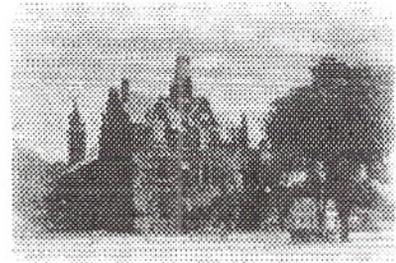


Town of Ayer

Board of Selectmen

**Town Hall, First Floor Meeting Room
Ayer Massachusetts, 01432
5-19-09**



Tuesday, May 19, 2009

Meeting date: 5-19-09

Present:

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

Meeting Called to order at 7:05p.m. by Chairman Sullivan

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

1. Pauline Hamel, re Parking Garage TIP re re-naming of Ayer's Parking Garage Project's name to Ayer-Shirley-Devens Parking Facility as part of the October 28, 2008 amendment to the Montachusett MPO TIP never was before always being Ayer alone/Federal HPP –earmark specific to Ayer. Ms Hamel to bring this up tomorrow evening at MART Meeting re clarification questioning if changed name of TIP will this also change the earmark/funding? Questions: who changed, when changed, to be brought up by Ms Hamel and she will report back to the Board with her findings.

2. Selectman Luca, re JBoS Recreation Sub-Committee added under JBoS Agenda Item #8 –Item #3.

Chairman Sullivan to move up Supt. Nason's Report after Agenda Item #3.

Chairman Sullivan called for a motion to accept the Agenda as amended. Selectman Fay moved the Agenda, 2nd by Selectman Gilles, VOTE: unanimous, so moved.

The Board put on a short skit re promoting 4 mile Ayer Bicycle Race-*Tour deAyer* to be held on Monday, May 25, 2009 from 9-3 at Pirone Park-ride to promote and learn more about the benefits of cycling in Town put on by Ayer Local to help Ayer get green. Skit ended with Selectmen McCreary singing Logo of *Tour de Ayer!*

Chairman Sullivan made a few announcements re upcoming events: 1. Memorial Day Parade/Celebration, Saturday, May 23, 2009 kicking off with parade at 10am. 2. Tour de Ayer –May 25, 2009 9-3 Pirone Park, 3. Super Town Meeting 6-8-09 at the Ayer High School re Zoning changes to Vicksburg Sq.

Agenda Item #1. Andre Aaronson-“A Can for a Can” The Board met with Andre Aaronson a seven (7) year old, second grade student attending Page/Hilltop School who read into the record a letter to the Ayer Board of Selectmen promoting his initiative-“Happy Earth” a green recycle request namely littering of cans on streets and public property to establish a partnership with the Town, local businesses, Page/Hilltop School/students to resolve this problem. Andres belief being its never to young to make a difference in their community and later in their world. Andres Mother Kimberly Aaronson spoke to Andres proposal to enlist Page/Hilltop students to collect cans where they are found and brought to school where they will be collected and held for pick-up, access the value, trade in value of can and provide the total to the Town with hopes that the local businesses will support the effort with a match of 150%. The Goal is to collect funds and utilize funds collected to sponsor the purchase of trash cans by the Town and placed in high traffic areas to deter further littering: ayer rail trail, rail trail parking lot, library, court house, sandy pond beach school grounds i.e. parking lots. Ms. Aaronson also spoke to 2nd initiative to clean up the access road/pathway between the school and Groton Harvard Rd. which would offer a short-cut path for walking to and from school and an additional outlet of natural surroundings and renaming it the “Greenway” as Ayer commitment to the Town's Green Objective. The Board thanked Andre and his mother for coming in to meet with the Board and took this proposal under advisement. The Board paused for a picture with Andre & Mrs. Aaronson.

Chairman Sullivan welcomed and announced to the viewing public Representative Hargraves being in the Town Hall this evening to conduct Office Hours from 7-8pm.

