

Selectmen's Meeting
Tuesday, March 7, 2006
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

Present and Attending-Faye L. Morrison, Chair	X
Selectman 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 S. Lewis, Secretary	X

7:00p.m. Open Session

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

1. Edward Kelly, re Public Information Meeting re: Devens to be held on Thursday, March 30, 2006 at 7pm at the Ayer Town Hall-2nd Floor Great Hall, encouraging Ayer residents to attend this informative and important meeting re Ayer portion of Devens land.
2. Chairman Morrison re 4th of July Raffle –St. Patrick's Day Southie televised Breakfast tickets to be raffled off on Tuesday, March 14th for event to be held on Sat. 3-18-06 and Congressman Meehan's Irish Luncheon tickets for March 11, 2006.
3. Janet Lewis 2005 Town Report Selectmen's/Town Administrator's photo request

Agenda Item #1 Eagle Scout Recognition-Andrew Anderson-Boy Scout Troop #3 – The Board welcomed Andrew Anderson to the meeting. Accompanying Andrew to the meeting was his father and Scout Master Peter Johnston. The Board congratulated and presented Andrew a Certificate of Appreciation for choosing his Eagle Project for the betterment of the community by restoring the Ayer High School/Middle School parking lot spaces, reestablishing lines, handicap areas and enhancing the grounds for his Eagle Project. The Board also congratulated Scout Master Peter Johnston upon this being the 36th Eagle Award for Scout Master Peter Johnston.

Agenda Item #2. Massachusetts Unsung Heroine Nomination of Ayer resident Lucille DaCosta-The Board welcomed Ms. DaCosta, her family and friends to the meeting and read into the record a Certificate of Recognition congratulating Ms DaCosta upon her nomination from the Com. of MA for her efforts enhancing the lives of so many young people from the Town of Ayer through her involvement with the Human Rights Program at the High School. Ms. DaCosta expressed her gratitude to everyone involved with nominating her for receiving this award stating it was her honor and privilege to receive this nomination.

Agenda Item #3. Minutes set back

Agenda Item #4. Council on Aging-MART Dispatcher Appointment-The Board met with Karin Dynice Swanfeldt, Director for the Council on Aging who introduced Ruth Shanahan –volunteer at the COA offering her services to the Council for many years working through the Town's SHAVE Program. Ms. Swanfeldt updated the Board to Ms. Shanahan being nominated to fill the vacant dispatcher/operator position at the Center for the MART Van Senior Service Program. Selectman Bresnahan moved the Board approve the recommendation of Ms. Swanfeldt and appoint Ruth Shanahan to the MART Van dispatcher/operator position at the Ayer Senior Ctr., 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #5. Board of Selectmen & Ayer Parks Commissioner re: Joint Appointment of Park Commissioner. The Board met with Commissioners Timothy Taylor, Jeremy Januskiewicz and Dennis Voories. Mr. Taylor introduced Bert Gibson to the Board advising the Board to Mr. Gibson volunteering his services to the Town above and beyond the SHAVE Program over the past few years maintaining the fields at Pirone Park. Mr. Taylor stated the Commissioners were present this evening to appoint Mr. Gibson to the unexpired term of former Park Commissioner Jeff Thomas. Selectman Bresnahan spoke to his knowledge of

Mr. Gibson working with the Commissioners over the years and acknowledged his volunteering his services past & present and moved the Board appoint Mr. Gibson to the unexpired Park Commissioner's vacated seat of Jeff Thomas until the next election in April 06, 2nd by Selectman Conley, VOTE: unanimous- Board of Selectmen, unanimous, Park Commissioners, so moved.

Chairman Morrison welcomed State Representative Robert Hargraves' Aide Ron Englade to the meeting and encouraged residents to come down to meet with Mr. Englade re problems/concerns-Office Hours this evening from 7-8pm.

Agenda Item #6. Fire Station Building Committee-The Board met with Fire Chief Paul Fillebrown, Lee Keller of KV Associates and Wellman Parker, Chairman of the Fire Station Building Committee re unfinished business re Change Order #10 in the amount of \$40,175.84 from previous meeting of 3-7-06. Mr. Keller ran through the contract changes with the Board (16) revisions per memo from Lee Keller dated 2-6-06 to Barr, Inc.(see attached). Mr. Keller also reviewed with the Board whether a claim against the surety is appropriate re liquidated damages and placing the Bond Company on notice, may react negatively further delaying the project given the Town is not renting space for the Fire Dept. but is occupying a Town-owned building and not costing the Town a great deal of money stating the cost of delays will significantly be less than litigation and Barr could bring counter claims against the Town. Litigation will involve discovery, depositions, hearings resulting in heavy litigation costs and if litigation is undertaken during the pendency of the project the project will suffer. Town Counsel advising such action may not be in the best interest of the project. The Board discussed delays caused by obstructions (rubble/stones) in ground left from clean-up contractor, extra drilling of manholes required/directional digging from street for sewer line, site landscaping scheduled for spring 06. After a lengthy discussion the Board moved to-(**Selectmen Conley to insert motion**).

