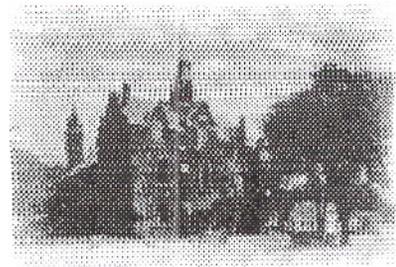


Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room Ayer Massachusetts, 01432



7-14-09

DRAFT MINUTES
Tuesday, July 14, 2009

Meeting date: 7-14-09

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 7:15p.m. by Chairman Sullivan

Chairman Sullivan requested if there was anyone present wishing to meet with the Board under Public Input. James Pinard-re request for a One (1) Day Beer & Wine License for Sean Rakip Fundraiser to be held at the Billiard's Café on Saturday, August 1, 2009. Mr. Pinard advising to Committee meeting and feeling crowd would exceed capacity of Billiard's Café and planning to put up a tent for overflow. Owner on License is Calvin Moore. Selectman Luca moved the Board vote to approve the One Day Beer & Wine License for the Billiard's Café Fundraiser for Sean Rakip on August 1, 2009, Selectman Luca paying the \$25.00 License fee for the fundraiser, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Representative Robert Hargraves re Traffic Study for the redevelopment of the intersection of Willow Rd./2A donating his office to head study on behalf of Town of Ayer. Selectman McCreary stated her concerns re intersection not perpendicular making turning onto Willow Rd./Littleton Road very dangerous for motorist. Selectman Luca also urging signage be placed along 2A to deter traffic coming into downtown business district of Ayer and in residential areas i.e. Sandy Pond Rd., Central Ave. The Board also advising Rep. Hargraves to intersection in Littleton not being in the Town of Ayer. Chairman Sullivan questioning Rep. Hargraves re his Office Hours at the Ayer Town Hall and advised to starting up again in the Fall. Rep. Hargraves introduced his new Legislative Aid Jane Morriss to the Board.

Selectman Luca requesting the Board move Agenda Item #11 up after Agenda Item # 6. Agenda Item #7 removed from Agenda and to be placed on the Fall Town Meeting Warrant -bills of prior year.

Chairman Sullivan called for a motion to approve the Agenda. Selectman Luca moved the Board vote to approve the Agenda of 7-14-09 as amended, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #1. 4th of July Celebration Appreciation-The Board welcomed Mary Spinner and Maureen Parlon to join them at the table. The Board thanked Ms Spinner, Maureen Parlon, Jill Lavallee and Lola Parlon for all their hard work orchestrating the celebration acknowledging the huge attendance and excellent entertainment/Fireworks going off without an incident. The Board taking this opportunity to publicly thank the Ayer Police and Fire Departments for their assistance along with the Dept. of Public Works for their work setting up the park and cleaning up after on Sunday. Ms. Spinner advising to the 4th being celebrated on the 3rd in 2010 and to fundraising work gearing up for next year and taking opportunity to thank Jeff Thomas, Park Director for his invaluable help and assistance.

Agenda Item #2. Fire Chief contract-Chairman Sullivan announced the successful negotiation of the Fire Chief's new contract for Fiscal years 09-12 in the amount of \$81,908.00 noting salary may be adjusted annually

the sole discretion of the Board of Selectmen in succeeding fiscal years of this Agreement re COLA. The Board requested this contract be placed on the Town Web-site.

Agenda Item #3. Public Hearing-Pole Petition MA Elec. (Nat'l Grid) for Oakridge Drive 1 S.O. Pole.

The Board met with National Grid representative re Petition #C: 6035 dated 5-20-09. Selectman Fay opened the Hearing by reading into the record the Public Hearing notice sent to abutters of petition residing on Oakridge Dr. Chairman Sullivan requested if there were abutters present. Dorothy Marino and June Hunt were recognized by the Chairman questioning approximate location of the new pole and if there were impacts to their property and advised not. National Grid representative advising to new solely owned pole to be placed 650 feet west of centerline of the intersection of Western Drive to install underground service to new home. Supt. Nason advising to DPW reviewing and approving and having no issues re new pole installation. Selectman Luca moved the Board vote to approve National Grid's Pole Petition #C:6035 dated 5-20-09 Oakridge Dr. as presented, 2nd by Selectman Gilles, VOTE: unanimous, so moved.

8:20p.m. Selectman Luca moved to close the Hearing 2nd by Selectman Gilles, VOTE: unanimous, so moved.

