

Selectmen's Meeting
Tuesday, November 28, 2006
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

00p.m. Open Session

Present

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

Public Input-Chairman Maxant opened the meeting by requesting if there was anyone present wishing to meet with the Board under Public Input, no one stepped forward.

Agenda Item #1. Veteran's Agent-The Board met with Manuel Velez, Veteran's Agent re Mr. Velez's 11-14-06 Leave of Absence Request for the period of January 1, 2007 to March 31, 2007 for medical purpose. Mr. Velez introduced Michael DeTillian, Town of Shirley's Veteran's Agent who Mr. Velez recommended to the Board to fill in for him during his absence. Mr. Velez assured the Board to the office hours remaining the same Monday evenings at 7pm. Mr. DeTillian advised the Board to being the Town of Shirley's Veteran's Agent for the past three (3) years and familiar with Veteran's issues and no conflict with hours, Shirley's Veteran's Office hours conducted on Tuesday evenings. Selectman Conley requesting if Mr. Velez will have his Fy-08 budget finished prior to his departure. Mr. Velez assured the Board to the Town Administrator being in receipt of his Fy-08 budget prior to his departure.

Agenda Item #2. Public Hearing-Common Victueller's License cancelled and continued to 12-5-06.

Selectman Conley opened the Public Hearing by reading the legal notice into the record for Lucky Li d/b/a Wok & Roll, Park Street, Ayer, MA. Selectman Conley moved the Board continue the Public Hearing to 12-5-06 at 7:15p.m., 2nd by Selectman Luca, VOTE: unanimous, so moved.

In its place the Board met with Wellman Parker-Emergency Management Director. Mr. Parker revisited his earlier meeting with the Board last fall re the Town's participation in a regional planning committee; North Middlesex Area Emergency Planning Committee (NMAEPC). Town's participating: Ashby, Ayer, Devens, Dunstable, Groton, Harvard, Littleton, Pepperell, Shirley, Townsend and Westford. Mr. Parker stated he was before the Board re approval/acceptance of the Committee's By-laws which would assure a combined effort ensuring a structured and timely response "All Hazard's Plan" to include a database of resources, equipment, and personnel that the Town could draw from in any emergency/and any incident within the region. The Board took this under advisement until their next meeting. Mr. Parker updated the Board to the status of Federal Grant \$19K received and expended towards: generators, cots, blankets & pumps stored at the Police & Fire Stations. The Board congratulated Mr. Parker on the programs successful grant application/award. Mr. Parker took this opportunity to encourage residents participation on this committee and to contact him at the Ayer Police Dept. if interested upon serving.

Agenda Item #3. The Board due to being ahead of schedule went off the posted agenda of 11-28-06 to meet with Chief Richard Rizzo-Personnel Board member re Maintenance Technician's Appointment.

The Board met with Chief Richard Rizzo who updated the Board to the back ground re this new position and the Personnel Board's recommendation of 10-20-06 to appoint Daniel Sherman, to the Maintenance Technicians position at Grade Seven Step 3 retroactive to July 1, 2006. (see Memo dated 11-21-06 attached). Selectman Sullivan raised concerns re saving funds re School deficit and not the appropriate time to increase position compensation. The Board reviewed step increments (Grade 7 Step 3-\$6,500) (Grade 7 Step 2-\$5,500) (Grade 7 Step 1-\$4,500). Selectman Sullivan moved the Board approve the Maintenance Technicians position at Grade 7 Step 1 with no retroactive -effective 11-28-06, 2nd by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca no, Selectman Conley no, Chairman Maxant no, motion fails 2-3. Selectman Conley moved the Board approve the Maintenance Technicians position at Grade 7 Step 1 retro to 10-3-06, no 2nd to the motion, motion fails. Selectman Sullivan amended motion to approve

Grade 7 Step 1 effective 11-28-06, 2nd by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca aye, Selectman Conley no, Chairman Maxant no 3-2 motion passes. Position for Maintenance Technician to be offered to Daniel Sherman at Grade 7 Step 1 with no retro.