Agenda item #7. Office of Community & Economic Development- the Board met with Tim Hansen – Program Manager. Mr. Hansen reviewed with the Board the CDBG Block grant Application delineating potential projects and rough draft budget numbers for the **Housing Rehabilitation Program** for fourteen (14) units at \$27K/ea (\$378K) Rehab Specialist for 14 units @1800/ea (\$25,200), Lead inspection 14 units \$900/ea (\$12,600)-**Downtown Commercial Improvements**: Façade rehabilitation five (5) units at \$20,640 (\$103,200, Sign/Awning six (6) @\$3,500 (\$21K) A/E Project Admin 5 facades @ \$4,100 six (6) signs @\$750 (\$25K) **Ayer Senior Center**-Design & Architectural Services-Ayer Senior Center-\$75K **General Administration-Program Delivery**-\$160K **TOTAL FY-06 BUDGET \$800k** -Mr. Hansen reviewed with the Board the Council's expansion plans. Present for this discussion Karin Swanfeldt-COA Director. Ms. Swanfeldt advised to expansion includes: 3400 sq. ft expansion to function room with central air- where clinics/exercise programs are currently held, council running out of space servicing more people who need services. The Board requested if COA budget could handle additional cost associated with expansion. Ms. Swanfeldt stated her plans to go before Town Meeting re additional building/staffing. Selectman Bresnahan requested if building is owned by Housing Authority why go to Town Meeting to ask for additional money-Ms. Swanfeldt stated COA is a Town department with a 99 year lease. Mr. Hansen advising Board to deadline for submission to the state is 3-15-06. Selectman Bresnahan moved the Board approve the Fy-06 CDBG Block Grant Notice of Intent Application dated 3-3-06 as presented by Mr. Hansen, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #8-Town Administrator's Report-The Board met with Shaun Suhoski

- 1. Preliminary Fy-07 Budget Proposal**-the Board reviewed the proposed Fy-07 Budget projections prepared by Mr. Suhoski and the tie-in and revenue projections submitted by the Town Accountant. Mr. Suhoski announced a balanced budget including sufficient revenue to meet the proposed Budget. Mr. Suhoski announced the Fy-07 Budget Public Hearings March 22 and March 28, 2006 starting at 7:00p.m. at the Ayer Town Hall. Mr. Suhoski announced two placeholders included: 1. increased Reserve Fund appropriation for depleted revolving accounts of School Dept. and consolidated Planning & Development Department with Director funded through combination of Town & UDAG funds.
- 2. Planning & Development Proposal**-Mr. Suhoski reviewed with the Board his proposal of backfilling the Economic and Community Development Director's position with a new position called Director of Planning and Development. The director would provide administrative oversight, technical guidance to the existing planning and community development staff improving cross communication and lines of

responsibility, offer consistent application of local rules & regulations upon developers, insulate employees from competing or conflicting board demands, provide redundancy of service through combined staffing, guide departments toward implementing Master Plan recommendations, ensure accountability and foster consistent application of personal policies and procedures to all employees. Mr. Suhoski presented a Job Description for the position proposed at Grade 12 step 3. \$59,926. Mr. Suhoski requested the Board submit their comments, concerns, feed back to him re this new position.

3. Mr. Suhoski announced the Town's award of a **Municipal Waste Reduction Grant**. Ayer will be receiving 40 home composting bins and 20 kitchen scrap buckets valued at \$1,687.00. Selectman Sullivan moved the Board send a letter of appreciation to Lauri Sabol for her efforts submitting the grant application, 2nd by Selectman Maxant, VOTE" unanimous, so moved. Selectman Maxant requested the Board of Health be informed and involved in this grant award.
4. **Water & Sewer permits-** Selectman Conley moved the Board approved Water/Sewer permits for: 12, 12-B, 14-A, 14-B, 16-A, 16-B, 18-A, 18-B Turtle Hill Rd. as presented and recommended by Supt. Madigan and authorize the Chairs signature, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
5. **Red Cross Blood Drive-** The Board approved the use of the Town Hall-Great Hall for July 19, 2006 from 12-7 for the American Red Cross Blood Drive. Motion to approve made by Selectman Conley, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
6. **APAC-3rd Channel Comcast Request-**The Board approved a request from APAC to approach COMCAST for a 3rd Public Service Station –Channel 10-at no cost to the Town being that this Channel currently repeats community service bulletins running consecutively on Channel 8. Motion to submit Comcast a letter requesting third channel made by Selectman Conley, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #9. Devens Disposition-

