon the wonderful show of residents at the recent 2-10-07 Special Town Meeting 524 residents were present for the meeting.

9:45p.m. Selectman McCreary moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL chapter 39 Section 23B, Exemption #3 re Collective Bargaining and strategy with regard to litigation and to adjourn from Executive Session for the sole purpose of adjourning the meeting, 2nd by Selectman Conley VOTE: Selectman Conley aye, Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca aye, Chairman Maxant aye, unanimous, so moved.

9:45p.m. Meeting adjourned.

DATE: _____

Carolyn McCreary, Clerk

AYER BOARD OF SELECTMEN