

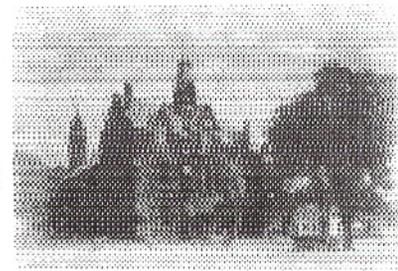
Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room

Ayer Massachusetts, 01432

1-20-09



Tuesday, January 20, 2009

Meeting date: 1-20-09

Present:

Carolyn McCreary, Chairman (Ms. McCreary)	X	Cornelius F. Sullivan, Vice-Chairman (Mr. Sullivan)	X
Richard D. Gilles, Clerk (Mr. Gilles) absent		James Fay, Member (Mr. Fay)	X
Gary J. Luca, Member (Mr. Luca)	X	Shaun Suhoski, Town Administrator (Mr. Suhoski)	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

Meeting Called to order at 7:12p.m.

Public Input-Chairman McCreary requested if there was anyone present wishing to meet with the Board under Public Input. Harry Zane, Mike Pattenton and Laurie Nehring.

- Chairman McCreary called for a motion to approve the Agenda. Selectman Fay moved the Board approve the
- Agenda as amended, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Harry Zane re New Neighbors Fair-for new residents-everyone welcome, sponsored by Ayer Community Education, Ayer Cultural Council, Ayer Business Alliance and Ayer Local to be held on Saturday, March 28, from 10-2 at the Ayer Town Hall re the Town's assets and opportunities/resources available. Mr. Zane advising to hundreds of dollars in retail and dining coupons to be given out. Town Government and representatives from local organizations/businesses will be present to provide information through mini presentations, handouts and face to face conversations. Prizes, music and refreshments will also be available as well as onsite childcare. Selectman Luca advising Mr. Zane to Board not waiving fees for use of the Great Hall but stated he would personally donate/pay for the event due to the nature and merit of the affair. Mr. Zane also took this opportunity to advise the viewing public to the Community Education Program being combined with Groton this year and notices to be going out in three (3) weeks re courses to be offered, where & when.

Michael Pattenton, resident-Mr. Pattenton stated he was before the Board re Essent Healthcare's 20 Year TIF. Mr. Pattenton requested the Board rescind the May 14, 2007 Annual Town Meeting Warrant Article, stating TIF should be null & void due to Essent Healthcare have since decided not to build the hospital and no exemption be given. Mr. Suhoski advising the Board to process to de-modify TIF and advised the Board to Chris Ryan preparing a TIF update on all TIF's granted by the Town. The Board thanked Mr. Pattenton for bringing this matter forward.

On another issue Mr. Pattenton advised the Board to 35/mph traffic pole broken on West Main Street just before W. Main Street bridge. The Board requested DPW be notified of repair.

Laurie Nehring re Notice of Project Change- Devens Recycling Center (DCR)-Ms Nehring raised concerns on behalf of PACE re change in Devens Recycling Center. DRC changed permit from accepting only construction & demolition (C&D) debris to one that would include municipal solid waste (MSW). Ms. Nehring advised to PACE advocating and supporting all forms of waste reduction and recycling. PACE was told this new facility would not need to address MSW because there wouldn't be any. Ms. Nehring stated her concern re odor, rodents and other vermin being attracted, garbage trucks going through Town between 160-300 of just C&D, (truck traffic) and associated diesel exhaust effecting air quality & road congestion. Ms Nehring stated this change being significant due to DRC located in an environmentally sensitive area adjacent to Squannassit Area of Critical Environmental Concern. Also located on a high yield aquifer and adjacent to the Shepley Land Fill which is burdened with its own water contamination. Changes are of the 1500 tons of material they are allowed to handle 1000 tons would be from MSW recommending only 500-700 tons be the limit of the

permit. Ms. Nehring also advised to no indication from DRC to follow through on the educational programs to encourage & support recycling. Beside the above recommendations Ms. Nehring also suggested the following be added:

- Phase in slowly the MSW so unforeseen problems can be addressed
- Limit number of garbage trucks that enter the facility each day with a specific delivery route-avoiding local roads
- Permit include a sunset clause to evaluate MSW every five years on local environmental & health impacts
- Towns impacted (within ten miles radius) should be eligible to use facility & get financial benefit-lower tipping fees
- No negative impact to air & water quality-never incineration, processing of MSW should be processed within facility, water run off should be prevented and/or treated to prevent contamination.
- Ensure Rodents, odors dust/debris not adversely effect commercial/residential neighbors to facility.
- Coordination re remediation with Shepley Landfill should be required.
- DRC should commit to funding educational programs
- Include PACE in official correspondence regarding permitting of this facility & MEPA reports /permits.

