

Selectmen's Meeting
Tuesday, September 26, 2006
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

Present

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

7:50p.m. Open Session

Chairman Maxant apologized for the late start of the meeting due to the Board meeting in Executive Session re the Fire Chief's contract negotiations.

- Chairman Maxant requested a moment of Silence be conducted for Irene Miller the Town of Ayer's 1st female Selectman-serving from 1985 to 1988, and School Committee member from 1970 to 1982. Ms. Miller passed on Thursday, September 21, 2006 after a lengthy illness.

Agenda Item #1. Public Input

Chairman Maxant requested if there was anyone present wishing to meet with the Board under Public Input.

- Selectman Luca requested the Board go off the posted agenda and take up Agenda Item #6 Planning & Development Director's Screening Committee under Agenda Item #2 replacing Agenda Item #6 with Agenda Item #2 2nd by Selectman Conley, VOTE: unanimous, so moved.
- Chairman Maxant welcomed Representative Robert Hargraves to the meeting and advised residents to Representative Hargraves conducting Office Hours at the Ayer Town Hall this evening from 7-8pm inviting residents to come in to meet with Mr. Hargraves at the Town Hall. Rep. Hargraves advised Board to new Citizens Group Legislation (STOP FADS) presently before House Counsel and no position taken on issue re Devens and advising Board to his unavailability for Devens Public Hearing on 27th due to prior commitment in Pepperell.
- Chairman Maxant advising residents to PACE (People of Ayer Concerned about the Environment) encouraging residents to attend the upcoming RAB (Restoration Advisory Board) Meeting re Devens Clean-up On October 19th relative to North Post institutional Controls allows Housing Development w/o clean-up. Chairman Maxant advising to the meeting being held at the Devens Common.
- Chairman Maxant advised residents to new citizens group STOP-FADS Meeting (Stop Taking Our Property-Freedom Advocates for Devens Stakeholders) group opposing Devens Scenario 2-B. Meeting to be held at the Ayer Town Hall on Friday, September 29, 2006 at 7pm. encouraging residents to attend.

Agenda Item #2. Planning & Development Director's Screening Committee-The Board met with Elizabeth Hughes, Chairman of the Ayer Planning Board. Ms. Hughes gave the Board her assessment regarding the role and responsibility of the Screening Committee. Town Administrator Shaun Suhoski gave the Board a brief back ground/recommendation re the Screening Committees make-up. Selectman Conley stated her feelings re Selectmen not being on Committee due to being appointing authority and suggested 2 members from the business community being requested to serve i.e Downtown Business Assoc. and the IDFA. Selectman McCreary agreeing but suggesting that if Selectmen are not on committee neither should the Planning Board. Selectman McCreary recommending Mr. Suhoski be on Screening Com. as a non-voting member to the Committee, feeling his twelve (12) years of experience will be a valuable asset to the committee. Selectman Sullivan requesting the Planning Board also be represented on the Committee important input needed from Board. The Board moved to appoint: Mr. Suhoski as a non-voting member, a Planning Board designee, a Zoning Board designee, a Conservation Commission designee, Mr. Suhoski advising to Comprehensive

Planning Implementation Com. electing Harry Zone as their representative, one representative from the business committee to be designated by them, and one citizen at large member. Mr. Suhoski advising to Charles Jones submitting a letter of interest to serve as citizen at large on this committee. Motion to approve make up of Screening Committee made by Selectman McCreary, 2nd by Selectman Sullivan, VOTE: unanimous, so moved. The Board requested the committee be charged with submitting three (3) candidates to the Board of Selectmen for interviews.

