

Selectmen's Meeting
 Tuesday, March 21, 2006
 Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

	Present	Absent
Chairman Faye Morrison	X	
Cornelius F. Sullivan, Vice-Chair	X	
Pauline Conley, Clerk	X	
Paul D. Bresnahan, Member	X	
Frank F. Maxant, Member	X	
Shaun Suhoski, Town Administrator	X	
Janet Lewis, Secretary	X	

7:30p.m. Open Session

Chairman Morrison took this opportunity to congratulate and recognize the Ayer Police Dept., Ayer Fire Dept., State Police, and Middlesex D.A.'s Office for their combined efforts with the capture of offender in the March 9th home invasion in Ayer. Chairman Morrison read into the record Lt. William Murray's letter of accommodation praising Detective Gill as the departments lead investigator for his diligence in solving the case, and taking fears away from community.

Agenda Item #1. Public Hearing Fy-07 Water & Sewer Rates-Chairman Morrison open the Public Hearing by requesting the Clerk read the legal notice into the record. Selectman Conley read the Public Hearing Notice which ran in the Nashoba Publications the weeks of March 10& 17, 2006. Town Administrator opened the discussion by referring everyone present to the Water & Sewer Rate Committees Report & Recommendations dated 3-21-06 to include the committees overall goal & criteria. Mr. Suhoski took this opportunity to recognize and thank Committee members Joseph Sampson-Cain's Foods representing the SIU's, Michael Madigan-Supt. of Public Works, Mary Spinner-Finance Com., Lisa Gabree-Town Accountant, and Paul Bresnahan-Selectman for their assistance. Mr. Suhoski turned the discussion over to Lisa Gabree who ran through the Committee's criteria including projected future expenses including capital needs to avoid sharp spikes in rates i.e. 3rd well and related treatment plant upgrades projected for Fy-08 & Fy-09, Eliminating UDAG transfer to water fund i.e. debt service to Washington & W. Main Sts Projects-subsidy eliminated in Fy-08, eliminate General Fund subsidy to sewer fund \$80K G/F subsidy is required under the Fy-07 recommended rate under the new projections this subsidy will be phased out within three years, avoid depleting water surplus plan includes modest rate increase in Fy-07 to build surplus \$417K by Fy-12 and finally building a stabilization surplus reserve for future capital needs & unforeseen expenses in both Enterprise funds. Ms. Gabree recommended the Committees proposed **Water rate increases for Fy-07:** 1st 6,000 cubic feet: \$1.85 reflecting a 2.21% increase

6K to 12K cubic feet: \$2.29 reflecting a 1.78% increase
 over 12K cubic feet: \$2.70 reflecting a 1.89% increase

Sewer rate increases for Fy-07: 1st 6,000 cubic feet: \$4.81 reflecting a 8.58% increase
 6K to 12K cubic feet: \$5.51 reflecting a 8.46% increase
 over 12K cubic feet: \$6.27 reflecting a 8.48% increase

Selectman Conley moved the Board approve the Fy-7 Water & Sewer Rates as presented by the Town Accountant and recommended by the Water & Sewer Rate Committee, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved. New rates to take effect 7-1-06.

Agenda Item #2. Public Hearing-All Alcohol License-Corner Bistro-Elaine Gailey-Request to continue the Public Hearing.

Chairman Morrison opened the Hearing by requesting the Legal Notice be read into the record. Selectman Conley read the Legal Notice into the record which ran in the Nashoba Publication the weeks of March 3, & 10, 2006. Town Administrator Shaun Suhoski advised the Board to Ms. Gailey requesting the Board's permission to reschedule the Hearing to April 18, 2006 to resolve the Gialeys' lease of premise concerns. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #3. Public Hearing-Common Victualler's License-The Board met with Robert and Jennifer Martinez of Shirley, MA. Chairman Morrison opened the Hearing by requesting the Legal Notice be read into the record. Selectman Conley read the legal notice which ran in the Nashoba Publications the weeks of March 3 & 10, 2006. Chairman Morrison requested if there were any abutters present wishing to speak for or against the petition. No one came forward. Mr. Martinez stated he would be conducting his business Tejano Loco at 63 Main Street, Ayer, MA former location of Country Good Takeout. Mr. Martinez stated he was originally from South Texas and operated a catering service there with his father, prior to that his family retired from Devens. Mrs. Martinez originally from Ayer, Washington Street. Mr. Martinez stated he hoped to open his restaurant by 4-4-06. Selectman Conley moved to approve the Common Victualler's License for Tejano Loco, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #3. Minutes-

10-4-05 Executive Session Minutes-Selectman Conley moved to approve the 10-4-05 Executive Session Minutes, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

10-4-05 Open Session Minutes- Selectman Conley moved to approve 2nd by Selectman Sullivan VOTE: unanimous, so moved.

10-18-05 Executive Session Minutes-Selectman Conley moved to approve 2nd by Selectman Bresnahan VOTE: unanimous, so moved.