1. Ed Kelley/Selectman Sullivan-

Selectman Sullivan addressed his concern re confusing process suggesting to use polls to hand out information/documentation not ballot questions re Nov. 2006 vote. Mr. Kelly stating his feeling with nothing being wrong with questions on ballot just furthering education/communication for citizens input. Selectman Conley read the Town of Harvard's ballot questions comparing them to Mr. Kelly's stating Mr. Kelley's questions similar/valid/simplified. Mr. Kelley stating Board needs input from residents. Selectman Sullivan stated a report to be handed out per the Town Administrator re the status of the disposition and the MOU for the meeting on 30th of this month explaining process. Chairman Morrison advised to representatives from the DDEB, MADEV to be present for this meeting on the 30th Time to be allotted for questions and answers stating this is the first of many steps taken in solving the information gap between process and residents.

Selectman Bresnahan updated the Board to the working group recommended list of MOU criteria (Ayer/North Post) to be forwarded to the DDEB with respect to Scenario 2B (see document Proposed Devens disposition MOU Criteria dated 3-7-06)

1A. North Post Jurisdiction and Master Plan Statement-Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1 motion passes. Selectman Maxant for the record-permitting stays with DEC.

1B. 2-7-06 Stipulation #1. Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1 motion passes.

1C. 2-7-06 Stipulation #2. Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley no, Selectman Maxant no, Chairman Morrison aye, 3-2 motion passes. Selectman Conley requesting timetable (5 ½ year completion start spring 06)

2A. Financial Sustainability

2-7-06 Stipulation #4- Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1 motion passes.

2-B

2-7-06 Stipulation #9. Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1 motion passes.

3A Housing

2-7-06 Stipulation #3. Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1 motion passes.

4A Infrastructure/Utilities (MADEV is willing to supply water but not to transfer ownership of MacPherson Well)

2-7-06 Amendment #1 Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan, VOTE: Selectman Bresnahan aye, Selectman Sullivan, Selectman Conley, Selectman Maxant no, Chairman Morrison aye, 4-1 motion passes.

5. Zoning/Unified Permitting

A-2-7-06 Stipulation # 10 Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1 motion passes. Selectman Bresnahan stated MADEV is willing to give land on site for new well, but will not transfer ownership of well to Ayer- Selectman Conley offering the town not pay for water from MacPherson well. Patrick Hughes offering note that aquifer in wetlands area top of North Post.

B-2-7-06 Amendment #4 Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1-motion passes.

C-2-7-06 Amendment #5 Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1 motion passes.

6. Boundaries

A 2-7-06 Amendment #3. Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1 motion passes.

7. Environmental Protection

A 2-7-06 Stipulation #5 Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley no, Selectman Maxant no, Chairman Morrison aye, 3-2 motion passes.

B 2-7-06 Stipulation #6 Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan with amendment (prior to the development of North Post), VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1 motion passes.

8. Transportation

A. 2-7-06 Stipulation #7 Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan with amendment remove following language (as recommended by DDEB Housing and Transportation Sub Committee) and place period after Ayer. VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye. 4-1 motion passes.

B. 2-7-06 Stipulation #8 Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan with additional language including MacPherson Rd/Bishop Rd. upgrades, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1 motion passes.

C. 2-7-06 Stipulation #8 Selectman Bresnahan moved to approve, 2nd by Selectman Sullivan for discussion, VOTE: Selectman Bresnahan aye, Selectman Sullivan no, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 3-2 motion passes.

9. Open Space & Recreation

A. 2-7-06 Amendment #2 Selectman Bresnahan moved to approve 2nd by Selectman Sullivan for discussion, VOTE: Selectman Bresnahan aye, Selectman Sullivan no, Selectman Conley no, Selectman Maxant abstained, Chairman Morrison aye, 2-2-1 motion fails.

The Board moved to approve the criteria as recommended by Selectman Bresnahan, 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley no, Selectman Maxant no, Chairman Morrison aye, 3-2 motion passes.

Selectman Maxant stating Agreements with MADEV amount to nothing, and Selectman Conley wishing to review other stakeholders 2/28/06 changes/revisions prior to approving.

The Board due to the lateness of the meeting delegated to Selectman to edit document for 3-21-06 meeting the general Devens Enterprise Zone Criteria and Proposed Deletions.

10:20p.m. Selectman Conley moved the Board adjourn the meeting, 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley aye, Selectman Maxant no, Chairman Morrison aye, 4-1 motion passes.

10:20p.m. Meeting adjourned.

DATE: _____

Pauline Conley, Clerk

AYER BOARD OF SELECTMEN