Agenda Item #4. Police Chief-Richard Rizzo-Vicious Dog Hearing-The Board met with Chief Rizzo who updated the Board to the background of unprovoked vicious dog attacks upon other dogs in Town by dog "Trey" a Staffordshire terrier owned by Christopher Hunter of 12 Pleasant St., Ayer, MA on 8-27-06, 6-3-06, and 3-20-06 involving serious injuries and death of one dog. Chief Rizzo advised the Board to his conducting a Vicious Dog Hearing on 9-14-06 which determined that the Staffordshire terrier constitutes a nuisance to the neighborhood by reason of its vicious disposition. Based upon facts presented and testimony given along with the determination of the Hearings Officer that the Staffordshire terrier "Trey" constitutes a serious nuisance by virtue of its vicious disposition the Board of Selectmen voted to order the following: Mr. Christopher Hunter's Staffordshire terrier named "Trey" be euthanized, and that the dog at Mr. Hunter's expense be immediately placed in a third-party kennel or animal shelter until such euthanization shall occur. Mr. Hunter to provide a notarized certification of euthanization by responsible animal shelter within fourteen (14) days. See Findings of Fact of 9-14-06 Vicious Dog Hearing attached). Motion made by Selectman Sullivan, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #5. Town Department Heads re Fy-08 Budget issues/overtime Present for the discussion: Chief Rizzo-Police Dept., Chief Pedrazzi-Fire Dept., Bert Gibson-Park Dept., Dan Sallet-School Com., Gave Vellante-Bldg. Dept., Karin Swannfeldt-COA., Denis Callahan-Treas., Ann Callahan-Town Clerk., Supt. Madigan-DPW., Community & Economic Dev. Represented by Shaun Sushoski. Selectman Sullivan opened the discussion by advising all to serious budget challenge before the Town due to Special Education shortfall, under-funded by State. Selectman Sullivan advised to the Board of Selectmen meeting jointly with the Fin-Com. and School Committee to address this shortfall and the establishment of a Tri-Board Sub-Committee. Selectman Sullivan advised to School Dept. applying for Circuit Breaker Relief from the State soliciting our State Reps assistance. Selectman Sullivan advising to the Board now looking to Town side re re-evaluating their Fy-07 budgets for any additional savings to help address shortfall. Mr. Sallet estimated between \$400-\$500K School shortfall with approximately \$375K spending reduction sought through the state and tapping Town reserves. The Board heard from all the Dept. Head present who advised to all having very little budgets which probably would reflect services eliminated whereas money being tight everywhere for everyone, but all would try their best. Selectman Sullivan requesting all budgets be evaluated suggesting SHAVE volunteers be utilized along with towns contribution to insurance being pursued, Selectman Sullivan again stating the question is equity. Selectman Conley cautioning there may be a need to cut across the board to avoid a deficit. The Board voted to direct Department Heads and all other Town departments to review their Fy-07 budget and seek to identify cuts or savings within the current fiscal year equal to 1% of the annual appropriation of their department and to report back to the Selectmen in writing by 12:00 noon on Friday December 15, 2006 for review by the Selectmen at their December 19, 2006 meeting, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #6. Parking Facility Site discussion-Schwartz family-The Board met with Lorna & David Schwartz of Sandy Pond Road, Ayer, MA re possible alternate site for commuter parking facility proposed for downtown Ayer. Discussion focused upon the Schwartz family contacting the Town years ago re the Sandy Pond Rd. site be considered for the parking facility. Mr. Suhoski stated he was never advised to move forward with that proposal and further that the site was outside the quarter mile radius from the present station and further delay would lead to losing its \$3.15 million in federal grant funding. Selectman Sullivan reminded the Board to memo from Mr. Suhoski from U.S. Rep. John Olver urging the Board to exercise leadership on the issue or risk losing the funding and ultimately the train station. Selectman Sullivan put forward a motion to negotiate with the Schwartz family, a motion which was presented with the intent to fail, 2nd by Selectman Luca, VOTE: Selectman Sullivan no, Selectman McCreary no, Chairman Maxant no, Selectman Conley yes, Selectman Luca abstained. 3no, 1yes, 1 abstained motion fails. Selectman Sullivan moved the Board vote to begin search for architect and engineering for design of a parking facility for the rail trail parking lot, 2nd by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Conley no,

Selectman Luca abstained and Chairman Maxant aye, 3-1-1 motion passes. The Board thanked the Schwartz family for coming in to meet with the Board.

Agenda Item #7. Planning Board-re: Planning & Development Director's Appointment Process.

The Board met with Ayer Planning Board members re criteria of appointment/interview process re new Planning & Development Director. Mr. Suhoski opened the discussion by reviewing with the Board the decision of Board to conduct a joint meeting with the Planning Board in to interview the finalists re the Planning & Development Director's position. Elizabeth Hughes reviewed with the Board the Planning Board's requirements of the candidate and agreed on behalf of the Planning Board to the selection of the candidate being that of the Board of Selectmen's. Mr. Sushoski reviewed the criteria of the format for the interview process requesting both boards ask up to four (4) questions of the candidates which should be the same questions for each due to time constraints. Mr. Suhoski advising to each of the two (2) candidates having one hour each for their presentation. Selectman Conley moved the Board conduct interviews and selection of the preferred candidate by a majority vote of the two boards; the Selectmen will negotiate the salary and terms of employment and make the final offer of employment and appointment, 2nd by Selectman Luca, VOTE: Selectman Conley aye, Selectman Luca aye, Selectman McCreary aye, Selectman Sullivan no, Chairman Maxant aye. 4-1- motion passes. The Board confirmed the date by mutual decision of December 4th at 7:00p.m. to interview the two candidates for the Economic Development Director's position one at 7pm and one at 8pm 10:10p.m. **The Board voted to continue the meeting until 10:20p.m. Motion made by Selectman Conley , 2nd by Selectman Luca, VOTE: unanimous, so moved.**

Agenda Item #8. Fire Chief –Punch List New Fire Station-The Board met with Chief Robert Pedrazzi Chief Pedrazzi reviewed with the Board his completed punch list and advising the Board to everything being satisfactorily completed to his satisfaction including the BARR items. Chief Pedrazzi updated the Board to the status of the land taking re two parcels not recorded with the Registry of Deeds-one parcel owned by Pirone along Park Street the other owned by Bresnahan (J&A Realty) along north property line. The Board requested the Town Administrator review and reschedule this matter for 12-5-06 Selectmen's Meeting.

10:24p.m. Due to the lateness of the meeting the Board took up only the 2007 Alcohol License endorsement request under Agenda Item #9. Town Administrator's Report-Selectman Conley moved the Board approve the Selectmen's 2007 Alcohol License's endorsements as submitted with PYO d/b/a Brew Locker & Kane & Jeanette d/b/a O'Hanlon's compliance with 2007 Fire Chief/Bldg. Com. reports that they comply with 2007 ABCC Requirement deadline (11-15-07) re Sprinkler systems installation, 2nd by Selectman Luca, VOTE: unanimous, so moved. The Board approved the Class I, Class II, Class III 2007 Licenses, 2007 Common Victueller's Licenses, 2007 Amusement Licenses and 2007 Sunday Entertainment Licenses as presented. Motion to approve made by Selectman Conley, 2nd by Selectman Luca VOTE: unanimous, so moved.

10:30p.m. Selectman McCreary moved the Board adjourn the meeting, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Carolyn McCreary

-DATE: _____