Agenda Item #3. Fall Town Meeting Warrant-Chairman Maxant opened the floor for discussion re conducting the Super Town Meeting and Fall Town Meeting on same night to maximize turnout for higher voter participation. Mr. Suhoski updated the Board to Town Counsel advising to Moderator & Clerk must show up on Monday, October 23, 2006 to postpone to a time certain that time being Tuesday, October 24, 2006 at 7:00p.m. The Board reviewed the Super Town Meeting Warrant having just one (1) article on it for the creation of a new Town-Devens under Scenario 2-B, this Super Town Meeting to be conducted in Harvard and Shirley at the same time. The Board decided to conduct two (2) Special Town Meetings on the 24th the Super Town Meeting at 7p.m. and the Fall Town Meeting now called Special Town Meeting at 8:00p.m. on the 24th of October 2006. Selectman Sullivan moved the Board vote to conduct two (2) Special Town Meetings on October 24, 2006 one at 7:00p.m. re Devens-Scenario 2-B and one at 8:00p.m. to address articles to be voted upon, 2nd by Selectman McCreary VOTE: Selectman Sullivan aye, Selectman McCreary aye, Chairman Maxant aye, Selectman Conley no, Selectman Luca no, 3-2 motion passes. Selectman Sullivan moved that no mailing be prepared for residents re Fall Town Meeting, residents to be mailed notices stating two Special Town Meeting to be conducted on 10-24-06 one at 7pm and one at 8pm, 2nd by Selectman McCreary, VOTE: unanimous, so moved. Selectman Sullivan moved the Board vote to open and close the Special Town Meeting scheduled for 10-24-06 @7:00p.m., 2nd by Selectmen McCreary, VOTE: unanimous, so moved.

The Board reviewed the Town's Special Town Meeting Warrant Articles: prior years bills, GIS, Veterans Agent & Chapter 77 Acts of 2005, acceptance of land (rail trail parking area) and proposed zoning amendment-citizens petition-banning the parking of commercial trucks in residential district. The Board reviewed the 5 articles prepared for inclusion of the Fall Town Meeting Warrant.

Article 1. Selectman Sullivan moved the Board vote to place on the Special Town Meeting Warrant Article 1. Prior Fiscal years Bills, 2nd by Selectman McCreary VOTE: unanimous, so moved.

Article 2. Transfer Funds GIS Parcel Data- Selectman Conley moved the Board postpone this article to another Town Meeting, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Article 3. Military Benefits-Selectman Sullivan moved the Board postpone this article to another Town Meeting-2nd by Selectman McCreary VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Conley no, Selectman Luca aye, Chairman Maxant aye, 4-1 motion passes.

Article 4. Special Legislation -acceptance of land (rail trail parking area) Selectman Sullivan moved the Board include on warrant, 2nd by Selectman McCreary VOTE: unanimous, so moved.

Article 5. Zoning Amendment-citizens petition -banning parking of commercial/industrial trucks in a residential area-Selectman Sullivan moved the Board vote to place this article on warrant, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Selectman Sullivan moved the Board close the Special Town Meeting scheduled for 8pm on 10-24-06 including the three articles as approved above for inclusion, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Selectman Luca suggested the Board look at conducting Town Meetings on a Saturday to get more attendance at meetings, Selectman McCreary echoing suggestion having also been approached by residents. Ms. Spinner advising to survey conducted not indicating residents preferred Saturdays over week day. The Board requested a cover sheet be prepared for the mailing noting Tuesdays two Special Town Meetings being held back to back (7:00p.m. and 8:00p.m.) on the 24th and not indicating Monday's Meeting to open Fall Town Meeting to adjourn to a time certain that being Tuesday the 24th. This cover sheet to assist by limiting confusion by residents. Fall Town Meeting to be posted only (10-23-06).

Agenda Item #5. Supt. Madigan's Report-The Board met with Supt. Madigan

1. 2006 Chapter 90 Program

Selectman Sullivan moved the Board vote to approve the Fy-06 Chapter 90 Program presented by Supt. Madigan in a memo to the Board dated 9-20-06 totaling \$115,100.00 for the paving of Brook St. with 2 ½ hot-top of 1,600' (\$41K), paving of 3,300' of 5' sidewalk Sandy Pond Rd. & E. main St., (\$41K), crack sealing (\$10K), installation of guard rail-Sandy Pond Rd. & Shirley St. (\$12K), Engineering/investigation/design replacement of stone wall on Groton St. (\$5K), Engineering/investigation/design –repair of Barnum Rd. bridge (\$5K) Engineering/investigation/design/repair/replacement of Balch Pond culvert and retaining wall (\$20K), 2nd by Selectman McCreary, VOTE: unanimous, so moved.

2. Repair Brick Work-Main St.-UDAG request-Town Administrator Shaun Suhoski advising the Board to his review of Title I of the Housing & Community Development Act of 1974 which identified the type of eligible activities for assistance with Federal Funding and the reconstructions of public works
Selectman Sullivan moved the Board approve the sum not to exceed \$5K of UDAG Funds to repair existing brickwork along the Main Street sidewalks, 2nd by Selectman McCreary, VOTE: unanimous, so moved. Supt. Madigan advised to sidewalks being over 15 years old and crumbling in several areas and informing the Board to Mason that did the original work still being available and showing interest in doing the repair work. **Fy-07 Snow Plowing Contracts**-Supt. Madigan advised to his meeting with Selectman Conley and the Town Administrator to finalize the 2006/2007 snow plowing agreement, handout and advertisement.