Agenda Item #4. Steve Roach, CEO, Nashoba Valley Medical Center-The Board welcomed Mr. Roach to

the meeting and requested Michael Pattenden join them at the table re the discussion. Mr. Roach updated the Board to the hospitals TIF status advising to current economic climate not conducive to original project goals but hospital taking one big project and breaking it out into 3 or 4 smaller projects, and proceeding slowly and cautiously... \$40 million TIF downsized to \$5-11 million for four projects, expansion of geriatric , 3 surgery units. Mr. Pattenden quoted exemption schedule into record re modification/downsizing making TIF invalid and recommending Town cancel & hospital re-apply for a new TIF original work not being done, cannot use the original TIF. The Board contending no harm to Town of Ayer to leave the current TIF in place. Mr. Suhoski agreeing advising to there being no financial benefit to hospital and stating Town Meeting cannot mandate revocation of TIF. Mr. Pattenden arguing that you cannot slide one TIF into another project. Selectman Gilles moving Board have Town Administrator contact Town Counsel re TIF amendment, 2nd by Selectman McCreary for discussion, Selectman McCreary stating this in not a unique situation; changes have taken place similar to this in other communities without revoking and allow the Town Administrator to make determination.

Selectman Luca inquiring of demographics/employment and advised to hospital employing 527 up roughly by 7-8 people and taxes paid to Town being over \$440K/yr. Chairman Sullivan called for a vote on Selectman Gilles motion to have Town Administrator contact Town Counsel re TIF amendment: Selectman Fay aye, Selectman Luca aye, Selectman Gilles aye, Selectman McCreary no, Chairman Sullivan aye, 4-1 motion passes.

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

1. Water/Sewer Permits-

Canney Bros Construction-Selectman Luca moved the Board vote to approve the Water & Sewer Permits for 4-Lot 1 & 6-lot 2 Eagles Nest Lane for 1" Cu water Service and 6" PVC sewer service, as recommended in a Memo to the Board by Supt. Nason dated 7-8-09 2nd by Selectman Fay, VOTE: unanimous, so moved.

RD Kanniard Homes-16, 26, 36, 50, 58, 64, 65,59, 55, 39, 29, 19 & 9 Easy Street. Selectman Luca moved the Board vote to approve the water & sewer permits for 1" Cu water service and 6" PVC sewer service for the above Easy Street request as recommended in a memo to the Board by Supt. Nason dated 7-8-09, 2nd by Selectman Fay, VOTE: unanimous, so moved.

2. Transfer Station Attendant Recommendation-Supt. Nason updated the Board to Department posting position and no interested DPW candidates, position advertised in local paper and 22 applications received. Supt. Nason introduced and recommended the appointment of Andrew Jackson of Ayer, MA to the position based upon his qualifications and past experience advising the Board to Mr. Jackson also holding a Class B License and Hoisting License-Class 2A which is more than the position requires. Supt. Nason advising to John Gamelin, Foreman supporting this appointment. After a brief discussion

with Mr. Jackson re his experience and background Selectman Gilles moved the appointment of Andrew Jackson to the Transfer Station Attendant position recommended by Supt. Nason in a memo to the Board dated 7-14-09 and contingent upon Mr. Jackson's successful pre-employment physical and drug screening. The appointment to be probationary for the first 12 months of employment. Mr. Jackson's 1st day of employment Saturday, July 25, 2009, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

3. Temporary Highway Equipment Operator-Full-time, Non-Union, Non-benefited position. Supt. Nason recommended the appointment of Eric Martineau fill the position of David Nelson, out on Workman's Comp, due to work related injury and subject to Mr. Martineau's successful pre-employment physical and drug screening. Employment estimated for three- months until Mr. Nelson's return to work, start date of employment July 23, 2009. Motion to approve Supt. Nason's request made by Selectman McCreary, 2nd by Selectman Luca VOTE: unanimous, so moved.
4. Green Energy Technology-WWTP & WTP-Chairman Sullivan advising to Stimulus Money available and Town's footprint expanding re the Wastewater Treatment Plant expansion and good opportunity to go ahead with green technology now. Supt. Nason advising to substantial cost to upgrade Town facilities to green facilities. Selectman McCreary advising to ESCO Assessment of buildings will pay for energy savings which will pay ESCO with savings (Constellation). Chairman Sullivan requesting light fixtures around Town is looked at now. Selectman Fay recommending Energy Committee goes through process and come back to Board with their recommendation. Selectman Gilles concurring. Supt. Nason requesting copy of newspaper article. The Board to wait for Committees report to access all options.