10-18-05 Open Session Minutes-Selectman Conley moved to approve, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

1-31-06 Open Session Minutes-Selectman Conley moved to approve, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

2-7-06 Open Session Minutes-Selectman Conley moved to approve, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

The Board reviewed the updated minute spread sheet prepared by Selectman Conley. Ms. Conley requested the Board purchase a compact video player for the Selectmen's Office for viewing of Selectmen's meetings compliment of APAC ensuring cd's do not leave building, video's of meeting could be watched by citizens/Employees in Town Hall this player funded through Ms. Conley's stipend. Selectman Sullivan advising to videos made available at Public Library for public consumption and no need to fund purchase of video player. Motion to approve made by Selectman Conley, 2nd by Selectman Bresnahan, VOTE: Selectman Conley aye, Selectman Maxant aye, Selectman Bresnahan aye, Selectman Sullivan no, Chairman Morrison no 3-2 motion passes.

Agenda Item #4. School Fy-07 Budget Review-The Board welcomed to the meeting Supt. Lore Nielsen, Dan Sallet, Chairman of the School Com., and Brian McDermott, Asst. Supt. of Schools. Present for the discussion Lisa Gabree, Town Accountant. Supt. Nielsen ran through the School Dept's proposed Fy-07 operating budget: required net school spending, funds allocated above State mandate, additional funds used to reach school Fy-07 operating budget of \$10,429,247.00 depicting gap of \$102,714 for the program improvement budget an \$28,714 for the level service budget. Supt. Nielsen stated the School Committees request that the Town give the School Dept. and additional \$102,714 from the 1998 override to fund the program improvement budget leaving \$28,161 remaining in the override levy of \$494,792 approved in 1999 of which the schools were to receive \$363,917 of those funds leaving \$28,161 of which \$15K to be allotted for installing a monitoring station at the entrance of the High School. Selectman Conley moved requesting the remaining \$13K of the override be allocated to the School Dept which failed Selectman Sullivan's concern to being a balanced budget the school proposed which was supported by majority of Selectmen. Selectman Bresnahan moved the Board vote to approve the Fy-07 School Dept Budget of \$466,631 plus the \$15K safety monitors for a total budget of \$481,631, 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1 motion passes.

Agenda Item #5. Supt. Madigan's Report-

Wastewater System Improvements-Selectman Sullivan moved the Board approve Amendment #2 to Tata & Howard's contract for construction phase services for the treatment facility upgrade from \$230,109 to \$212,109, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Selectman Sullivan moved the Board approve Change Order #5 to the contract with Interstate Eng. Corp. for the amount not to exceed \$4K for the relocation of the effluent magnetic flow meter, 2nd by Selectman Conley, VOTE unanimous, so moved.

Supt. Madigan requested to recognize Tata & Howard, his office staff & departments along with the two contractors for making this project such a success and coming in under budget (\$18K).

DEP Recycling Grant Award- Present for discussion Lauri Sabol, Chairman of the Recycling Committee.

Supt. Madigan presented the Fy-06 Grant Agreement of the DEP Recycling Grant for the Town of Ayer.

Award –total value \$1,687.00 in 40 home composting bins and 20 kitchen scrap buckets. Ms. Sabol advised to bins and kitchen buckets to be sold at DPW funds going into a revolving fund. Selectman Bresnahan moved to approve DEP's Recycling Grant Agreement as stated above, and authorize the Chairman's signature 2nd by Selectman Maxant, VOTE: unanimous, so moved. The Board congratulated and thanked Ms. Sabol for her efforts with pursuing this grant and its success. Selectman Maxant suggested the Board of Health be involved approving grant re composting bins falling under nuisance by-law criteria.

Agenda Item #6 Planning Board- re Town Counsel -Taken up in Executive Session earlier in evening.

Agenda Item #7. Community Development Block Grant Approval-The Board met with Timothy Hansen, Program Manager.

1. Notice of Intent-CDBG program Application Fy-06 Community Development Fund.

Mr. Hansen ran through the Fy-06 \$900K Budget summary

Housing Rehab- \$580,073 Program Delivery: \$100,073 Rehab Loans/Grants \$480K

Com/Econ. Dev. \$175,003 Program Delivery 43,303 Commercial Improv \$131,700

Public Facilities \$ 76,886 Streets/Sidewalks 1,886 design only (A&E) \$75K

General Admin. \$ 68,038 Selectman Conley moved the Board approve the Town's revised Notice of Intent seeking CDBG Funding in the amount of \$900K , 2nd by Selectman Bresnahan, VOTE unanimous, so moved. Grant Application deadline 4-2-06.

- 2. 2006 Community Development Strategy-**Mr. Hansen presented the priorities from the 2005 Comprehensive Plan as the Town's 2006 Community Development Strategy. Selectman Conley moved the Board approve the seven (7) page document dated 3-21-06 presented by Mr. Hansen, 2nd by Selectman Bresnahan, VOTE: Selectman Bresnahan aye, Selectman Conley aye, Selectman Sullivan aye, Selectman Maxant no, Chairman Morrison aye. 4-1 motion passes. The Board requested quarterly updates/input from the Comprehensive Planning Committee.