The Board thanked Ms. Nehring for bringing this matter forward.

Public Interest (Cont.)

- Chairman McCreary announced the Devens Enterprise Commission (DEC) Alternate opening advising interested citizens to remit letters of interest to the Town Administrator.
- Chairman McCreary advised the Board to request from Faye Morrison on behalf off the Merimack/Nashoba Valley African Caucus requesting to bury "Time Capsule" on Town Hall Grounds this Saturday. The Board took this request under advisement pending more information.

Agenda Item #1. Laurie Nehring future Base Clean Team (BCT) and RAB (Base Restoration Advisory Board)-Meetings

Ms. Nehring stated her concern over proposed reduction in frequency of meetings of the Devens Restoration Advisory Board. Ms. Nehring advising to RAB meeting originating in 1997 with monthly meetings, within the last two years RAB Meetings have been reduced to bi-monthly meetings and now proposed to further to reduce RAB Meetings to a quarterly basis. Ms. Nehring advising to RAB Meetings involving the public and media re remedial issues re Devens clean up. PACE having a long and steady history of involvement for the Town of Ayer as overseers of this important remedial work. Ms. Nehring alerting the Board to remediation of Shepleys Hill and Plow Shop Pond being the most challenging cleanup sites remaining on Devens and impact the Town of Ayer the most. Ms. Nehring stating it is critical that PACE, DPW and the people of Ayer be informed of the progress of these projects in a timely manner. Ms. Nehring requested the Board's support of a letter being sent to BRAC attention Robert Simone urging the continuance of documentation on these sites and that the bi-monthly RAB Meetings continue and thanking BRAC as well for their current & past efforts re the Fort Devens Cleanup. The Board approved of letter submitted by Ms. Nehring on behalf of PACE requesting same on behalf of the Town of Ayer.

7:40p.m. Agenda Item #2. Public Hearing –Philip Berry re C.R. Pierce d/ba Bookberry All Alcohol License request of a Change of Location & Change of Corporation name. The Board met with Phil Berry. Chairman McCreary opened the Hearing by requesting the Legal Notice be read into the record. Selectman Fay read the Legal Notice which ran in the Nashoba Publications the weeks of 1-9-09 & 1-16-09. Chairman McCreary requested if abutters were notified i.e. churches and informed by Ms. Lewis to speaking with both church earlier in day, both having no problem with relocation, and if there were abutters present wishing to speak for or against the petition, no one stepped forward. Mr. Berry advised the Board to C.R. Pierce, Inc. to remove d/b/a Bookberry off the establishments name and moving business from 9 Depot Sq. to 30 Main Street, Ayer, MA. Selectman Fay moved the Board approve the License changes as presented, 2nd by Selectman Sullivan VOTE: unanimous, so moved. Selectman Luca moved to close the Hearing, 2nd by Selectman Sullivan 7:50p.m. Public Hearing closed.

7:50p.m. Agenda Item #3. Public Hearing –Common Victualler's License-Morris Babcock/Rosa LaFarque-the Cottage Restaurant -18 Main Street, Ayer, MA

The Board met with Mr. Babcock and Ms LaFarque re their petition for Common Victualler's License. Chairman McCreary opened the Hearing by requesting the Legal Notice be read into the record. Selectman Fay read the Legal Notice advertised in the Nashoba Publications the weeks of 1-9-09 & 1-16-09. Chairman McCreary requested if there

were abutters present-no one stepped forward. Mr. Babcock advising the Board to family oriented business starting off with breakfast, pizza, sandwiches, ice-cream in the warmer weather with a walk up window, gearing business towards commuter walk-in-looking to add patio in rear of building in future plans. Hours of operation M-S 6am-10p.m. Mr. Babcock advising to obtaining Food Handler's License with hopes to open the first of February. Selectman Luca moved the Board approve the Common Victualler's License for the Cottage Restaurant-18 Main Street, Ayer, MA, 2nd by Selectman Fay, VOTE: unanimous, so moved. Selectman Luca moved the Board close the Hearing, 2nd by Selectman Fay, VOTE: unanimous, so moved- 9:00p.m. Hearing closed.