Agenda Item #2. Police Chief William Murray re Lieutenant's appointment-The Board met with Chief Murray who stated he was before the Board this evening to recommend the appointment of Detective Brian Gill to fill the vacant Lieutenant's position at the Ayer Police Department. Chief Murray gave the Board a brief background of Brian's department accomplishments, education, and family and community profile. Chief Murray advising the Board to Brian being one of the Department's "Home Grown" success stories: reserve Officer, Dispatcher, patrolman and for the past seven (7) years assigned to the Detective Bureau. Chief Murray stating Brian has the backing of his peers in the Department with many in the room this evening supporting his appointment. The Board congratulated Brian and moved to approve Chief Murray's recommendation and appointed Brian Gill to Lieutenant of the Ayer Police Department. Selectman Luca congratulating Chief Murray on great selection and moved the appointment, 2nd by Selectman Fay for discussion stating you lead by example -colleagues behind him, speaks volumes, VOTE: unanimous, so moved. The room exploded in a round of cheer and applause by family and friends present. The Board paused for a picture with Lt. Brian Gill and his family.

Agenda Item #3. Historical Commission-Proclamation -"May 2009 National Preservation Month"
Chairman Sullivan read into the record the Historical Commission's Proclamation declaring May 2009 National Preservation Month in the Town of Ayer. The Board endorsed the Proclamation and thanked Ruth Rhonemus for all her hard work on the Commission.

Agenda Item #4. Supt. Nason's Report:

1. Car Wash/s Supt Nason advised to requests coming in from the Ayer High School Student Council re permission to conduct car washes (2) at Sovereign Bank (Main & Park Sts.) on 6-27-09 and 8-1-09. Selectman Luca moved to approve the request of the Student Council, 2nd by Selectman Gilles, VOTE: unanimous, so moved.

2. Water/Sewer Permits-The Board voted to approve water & sewer permits recommended by Supt. Nason for 4 and 10 Mountain Laurel (1" water and 6" sewer lines) motion to approve made by Selectman Gilles, 2nd by Selectman Luca, VOTE: unanimous, so moved.

3. Snake Hill Rd. Railroad Crossing-DER Project 25826-Supt. Nason presented and reviewed with the Board Ross Assoc. proposal \$3,500.00 plus hourly wage/s) for the site engineering for improvements to the existing crossing and signaling. The Board discussed funding mechanisms with Supt. Nason re possibility of developer contributing to cost associated with new homes paying for medium (\$12K estimated) sidewalks imperative to area re new homes attracting young families with children and to look into Chapter 90 assistance. The Board requested Supt. Nason to work with developer, Chapter 90 and if he falls short to come back before Board.

4. PanAm Update -Supt. Nason updated the Board to just the principals attending the 5-12-09 meeting with PanAm in Billerica. Attending on behalf of the Town: Shaun Suhoski, Supt. Nason, and Rick Linde-Water Dept. Attending from Littleton Water Dept. Savos Damos. Supt. Nason advised to PanAm inviting all to Lowell construction meetings. Mr. Suhoski stating it was much better just having the principal in attendance, goals were accomplished. Selectman McCreary inquiring if Storm water Plans were on file, Supt. Nason stating detailed construction plans were made available along with water contingency plan... standard and comprehensive. Supt. Nason advising to spirit of cooperation at meeting very good starting point.

5. FEMA 1813DR December 2008 Ice Storm-Supt. Nason presented the Board the FEMA reimbursement contract in the amount of \$21,270.75 representing 75% reimbursement eligibility. Breakout: Fire-Police & Tree Warden \$9,210.00, Wastewater \$7,196.74, Highway \$3,560.00, Water \$1,303.40. Selectman Gilles moved the Board vote to approve the FEMA 1813 DR reimbursement for the Dec. 08 ice-storm and authorize the Chairman's signature, 2nd by Selectman McCreary VOTE: unanimous, so moved.

Grove Pond Well #3. Supt. Nason advising the Board to the Contracts (5) for the Grove Pond Well #3. on the counter in the Selectmen's Office for signature by past Chairman of the Board updating Board to Town approval on 4-7-09. Selectman Luca moved the Board authorize the signature of past Chairman McCreary on the Grove Pond Well #3 Contract with Tata & Howard, 2nd by Selectman Fay. VOTE: unanimous, so moved.