Agenda Item #8. Town Administrator's Report-

- 1. Nashoba Valley Medical Center Zoning By-law Changes-**Mr. Suhoski updated the Board to Nashoba Valley Community Hospital resubmitting their revisions to the Zoning by-laws from the March 2, 2006 Public Hearing three (3) articles submitted and Planning Board continuing the Public Hearing to 4-6-06. The Board requested Mr. Suhoski confirm date with Planning Board to be sure it is on their Agenda. Ms. Spinner advised the Board to a special Town Crier being conducted on 3-28-06 at 6pm re the Hospital's zoning amendments/hospital expansion to educate the citizens to the Hospital's zoning amendments prior to Town Meeting.
- 2. Mr. Suhoski presented the Board the Order of Taking for the 2 Park Street-Fire Station Project** Title to the Fire Station lot is needed to be cleared so the State Dept. of Environmental Protection can close out the environmental remediation, this order is required to correct a triangular wedge of land that was not included in the original recorded taking document. Mr. Suhoski alerted the Board to another similar vote needed to conform a small piece of land that was swapped between to land owners to resolve right of way to the F&P Willows property that abuts new Fire Station. Selectman Conley moved the Board on behalf of the Town of Ayer and by virtue of an in accordance with the authority of the provisions of Chapter 40 Section 14 and Chapter 79 of the General Laws, as amended does hereby take for general municipal purposes the fee in the land located at 2 Park Street shown as Lot 1 on Land Court

Plan No. 18170B, 2nd by Selectman Sullivan, VOTE: Selectman Conley aye, Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Maxant no, Chairman Morrison aye. 4-1 motion carries.

3. Mr. Suhoski requested the Board vote to ratify the following expenditures:

Bills: \$83,500 Fire Alarm Equip. Motion to approve to ratify made by Selectman Conley signature by Chair, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Nortel-\$72,488 .Galaxy Tech 87522 06001 1-16-06 motion to approve to ratify and approve Chairs signature made by Selectman Conley, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Motorola \$20,678.12 195-552 1-30-06 Motion to approve to ratify made by Selectman Conley and approve signature by Chair, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

4. TIP Amendment-The Board reviewed the draft amendment to the Fy-06 & Fy-07 elements of the FFY 2006-2010 Montachusett Transportation Improvement Program (TIP) and requested Mr. Suhoski to notify MRPC that the Town has no objection to the amendment however would like to be sure that the parking structure for downtown Ayer as listed for \$3.75 million on Page 3 of the draft transit project list is included in the final document, the Board request Mr. Suhoski encourage written response back from MRPC. This placed in the form of a motion by Selectman Bresnahan, and 2nd by Selectman Sullivan, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Maxant aye, Chairman Morrison aye, Selectman Conley no 4-1- motion passes.

5. Mr. Suhoski reviewed with the Board Town Counsel recommendation re Selectmen's responses to outstanding claims brought against the Town pursuant to G.L. c258 (MA Tort Claims Act) advising to it being his opinion to no response is required by the Town. Pursuant to the provision of GL 258 S4 failure of the Town to respond is considered a denial of the claim, and such denial becomes final after six months have passed since the presentation of the claim. Town Counsel recommended the Town forward all claims and follow up letter to its insurer for a coverage determination if a suit is followed. Mr. Suhoski presented the Board copies of Chapter 258 Section 4 submitted by Town Counsel. Selectman Maxant feeling this being poor public service and expressing same. Mr. Suhoski requesting if claim has merit who makes determination?

Agenda Item #9 Devens Disposition-Selectman Bresnahan outlined the process and presented the sub-committees report made up of Ayer citizens Pat Walsh, Harry Zane and himself. Selectman Bresnahan requested to reactivate the 40B Committee chaired by Elizabeth Hughes re zoning airport area. Selectman Bresnahan reminded the viewing audience to Citizens Meeting being held on 3-30-06 at 7p.m. at the Ayer Town Hall re history of Devens Disposition re Deven reuse: Two items criteria points MacPherson Wells and the Shirley/Walker Rd. Bridge area.

Agenda Item #10-Selectmen's Questions/New Business:

1. Selectman Conley requested the Board meet in Open Session to discuss the merit determination of letters/claims received and Town's response. Mr. Suhoski cautioning this due to placing the Town in jeopardy. Selectman Conley again questioning who decided merit if denied or not.
2. The Board approved Selectman Conley's request to purchase a portable DVD player to view Selectmen's Meeting CD's provided by APAX in the amount not to exceed \$100.00 VOTE: Selectman Conley aye, Selectman Maxant aye, Selectman Bresnahan aye, Selectman Sullivan no Chairman Morrison no 3-2 motion passes.
3. Selectman Maxant questioning response time re recent correspondence i.e. Atty. Montminy being thirty (30)days old.

10:00p.m. Selectman Sullivan moved to adjourn the meeting, 2nd by Selectman Conley, VOTE: unanimous, so moved.

10:00p.m. Meeting adjourned

DATE: _____

Pauline Conley, Clerk