Agenda Item #6 Fy-10 Appointments-

Selectman Luca moved the Board reconsider their vote of 6-23-09 and appoint Pauline Conley to the Finance Committee, 2nd by Selectman Fay for discussion. Selectman Fay stated he is not in favor, does not dispute Ms. Conley's abilities but has concerns re her people skills, elaborating on his appearing before the Board in June 08 re her leadership coming across as mean-spirited and subsequent removal as Chair after only two weeks. Chairman Sullivan stating Town has come along way and having great success with Board's working together respect Democratic process and without it Government ceases to function. Selectman Gilles stating he has worked with Ms. Conley and has mixed feelings pro/con results and now welcomes new people/residents to apply for Town Board/Committee vacancies. Selectman McCreary stated she heard from a lot of Townspeople after the last Selectmen's Meeting who supported the Board's decision and subsequent vote not to appoint Ms. Conley to the Fin-Com. Selectman Luca stating just the opposite stating he heard from a lot of people who did not support the Board's decision/vote. Chairman Sullivan questioning the Fin-Com's recommendation advising to passing over Ms. Conley earlier in year and feeling recommendation fills quorum desperation. Selectman Gilles again stating Board of Selectmen makes decisions in the best interest of the Town and supports keeping decorum and acting professional. Selectman Fay restating Ms. Conley's lack of people skills and reputation for divisiveness and voters spoken, perception is reality. Chairman Sullivan requested Ms. Conley if she cared to address the Board, Ms. Conley opting not to speak. Maureen Parlon spoke in favor of Ms. Conley and urging the Board give her a 2nd chance, Frank Maxant spoke in favor of Ms. Conley stating Town having great track record for being fiscally run and Ms. Conley contributing to this. Michael Pattenden feeling the Board wishes to appoint yes men to the School Com & Fin-Com. Judy Cass also stating you don't have to like the person to get the job done. Ms. Conley having rejected earlier invitation to speak decided to speak re her rejection and ending with if you don't want to appoint me that's your prerogative, but I won't go away. Chairman Sullivan called for a VOTE Re Pauline Conley's appointment to the Fin-Com: Selectman Fay no, Selectman Gilles no, Selectman McCreary no, Selectman Luca yes, Chairman Sullivan no, 4-1 motion fails.

Agenda Item #7. Reserve Fund Transfer-taken off Agenda –item to be placed on Fall Town Meeting-bills of prior year.

Agenda Item #8. Bi-Weekly Payroll-Town Administrator presented the Treasurer's request to encumber \$7,650 for the necessary training required to convert to a bi-weekly payroll and tracking of accumulated vacation & sick time for non-school employees. Selectman Gilles moved the Board vote to encumber \$7,650.00 for the necessary training to convert to a bi-weekly payroll and tracking of accumulated vacation and sick-leave, 2nd Selectmen Fay, VOTE: unanimous, so moved. Town Administrator advising to phase in process; conversion time to convert to bi-weekly payroll to take effect late October 2009 and implementation of tracking of vacation/sick leave to begin late spring of 2010.

Agenda Item #9 - JBoS.- Selectman Luca advising to no further information at this time re JBoS. Selectman Fay taking this opportunity to clarify recent article in newspaper re Low Income Housing development bring in the "scum of the earth" on Devens stating he was quoted as making disparaging remark in Lowell Sun and rebutted this article stating he made no such remark.

Agenda Item #10. Town Administrator's Report-

1. Fy-10 Budget-Town Administrator updating the Board to meeting with School Representatives George Frost & William Plunkett & Ms Gabree, no deficit for Fy-10 budget is as presented at Town Meeting. Mr. Suhoski taking this opportunity to publicly emphasize the spirit of cooperation and support driven by the Tri-Board reaching this success. The Board also expressed their thanks and appreciation to Tri-Board representatives. Mr. Suhoski reminding all to next Tri-Board Meeting scheduled for this Friday at 8:00a.m. at Town Hall meeting to focus on funding Water's litigation and begin discussions re Fy-11 base line revenues.

2. Litigation Update- Mr. Suhoski updated the public to Two (2) Wrongful Conviction mediation cases. One case "Waters" held on 7-13-09 for thirteen (13) hours (10:00a.m. to 1:00a.m.) Forty (40) people engaged and tentative resolution reached, cannot disclose any further information at this time but will disclose/release action/settlement when available. The "Maher" mediation coming up later this month.