Hydrant Flushing-Supt. Nason updated the Board to hydrant flushing starting up on 5-1-09 ... 4-6- week process done between the hours of 3-11pm... The Board requested Supt. Nason post on WEB... Chairman Sullivan expressing concern re neighborhoods not looped/problem areas being sent notices prior to flushing to speak with Water Dept. personnel re those areas. Selectman Luca requesting Supt. Nason utilize straight time vs. Overtime re this work. Town Administrator stating flushing must be done at night Water Dept. works around SIU's schedules-Chairman Sullivan advising to serious problem with Nasoya during last flushing as well as neighborhoods on Groton School Rd. and mobile home site as well.

Crosswalk painting-Supt. Nason updating Board to DPW out this evening with cross-walk painting tonight/tomorrow along with flags being put out in observance of Memorial Day activities.

Agenda Item #5. One Day Beer & Wine License-Shaker Hills Golf Course-set back pending further information to next Selectmen's Meeting 6-2-09.

Agenda Item #6. Margaret Scarsdale-District Local Technical Assistance (DLTA) Contract/MRPC-The Board met with Margaret Scarsdale, Program Manager- CDBG/Ms. Scarsdale presented the Board the contract between MRPC and the Town for services MRPC will provide to help achieve Green Community status and become eligible for numerous sources of funding from the State including Stimulus Funds and Green Energy Funds available from MADEP and others. Ms. Scarsdale requesting the Board authorize past Chairman McCreary's signature based up Selectman McCreary being chair on effective date of contract 4-23-09. The Board disagreed with having past chair sign contract Selectman Gilles moved the Board authorize the Chairman's signature (present) 2nd by Selectman Luca for discussion requesting if vetted to Planning Board, yes Ms. Scarsdale responded to Peter Johnston- Chair, and services at no cost to Town, yes again, VOTE: unanimous, so moved.

Gap Filler VI Application-Ms Scarsdale apologized for late notice re this application advising to late notification (5-6-09) and deadline of 5-29-09 for submissions. This application will assist 12 units with de-leading @\$5K/ea =\$60K and requires a 10% match (\$6K) of the lead abatement funds being sought and would come from Program Income. Selectman Luca requesting how this would affect staff on board. Mr. Suhoski advising to balance in Program Income being \$7,900 ..Grant reimbursement is \$8K and would be reallocated to Program Income and also there is a home for sale this week which will bring in additional income as well as Administration funding from grant being \$13K, application/funding should be completed by 5-22-09. Chairman Sullivan requesting to review by 29th and cc Board as well. Chairman Sullivan called for a motion Selectman Gilles moved the Board vote to approve \$6K funded from Program Income to be used as 10% match for low-income families seeking Gap Filer VI funds and authorize the Chairman's signature required documentation to submit the Gap Filler application on or before 5-29-09 deadline, 2nd by Selectman Fay, VOTE: Selectman Gilles aye, Selectman Fay aye, Selectman McCreary aye, Chairman Sullivan aye, Selectman Luca No 4-1 motion passes.

Agenda Item #7. Building Inspector & Animal Control Officer re Ruth Maxant Schultz property Chairman Sullivan opened the discussion re last meeting of the Board under Ruth Maxant Schultz's Agenda item the question arose re fence violations on her property. Mr. Vellante advising the Board to going out and viewing fence/s both Ms. Maxant's and neighbors. Mr. Vellante advising to Ms Maxant's fence under 6' and having a variety of fencing on her property i.e. chain link, mesh, vinyl, and a steel post runs between property lines. Inside of fencing is electric fence..fencing determinations re property lines, which is a civil matter and he does not get involved with, calls for a survey. Selectman Fay agreeing with, a very costly matter and glad he steers away from Town. Mr. Vellante reported no violations.

Robert Friedrich-The Board advised Mr. Friedrich of being informed at their last meeting of citation issued to Ms. Maxant by him based on hearsay. Animal Control Officer-Mr. Friedrich advised the Board to issuing Ms. Maxant numerous violations in the past re animals straying off property and on neighbors land as well as other areas. Mr. Friedrich advised the Board to speaking with Chief re incident on 7-9-09 advising to not witnessing actual violation but heard about it from neighbor and issued citation, based upon past experience and testimony of witnesses (neighbor). Board of Health held hearing and Ms. Maxant proved she was exempt and ticket was null & void. Mr. Maxant advised the Board to being back there only recently for barn inspection 5-18-09. The Board thanked Mr. Vellente and Mr. Friedrich for coming in to meet with the Board.