Water & Sewer Connection Fees-The Willows-Supt. Madigan updated the Board to Willows Project starting up and reviewed with the Board the Willows Agreement.

Sale of Transfer Station bag tags. –Supt. Madigan announced to the Board and residents to Ed Kelley agreeing to sell Bag tags to the residents Monday –Saturday, 9-6p.m. at Kelley's Hallmark Store. On Main Street at no charge to the Town. Supt. Madigan to advise when Mr. Kelley would begin service, which should be in a couple of weeks. The Board thanked Ed & Penny for volunteering their service to the Town.

Tata & Howard Engineering Agreements-Selectman Conley moved the Board approve the contracts (2) for Tata & Howard for General Engineering Services for Fy-07 for the sum not to exceed \$10K, 2nd by Selectman McCreary, VOTE: unanimous, so moved. Selectman Conley moved the Board approve the Contract for Tata & Howard for Pondview Acres-for construction services paid from the Consultant By-law, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Water & Sewer Permits-

Selectman Conley moved the Board approve the 1" water service for 7 Wachusett Ave per Supt. Madigan's request dated 9-21-06, 2nd Selectman McCreary, VOTE: unanimous, so moved. Selectman McCreary moved the Board approve the sewer service for 52 Littleton Road per Supt. recommendation dated 9-21-06, 2nd by Selectman Conley VOTE: unanimous, so moved.

Agenda Item #7. Town Administrator's Report

Tri Board Sub-Committee-Mr. Suhoski requested the Board designate two (2) members from the Board of Selectmen to participate in the budget sub-committee that will work with the School Com, School Administration, Town Administrator and Town Accountant to develop a plan to mitigate the anticipated short fall in the Fy-07 School Department shortfall and conduct advance planning for development of the Fy-08 School Budget. Selectman Luca moved to volunteer, 2nd by Selectman Conley, VOTE: unanimous, so moved. Selectman McCreary moved to volunteer, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Community Development Fy-06 Grant #00072 Fund 1. (\$861,295.00)

Selectman Sullivan moved the Board vote to approve the Federal Community Development Block Grant (CDBG) awarded under the Fy-06 Community Development Fund 1 in the amount of \$861,295.00 and authorize the Chairman's signature, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Maintenance Technician Job Description-Selectman Sullivan moved the Board approve the revised job description for the custodian's position to the Town Hall and Police Dept approved at Town Meeting and submit it to the Personnel Board for classification within the Town's Compensation plan, 2nd by Selectman McCreary. Selectman Conley requesting the Board amend the title of the position to Facility Manager, no 2nd. Motion

voted back to its original language, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca
Chairman Maxant aye, Selectman Conley no 4-1- motion passes.

Letter of Support-MADEV-Mr. Suhoski revisited the letter of support requested by MADEV advising the Board
to original letter being revised to reflect 550 jobs to be created.

DEVEVS MOU transmittal-Mr. Suhoski reminded the Board to three months passing since original MOU
concerning the DDEB process and Chairman Maxant writing signature statement and proposed in order to move
the documentation Mr. Suhoski reviewed the cover letter with the Board advising MADEV to seven duplicate
originals of the Devens MOU dated June 8, 2006 approved by the Board of Selectmen having two sets of
signature pages due to one member in contradiction to the voted intent wrote an individual statement under the
Boards signature.

Mr. Suhoski present the Board Martha Craft "Breast Cancer Proclamation" for the Board signature.

Douglas Swartz -MRPC Proposal Parking Facility Proposal -20 Sandy Pond Rd., Ayer, MA-Ms. Conley
reviewed with the Board a letter submitted by Douglas Schwartz re the former Class III Junk Yard be considered
for commuter parking site in Ayer. Chairman Maxant to speak with Mr. Swartz.

8:35p.m. Selectman Luca moved the Board adjourn the meeting, 2nd by Selectman Conley, VOTE: unanimous, so
oved.



Carolyn McCreary, Clerk

Date: _____