3. CDBG Staffing Plan- Mr. Suhoski requested the Board vote to allocate \$5,800.00 fro CDBG Program Income to facilitate a final, one-month extension of the current reduced hours staffing for the CDBG Program and close-out. Mr. Suhoski advising to expecting to hear re CDBG awards prior to their 8-11-09 meeting re formal office staffing plan for Fy-10. Selectman Gilles moved the board vote to approve one additional month of staffing & closeout expenditure through August 2009 from CDBG Program Income as stated by the Town Administrator, 2nd by Selectman Luca, VOTE: unanimous, so moved.

4. Lien Subordination Request-Case # 04-271 -19 Pineridge Drive, Ayer, MA –Mr. Suhoski presented a Lien Subordination to obtain a new mortgage to pay-off first mortgage to lower interest rate. Selectman Gilles moved the Board per the recommendation of the Program Manager vote to approve the subordination of the Town's lien for a first mortgage in the amount not to exceed \$232,250.00, the outstanding liens equal to 108.79% of the assessed value of the property or 93.76 of the HASP value, 2nd by Selectman Luca, VOTE: unanimous, so moved.

5. Legislation H-3764 and S-1531 –Mr. Suhoski presented two (2) letters to be submitted to Senator Eldridge and Representative Hargraves re opposing legislation promoted by Verizon to undermine local franchising authority with respect to cable licensing and renewals. This legislation would seriously undercut the ability of local communities to effectively negotiate agreements to ensure adequate consumer and community protection/s by imposing a 95 day start to finish licensing process. Selectman Fay moved the Board vote to sign letters opposing legislation, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

6. IT Agreement/s Town Hall & School Department-Mr. Suhoski requested the Board vote to ratify the Agreement/s with the School Department re shared staffing to be provided to the Town Hall by Mike Thibault and Maxo Daniel in the amount of \$3K each for a total not to exceed \$6K which was included in the Fy-10 IT Budget line item. Selectman Luca moved the Board vote to ratify the two (2) agreements with the Town Hall

and School Department submitted in a memo from the Town Administrator dated 7-10-09, 2nd by Selectman Fay, VOTE: unanimous, so moved.

7. FYI's Mr. Suhoski updated the Board to the following

- 1. Phase 2 Site Assessment –Brownfield additional work approved Town notified 7-14-09.
- 2. Zoning By-law Review Committee- Two finalist selected Communities Opportunities Group (COG) and Montachusett Regional Planning Commission (MRPC). Committee met last Friday and awarded contract to COG. Mr. Suhoski requesting the Board vote to ratify the contract with COG. Contract award \$44K. Selectman McCreary moved the Board vote to ratify contract re the Zoning By-law Update contract awarded to Communities Opportunities Group (COG) in the contract amount not to exceed \$44K, 2nd by Selectman Fay, VOTE unanimous, so moved.

The Board thanked the Committee members for serving Dale Taylor, Peter Johnston, Jen Gibbons, and Board members Jim Fay and Carolyn McCreary along with Town Administrator Shaun Suhoski.

Agenda Item #11. Selectman's Questions/New Business-

Selectman McCreary-reminding residents to Wednesday, July 29, 2009 (7-29-09) Community Forum re PanAm sponsored by Congresswoman Tsongas concerning the Spectacle Pond Aquifer with Town of Ayer Officials, US Environmental Protection Agency, US Surface Transportation Board and MA Dept. of Environmental Protection. Forum starts at 7:00p.m. at the Ayer Town Hall-2nd Floor Great Hall.

Selectman Fay-Fire Station Re-use Committee Meeting Saturday, July 25, 2009 at 10:00a.m. at the old Fire House on Washington Street. Chief Pedrazzi will be hosting tour of old facility for the committee.

Selectman Luca-taking opportunity to announce the birth of his new grandson-Nathan Januskiewicz.

Chairman Sullivan-requesting to ensure Fy-10 budget posted on Web-Site and looking to future where Selectmen's packets, minutes are scanned onto Web Page.

minutes Selectman Fay moved the Board vote to approve the Minutes of 6-16-09 and 6-23-09, 2nd by selectman Luca, VOTE: unanimous, so moved.

9:55p.m. Selectman Gilles moved the Board vote to adjourn from Open Session into Executive Session pursuant to MGL Chapter 39 Section 23B, Exemption #3 re Collective Bargaining and litigation, 2nd by Selectman Fay, VOTE: Selectman Fay aye, Selectman Gilles aye, Selectman Luca aye, Selectman McCreary aye, Chairman Sullivan aye, unanimous, so moved.

Date: _____

James M. Fay, Clerk
Ayer Board of Selectmen