Agenda item #8 JBoS-

1. MOU-Regionalization Services-with Towns of Ayer, Harvard and Shirley (Devens Towns) by and through their respective Board of Selectmen known as JBoS to seek opportunities for shared delivery of services between and among members of the JBoS and/or MADeV including but not limited to public safety, public Health, human services, and recreation such delivery results in financial and /or service benefits. Chairman Sullivan stating there is no legal binding. Selectman McCreary stating this was brought up at JBoS and agreed upon. Selectman McCreary moved the Board vote to enter into a regionalization MOU with the Towns of Ayer, Harvard, Shirley and Devens which may offer opportunities for savings and improved services, 2nd by Selectman Luca, VOTE: Selectman Fay aye, Selectman McCreary aye, Selectman Luca aye, Chairman Sullivan aye, Selectman Gilles no expressing concerns and not comfortable with agreement. VOTE: 4-1 motion passes.

2. Super Town Meeting-Selectman Fay updating the Board to Public Hearing scheduled for 5-21-09 @7p.m. at MADeV. Selectman Fay hosting Public Hearing. The Board to meet on 5-22-09 @8:30a.m. to Vote on Super Town Meeting Warrant, Selectman Gilles recusing himself from vote on Vicksburg Sq. due to possible conflict of interest.

3. Recreation Service Sub-Committee-Selectman Luca advising to Sub-Committee being formed re fields on Devens and speaking to Jeff Thomas re being on this Committee and possible another Commissioner expressing interest. The Board moved to appoint two members of the Park Dept., one being Director Jeff Thomas and Commissioners to select one of their own choosing for appointment to this Sub-Committee. Motion made by Selectman McCreary, 2nd by Selectman Luca, VOTE unanimous, so moved.

Agenda Item #9. Selectman Luca re Budget discussion- Selectman Luca reviewed with the Board his options and his recommendations should Senate Budget Plan be enacted re Fy-10 Budget forecasted in Legislative Alert dated 5-13-09. Selectman Luca suggesting the following cuts: Reducing General Fund subsidy to Solid Waste Enterprise by \$15K, reduce Reserve Fund from \$130K to \$80K, reduce Dept 1122 Public Buildings & Property Management by \$15K and reduce Planning Budget for Economic budget by \$29K For a total reduction of \$109K stating these reductions should cover the \$84K reduction in State Revenues and advising of opportunity in October to adjust as Dept. Heads work their respective budgets.

Agenda #10. Town Administrator's Report-The Board met with Shaun Suhoski

1. Mr. Suhoski presented the Board Ayer Housing Rehabilitation Program Managers request for Owners match waiver request for Case #06-247 moderate- income, owner- occupied single family home, who qualifies for a 75% deferred payment loan with a fifteen (15) year recapture lien recommended by Program Manager Susan Provencher. Selectman Gilles moved the Board vote to approve a waiver of the owner's match requirement for Housing Rehabilitation Case No 06-247 based upon the representations of financial hardship detailed by the client. Said waiver shall be conditioned upon client executing a fifteen (15) year recapture lien in accordance with Program Guidelines, 2nd by Selectman Fay, VOTE: unanimous, so moved.

2. Devens Alcohol License/s: Town Administrator reviewed with the Board the Town's current Alcohol Licenses both Beer & Wine & All Alcohol, and the number of licenses allowed by State Statute by category. Mr. Sushoki advising to Senate Clerk notifying town to bill presented by Senator Eldridge authorizing the DEC to grant a license (1) for the sale of All Alcohol beverages on Devens filed on May 13, 2009.

9th Street - 4-2-09 - 2009

The Board reviewed the Town's licenses currently in use:

Beer & Wine

Package Stores (3) Archers-Vineyard-Chung G
Beer & Wine Restaurants (2) Billiards-Gun Club

Allowed: Package Stores (5) Restaurants (5)

All alcohol

Package Stores (3) CR Pierce, Jack-O-Lantern, Ayer Package
Restaurants: LaSita, Carlins, O'Hanlons, Tinys, Nashoba Club, Shaker Hill Golf, Mango Grille, 31 Main

Allowed: Package Stores (2- 1 grandfathered total of 3) Restaurants (14)