Agenda Item #4. Cecil Group –removed from agenda to be rescheduled.

1. Margaret Scarsdale, Program Manager-Ms Scarsdale reviewed with the Board the 2009 Community Development Strategy (CDS) for the Board's review & comment back which reflects the wishes and priorities of Ayer's citizens after taking input at three (3) separate public input meetings and talking with various local groups i.e. Ayer Business Alliance, Ayer Senior Ctr. Ms Scarsdale recommended the Board of Selectmen announce and allow a final period of public comments re Ayer Community Development Strategy (CDS) to be received by the Dept. of Planning & Development no later than Thursday, January 29, 2009 and to be placed on the Selectmen's 2-3-09 Agenda for final approval (see attached CDS). Ms Scarsdale advising to items 1 & 2 reflecting the Fy-09 CDBG-CDF II grant application. (Housing Rehabilitation Program and the Pleasant St. School infrastructure). Ms. Scarsdale advising to comprehensive document focused on eight (8) elements of community development and planning focusing on ten (10) priorities re land use, economic development, community services, transportation and housing. Selectman Sullivan moved the Board approve as a draft the Board to be notified two (2) weeks to submission, 2nd by Selectman Fay, VOTE: 4-0 unanimous, so moved.

2. Rehab. Specialist-amendment to agreement-Ms. Scarsdale advised the Board due to increase in number of cases the Housing program has handled (approved 19 but will complete 24) there is a need of additional funds re the Housing Rehabilitation Specialist Contract changing the original contract from \$43K to \$46,500.00, funds to be paid from Town's Get The Lead Out (GTLO) funds. Selectman Fay moved the Board authorize the Chairman's signature on the amendment in the amount not to exceed \$46,500.00, 2nd by Selectman Sullivan VOTE: 4-0 unanimous, so moved.

Chairman McCreary went off the posted Agenda to discuss New Constellation Energy-Chairman McCreary announced a proposal that could start turning Ayer into a "Green Community" with sustainable energy while saving 20-50% on electricity, heating, air conditioning and vehicle fuel. Chairman McCreary advised the Board to offer from New Constellation Energy(ESCO) to an audit & cost cutting plan via a Request for Proposals (RFP). Cost of audit/plan fee depends on capping cost to be determined by the Board. Each offer can be accepted or rejected with a pay back period coming from savings it generates. Chairman McCreary advising the Board to practices that enhance energy generation and conservation include identification of alternate sources i.e. solar panels at the landfill, fire station and exploration of viable windmill sites. The Board requested to involve the Schools and arrange a scoping audit of the elementary schools, middle/high school along with other town departments and to involve Dan Sherman. Mr. Suhoski advising to any ESCO can bid and will invite all in i.e. Johnston Controls.

Agenda Item #5. JBoS Update

Vicksburg Square-Selectman Fay updated the Board re Vicksburg Square –Zoning Change being on the Agenda for Thursday night re Super Town Meeting request, benchmark data re regionalization of services Fire, Police, DPW. Selectman Fay also advising the Board to Vicksburg Sq. Com. meeting later this month and would bring the Board's concerns forward re Super Town Meeting. The Board addressed the mission statement criteria and need to bring forward to a full board. Town Administrator advised to Shirley Sewer Com. requesting the Ayer Board of Selectmen participate in discussions with MADev disposition re the land and effects this will have with the treatment plant. Chairman McCreary to attend on behalf of the Board on 3-4-09.

Agenda Item #6. Town Administrator's Report

1. Water/Sewer Permits – no permits before the Board.

2. DPW Supt. Update-Town Administrator advised to Board meeting last Tuesday in Executive Session re candidate interviews and presently having a candidate before them and in contract negotiations at this time.

3. IT Update-Selectman Gilles prepared draft scope for Board's review and IT Meeting scheduled for 1-21-09 which will allow permitting process to go forward-and employees trained.

4. **Town Meeting Time Line-Town Budget Time Line-** Mr. Suhoski presented the Board his proposed time-lines (see attached)

5. **Special Town Meeting Warrant-**Mr. Sushoki presented the Board the draft Special Town Meeting Warrant proposed for 3-2-09 reflecting three or four articles: funding teachers contract, water dept projects, Devens re-zoning request and hopefully to ratify the Firefighters contract. Selectman Fay moved the Board vote to approve the warrant as presented and close the 3-2-09 Special Town Meeting Warrant, 2nd by Selectman Luca, VOTE: unanimous, so moved. Mr. Suhoski reviewed with the Board the May 11, 2009 Annual Spring Town Meeting Warrant suggesting the Board open the warrant on 2-17-09 and close on 4-21-09. Selectman Luca wishing to move up the Opening of the warrant to 1-20-09 and close on 4-21-09, 2nd by Selectman Fay, VOTE: unanimous, so moved. The Board requested this be announced on WEB, media and cable.

