

Selectmen's Meeting
Tuesday, December 19, 2006
Ayer Town Hall, 1st Floor Meeting Room, Main St., Ayer, MA

7:00p.m. Open Session

Present

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

Agenda Item #1. Public Input: Chairman Maxant opened the meeting by requesting if there was anyone present wishing to meet with the Board of Selectmen. Selectman Luca congratulating the **Ayer/Shirley Youth Association**-Selectman Luca introduced the Coach of the Ayer Shirley Bronco's Michael Taylor. The Board congratulated Coach Taylor and the players upon their successful Football Season: Central MA Super Bowl Champions, MA State Champions and finals in the N.E. Championship. Players recognized: Peter Taylor, Sean Kennefick, Keenan LaBonte, Ian Byne, Trustin Murry, John Joseph, DaShawn Taylor, Frankie Eramo, Kyle Cherico, Ryan Carroll, Patrick Sweeney, Marcos Lauar, Jordon Montoya, Matt Boutilier, John Cox, Alex Velez, Nick Consenze, Sean Kellar, Ariel Ferriera, Scotty Monge, Tyle Beauschene, Coaches: Marty Bellanger, Mark Hennigan and Andre Carr. The Board presented Coach Taylor a Certificate of Recognition and congratulated the members of the Ayer/Shirley Midget Bronco Football Team players and thanked all for coming into the Selectmen's Meeting.

Agenda Item #2. Chief Pedrazzi, re Appointment-Ayer Firefighter/Paramedic- Chief Pedrazzi introduced to the Board David J. Greenwood of Sterling, MA. Chief Pedrazzi reviewed with the Board Mr. Greenwood's extensive background in firefighting and Paramedic training. The Board welcomed Mr. Greenwood to the Ayer Fire Dept. and wished him well upon his appointment.

Agenda Item #3. Public Hearing-Pole Petition-National Grid-Pine Ridge Drive, Ayer, MA – Chairman Maxant opened the Hearing by requesting the Clerk read the Legal Notice. into the record. Selectman McCreary read the Legal Notice which ran in the Nashoba Publications the weeks of 12-8-06 and 12-15-06. Chairman Maxant requested if there were abutters present. No one stepped forward. The Board met with Ken Dobey of National Grid. Mr. Dobey updated the Board to the pole being necessary do to the new construction of a single family home to be located at Pine Ridge Rd. Selectman McCreary moved the Board approve the petition, 2nd by Selectman Luca, VOTE: unanimous, so moved. Selectman Luca moved the Board close the Public Hearing, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Agenda Item #4. Mohammed Khan-Montachusett Area Regional Transportation (MART) The Board met with Mohammed Khan re the Railroad Parking Facility. Mr. Khan reviewed with the Board the process Re funding the 350/car facility estimated at \$6.5 million dollars. Mr. Khan elaborated to \$3.6 million needed which will require asking Congressman Meehan to earmark \$3 million and Senator Resor for an additional state match of \$900K of which the Senator has \$2 million appropriated for this project. Mr. Khan stated 50 spaces re facility earmarked for rail trail as par of DEC Agreement. Selectman McCreary advised Mr. Khan to Parking Task Force Group formed to assist with the planning/design of the facility. The Board expressed their concern re height of facility planned (3 story) as well as traffic signal installed re pedestrian traffic/commuters crossing over to Depot being necessary. Mr. Khan stated biggest obstacle presently if having the funding transferred from State Highway to Federal Transit Accounts to begin the design/architect phase. Selectman Conley questioning Mr. Khan to his knowledge of was MART negotiating with property owners to sell their property along Park Street. Mr. Khan stated not to his knowledge. Selectman Conley advised Mr. Khan to citizens not wanting to install traffic signals and Mr. Khan stating an overhead foot bridge should then be considered. Mr. Khan advised to list of architects to be supplied to Town by MRPC. The Board requesting to insure Cecil Group being on that list. The Board to work with Mohammed Khan when new transitional Government is in

place at the State House to ensure the transfer of funding takes places and to re-contract Sen. Resor and Rep. Hargraves to keep appraised.