The Board discussed amongst themselves the need for All Alcohol Package Store and quandered whether or not one would be given, given that the Town was allowed only two (2) and has presently three (3) operating in which one (1) was grandfathered. Selectman Gilles moved the Town request two (2) All Alcohol License package store licenses from State Legislature, which then would give the Town the additional license wanted 2nd by Selectman McCleary. Selectman Luca feeling he is satisfied with what the Town has operating presently. Town Administrator to meet with Downtown Business Assoc. to get there support re additional licenses. Chairman Sullivan called for a VOTE: Selectman Fay aye, Selectman McCreary aye, Selectman Gilles aye, Selectman Luca no, Chairman Luca No, 4-1 motion passes.

3. Fin-Com Appointment-Mr. Suhoski advised the Board to sharing Town Counsel's opinion with Ms. Spinner re joint appointments to Fin-Com and Board of Health being in violation of Town By-law which prohibit Ms. Spinner from serving on both. Selectman Luca questioning Ms. Spinner if she had ever voted on Board of Health matters before the Fin-Com and advised to never doing so, Selectman Luca stating Ms Spinner does an excellent job on the Fin-Com and has never breached responsibility while serving and requested the Board approve of amending the Town By-law for her to serve in joint capacity. Chairman Sullivan echoing Selectman Luca's remarks also supporting the By-law being amended to allow Ms Spinner to serve on the Board of Health and this article be placed on the Special Town Meeting Warrant of 6-8-09 subject to Town Counsel opinion following the Super Town Meeting this taken in the form of a motion and 2nd by Selectman Luca, VOTE: unanimous, so moved.

4. Citizen's Petition-Mr. Suhoski advising to citizens petition received re reinstating SHAVE Program having insufficient signatures to be placed on the 6-8-09 Special Town Meeting only securing 20 and needing 100 signatures, and suggesting the Board consider placing on Fall Town Meeting when the Town has a better understanding of where the Fy-10 Budget stands. Mr. Suhoski stating the Board has two (2) warrant for 6-8-09 Town Meeting one (1) Super Town Meeting re Re-zoning of Vicksburg Sq. and Special Town Meeting Warrant with only one (1) article re amending By-law re Board of Health position. The Board to meet on Friday, May 22, 2009 at 8:30a.m. re endorsement/posting of warrant. The Board discussed their next meeting on June 2, 2009 if quorum, Selectman Luca and McCreary both unavailable and Selectman Gilles no advise of his availability.

Agenda item #11- Selectmen's Questions-New Business

1. Mr. Suhoski presented the Board Chapter 43D Expense spend-down Application dated 5-10-09 for the Board's approval. Selectman Gilles moved the Board vote to approve the application 2, by Selectman Fay, VOTE: unanimous, so moved.
2. Mr. Suhoski updated the Board to meeting with Verizon's representative this week re Licensing negotiations proposed within six (6) months re re-establishing cable TV discussions.
3. Mr. Suhoski reminded the Board to Shirley Sewer Committee rescheduled to 6-2-09 with Selectman Luca & Gilles participating in regional discussion.

4. Mr. Suhoski presented the Board Advocates Inc. Training Contract reimbursement with the Com. of MA - Drug Court Grant dated 5-19-09 . Selectman Gilles moved the Board vote to approve Attachment A re training travel reimbursement, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Selectman Luca Applauding Supt. Nason's Street Sweeping Report, and DPW Work Plan.
Selectman Fay moved the board vote to approve the Minutes of 4-21-09 & 4-28-09, 2nd by Selectman Gilles, VOTE; Unanimous, so moved.

Selectman Fay gave the Board & viewing public update re the Memorial Garden Committee advising to donations coming in and thanking all for their support reminding all to dedication planned for Veterans' Day 2010.

9:25p.m. Selectman Fay moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B, Exemption #3 Collective Bargaining to adjourn from this Executive Session for the sole purpose of adjourning the meeting, 2nd by Selectman Gilles, VOTE: Selectman Fay aye, Selectman Gilles aye, Selectman McCreary aye, Selectman Luca aye, Chairman Sullivan aye, VOTE: unanimous, so moved.

9:30p.m. Meeting adjourned.



James M. Fay, Clerk

DATE: 5/19/09