6. **Fy-10 Budget Update-**Mr. Suhoski advised to preparing February meeting schedule with Fin-Com and Dept. Heads re their Fy-10 Omnibus Budget for presentation to Board on 3-3-09. Mr. Suhoksi advising to key component will be anticipated State Aid.

7. **HTA-New discharge from Silpro Corp.**Mr. Suhoski updated the Board to John Loomer requesting the Board's approval allowing Silpro to discharge 5K gallons from its mix tank once a year over a 24 month period. Silpro will be required to notify the Town & HTA prior to discharge (to be required between 6-9 PH). Discharge would be to the Stoney Brook pump station on a weekend basis. The Board requested new Superintendent review this request and continued discussion to their next meeting on 2-3-09.

8. **2008 Town Report-**Mr. Suhoski reviewed with the Board suggestions re the Cover i.e. 4th of July celebration picture submitted by John McDowell, collage of Town pictures also done by John McDowell. Selectman Sullivan suggesting picture on Time Magazine of Town resident and former Selectman Fay Morrison being sworn in to MA Electoral College stating Ms. Morrison is the first Town of Ayer resident to be on Electoral College. The Board to review pictures to be left on Selectmen's counter and select one for the cover.

9. **Fy-10 Water & Sewer Rate Public Hearing-**Mr. Suhoski announced the Fy-10 Public Hearing to be conducted at the next Selectmen's Meeting as part of the Agenda of 2-3-09 at 7:15p.m.

10. **Zoning Change Request-Steve Mullaney-re Matheson Family Trust Map 29 Parcel 12-**Selectman Sullivan moved the Board refer to the Planning Board to conduct a Public Hearing 65 days prior to the Spring Town Meeting (May 11, 2009) 2nd, by Selectman Fay, Vote: unanimous, so moved.

11. **Fire Dept. Grant-**Mr. Suhoski updated the Board to Fire Dept. receiving a \$5K grant from MIIA

12. **Middlesex County added to Disaster list re Federal assistance**

Agenda Item 7. Selectmen's Questions/New Business

Minutes- Selectman Luca moved the Board approve the Minutes of 12-2-08, 12-18-09 and 12-23-08, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Selectman Sullivan-questioning why salaries at the DPW are only charged to Admin. Acct. Requesting to charge all four DPW Dept Enterprise Funds (25% each) The Board requested the Rate Review Committee look into re allocation/adjustment.

Selectman Sullivan re article in Lowell Sun Green Energy Machines (GEMS) turns metal into electric-request permission from DEP to test machine, Selectman Sullivan to bring in article.

Selectman Fay, re Memorial Garden Com. advising residents to funding in place account set up at NMSB re plaque target date set for Memorial Day 2010 and invited all interested residents to attend meeting on 1st Monday of each month at 6:00p.m. at the Town Hall.

The Board thanked the DPW for snow removal efforts during the last three storms and reminded Highway Dept to assist merchants with snow removal in front of their shops and look into removing snow during work day not on over time. Mr. Suhoski to update Board on Snow Removal Budget status at their next meeting.

9:00p.m. Selectman Fay moved the Board adjourn the meeting, 2nd by Selectman Luca VOTE: unanimous, so moved.


Richard Gilles, Clerk
Ayer Board of Selectmen

-DATE: 2-3-09

- March 10 — a Board of Selectmen working session for the 2010 budget and Capital Plan (department heads invited).
 - March 17 — discussion at a regular selectmen's meeting.
 - March 24 — selectmen's public hearing on both plans.
 - April 2 — deadline for town meeting article submissions by town departments.
 - April 7 — selectmen's initial review of the annual town meeting warrant.
 - April 21 — selectmen formally close and finalize the warrant.
 - April 23 — the warrant is printed and mailed.
 - April 27 — annual town election in the Great Hall of Town Hall.
 - May 4 — pre-town meeting public information session with the moderator and town administrator.
 - May 5 — selectmen reorganize the board.
 - May 11 — annual town meeting begins.
- Annual town meeting begins on May 11. — Eriksson . .