Agenda Item #5. Town Department Heads re: Fy-08 Budget Discussion

The Board met with Department Heads re potential cut of 1% to their 2007 current budget to assist with budget shortfall re School deficit. The Board met with the Town Accountant, who submitted her break-out depicting a bare bones budget unable to cut back any further advising if would strap her department as well as computer support unable to support 1 % cut do to need to upgrade software/server in 2007. Mr. Suhoski reported that the Selectmen's Budget is able to realize \$3K +/- in savings in clerical support line item # 01122 51500. Council on Aging-Karin Swanfeldt reported she is unable to assist advising the Board to a 1% cut would take out one month out of her budget for operations. Timothy Hansen-GIS \$48.00 able to forgo by reducing smaller scale maps. Town Treasurer unable to find potential savings of 1% budget to lean. Assessors-\$1,362 advising to no further cut recommended due to audit consideration, Town Clerk unable to assist with 1% budget is to tight-spends carefully, Building: \$450.75 cut takes away from office supplies, Fire: able to contribute \$10,771.37 cuts taken from training-but remains potential for Reserve Fund Transfer, Library -no response, Parks: \$988.00 which delays spring parks maintenance, Police-\$15,594 unhappy stating unfair to Departments that stay within funding, Public Works-\$8,838 potential contribution due to vacancy. Total \$41,302.12 The Board thanked all for their sincere efforts in assisting the Town with this huge projected deficit. The Board requested the Library, ZBA, Conservation and Planning Board respond as well.

Agenda Item #6. Supt. Madigan's Report-

1. Supt. Madigan resubmitted the MOU for the Board's approval re Zone-1 Grove Pond Wells with the MA Army National Guard (MANG) which clarifies and delineates Brigadier General Oliver J. Mason, Facility Plans and Programs Manager being appointed by the Governor and senior officer to the MANG and authorized agent to sign the MOU. Selectman Luca moved to authorize the Chairman's signature on the MOU for Zone 1-Grove Pond Wells, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
2. Waste Reduction Grant-Selectman Conley moved the Board approve the Recycling Grant in the amount of \$796.38 per Supt. Madigan's memo dated 12-15-06 for consumer education materials & containers, 2nd by Selectman Luca, VOTE: unanimous, so moved.
3. Chapter 90 Funds- Selectman Conley moved the Board authorize Supt. Madigan to accept Chapter 90 Funds pursuant to INT0000 2007S in the amount of \$48,192.00, 2nd Selectman Luca, VOTE: unanimous, so moved.
4. The Board reviewed with Supt. Madigan the Guilford Status re existing Guilford monitoring wells/and or installation of new monitoring wells. Supt. Madigan advised to meeting with Susan Hunnewell of Tata & Howard re developing baseline groundwater quality via utilizing Guilford's old wells or installing new wells on Guilford property advising to three (3) wells should be installed up gradient to the Spectacle Pond Wells or place monitoring wells on Town property -two (2) wells suggested at a cost of \$5K with sampling analyses estimated at \$750.00 per monitoring well and sampling to be done twice a year or \$4,500.00/yr. Monitoring wells could be installed within a month.. Supt. Madigan advising to depth of wells should be 30' with a fifteen foot (15') screen. Selectman Sullivan advising to monitoring wells on site belonging to Guilford and at their discretion re testing/sample taking. Selectman McCreary moved the Town contact Guilford in writing allowing the Town to use their existing wells to take samples by the DPW and as soon as permission is granted to begin monitoring of the wells, 2nd by Selectman Sullivan VOTE: unanimous, so moved. Selectman Sullivan moved if the Town doesn't hear back from Guilford within sixty (60) days the Town to seek Town Counsel's opinion re legal options to install our own monitoring wells on easement or if Town can draw test results from Guildford's monitoring wells, 2nd by Selectman Luca, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca aye, Chairman Maxant aye, Selectman Conley no, 4-1 motion passes. Selectman Sullivan moved the Board utilize UDAG or Water Enterprise Funds re installation of monitoring well along Willow Rd., 2nd by Selectman Luca VOTE: unanimous, so moved.

Agenda Item #7. Stave Mullaney re: Mill Corp-Shaker Hills Golf Course- The Board met with Steve Mullaney and Joseph Levine of Mill Corp. re converting the Golf Course into 140 units of 40B Housing and accessing water & sewer. Present for the discussion was Supt. Madigan of the DPW. Supt. Madigan advised

the Board to not reviewing the package before the Board. Supt. Madigan advised the Board to sewer capacity available but cautioned the Board re using up its water surplus and requested more time to review proposal and not comment at this time. Mr. Mullaney advising the Board to Bylaws allowing such an arrangement as long as Town Meeting approves citing several communities with such an arrangement. Mr. Mullaney stated his client would consider upgrades to the town's present utility infrastructure and gifting Mill Pond or the cost of a package treatment plant. The Board requested how the Town of Harvard reacted to this proposal Mr. Mullaney responded mixed. Mr. Levine advised to a public forum held and granted and extension of time re commenting of the 40B. Chairman Maxant challenging what controls Ayer would have over a wastewater facility in another Town. Mr. Mullaney advising to a district being formed re inter-community connections which would resolve such issues. Mr. Mullaney advising the Board to users in another district could be charged a different rate alleviating local financial burdens. Selectman Sullivan stated some benefit could be derived advising to Mill Corp. pursuing the development of 18 lots in Ayer just across the Town line from the golf course and suggested a multi board meeting be conducted to review the project further. The Board took this matter under advisement.

Agenda Item # 8. Office of Community & Development

The Board met with Tim Hansen Program Manager re request to approve the following expenditures from Program Income due to unusually high amount of property sales and lien recaptures (\$164,244.00) and DHCD recommends program income not exceed \$100K: Mr. Hansen requested the Boards action re:

Kiddie Junction Site Assessment-ATC Assoc. in the amount of \$8,800.00. Selectman Conley moved the Board approve the expenditure from CDBG Program Income Funds not to exceed \$8,800.00 towards eligible site assessment costs at the Kiddie Depot located at Pirone Park as detailed in the 12-8-06 proposal of ATC Associates, Inc. 2nd by Selectman Luca VOTE: 4-0 with Selectman McCreary stepping away from table and not voting.

Pleasant Street School seed funds-Selectmen Conley moved the Board approved to allocate \$30K in CDBG Program Income Funds towards eligible pre-development costs associated with the Apartments at Pleasant Street School as detailed in the 12-8-06 request from Timothy Hansen Program Manager, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Weston & Sampson-New Target Area – Public Infrastructure-Selectman Conley moved the Board approve to the expenditure request from CDBG Program Income Funds not to exceed \$20K to Weston & Sampson to implement the scope of services as contained in the 12-18-06 correspondence from Weston & Sampson for the downtown target area assessment as detailed in Mr. Hansen's 12-8-06 proposal, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #9 Town Administrator's Report-

1. **Guilford-** Mr. Suhoski advised the Board to Pam Am not meeting the clear requirements of the Consent Decree. The Board requested Town Counsel be advised if legal action, an injunction or other action against Pam-Am is possible do to their failure to abide by the Court Order and Consent Decree as well as if the Town's police powers with respect to public safety would be pre-empted by the Court decision.
2. **Ratification of Chairman's signature to School Committees letter dated 11-18-06.** Selectman Luca moved the Board approve the Chairman Signature to the School Committee letter dated 11-18-06 to Sen. Resor & Rep. Hargraves, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
3. **Resident of Devens seeking Hous. Rehab Asst.-**Mr. Suhoski brought to the attention of the Board a Devens resident seeking CDBG funds for new windows. The resident bought the house as part of the Lottery process in 2003. No action taken.
4. **Vicious Dog Hearing & Order dated 11-30-06-**Mr. Suhoski advised the Board to owner of dog removing dog from Ayer via correspondence and Mr. Hunter coming into office today advising to dog taken out of state. The Board requested the Police Dept. keep extra effort in monitoring apartment on West Street to ensure dog not returned to premise and if does to take it. Selectman Sullivan moved the Board refer matter to Town Counsel man in violation of order, did not appeal, no 2nd to motion. Police Dept. requested to monitor West Street address to ensure dog not on premise.

Agenda Item #10. Selectmen Questions- Selectman Conley and McCreary requested to attend the Annual MMA Meeting in Boston. Town Administrator advising to budgeting for three (3) to attend. Selectman Conley advising to attending Friday & Saturday and Selectman McCreary attending Saturday only. Selectman Conley moved the Board approve of her & Selectman McCreary's attendance at the MMA Meeting, 2nd by Selectman Luca, VOTE: unanimous, moved.

Selectman Conley-Requested the Board approve/invoke the Consultant's By-law re funding the Eliades Estates law suit with the Planning Board. Motion to approve made by Selectman Conley 2nd by Selectman Luca, VOTE: unanimous, so moved.

Selectman Luca took this opportunity to wish everyone a happy holiday season.

10:00p.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 Planning and Development Director and Police Chief's Contract, 2nd by Selectman Luca, VOTE: Selectman Conley aye, Selectman McCreary aye, Selectman Luca aye, Selectman Sullivan aye, Chairman Maxant aye unanimous, so moved.

10:00p.m. Open Session concluded.

 _____ DATE: _____
Carolyn McCreary, Clerk
AYER BOARD OF SELECTMEN