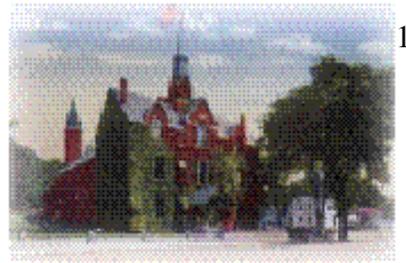


# Town of Ayer

## Board of Selectmen

### Town Hall, First Floor Meeting Room Ayer Massachusetts, 01432



**10-6-09**

**Tuesday, October 6, 2009**

**Meeting Date: 10-6-09**

Present:

Cornelius F. Sullivan, Chairman (Mr. Sullivan)	X	Carolyn McCreary, Member (Ms. McCreary)	X
Richard D. Gilles, Vice-Chairman (Mr. Gilles)	A	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 opened the meeting by apologizing for late start due to earlier Executive Session running late.

The Board ran through a short skit prepared by Margaret Scarsdale for the Downtown Business Alliance promoting the Antique Car Show on Wednesday, October 14<sup>th</sup>, 2009 from 4-6:30p.m. in Depot Sq.

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

Michael Cox-Troop #3-Ayer, MA-Eagle Scout Project-applying color-coded light reflector marking shields on poles where fire hydrants are located through out the Town. Cost of project between \$750.00-\$1,200.00 for 1200 poles. Chief Pedrazzi spoke on behalf of the Project advising the Board to his department's support. Michael requesting donations to assist him with project to be mailed to Ayer Fire Department at 1 West Main St., Ayer, MA. Chuck King of the Downtown Business Alliance requested Michael to meet with the Alliance this coming week re his project re helping him out with a donation.

Chuck King/Margaret Scarsdale-Downtown Business Alliance-Mr. King advising the Board to the October 14<sup>th</sup>, 2009, Classic Car Show being the last one for this year and of the huge success and support by community the past three months thanking the Downtown business for their donations of free mugs, glasses and discount coupons. Ms. Scarsdale advising the Board to 2<sup>nd</sup> event being planned by the Business Alliance for Halloween, Saturday, October 31, 2009 with a Downtown Masquerade Party from 9:00p.m. to 12:30p.m. requesting the Board's approval to blocking off a portion of Main Street for strolling downtown. Downtown Business will be participating with Halloween promotions, specialties i.e. meals, merchandise as well as decorating windows/storefronts with Halloween decorations. Permission requested for 2<sup>nd</sup> floor of Town Hall for costume party/music/dancing for adults having secured a local band and encouraging party goers to cruise Main Street for meals at local restaurants/businesses promoting specialty dinners/attractions. Mr. King also advising Board to party-goers being requested to bring dry/canned good for donation to Loaves & Fishes. Chairman Sullivan speaking on behalf of the Board to approving in principal but would like to have specifics presented back to the Board re the event for their next meeting for official approval (10-20-09) i.e. police/fire approvals-re blocking off street, fire & safety issues.

Chairman Sullivan took this opportunity to recognize Representative Robert Hargraves and his Legislative Aid Jane Morriss. Representative Hargraves reported to the Board on the efforts taken by his office on behalf of the Town by Ms. Morriss his legal Aid. Ms. Morriss elaborated more fully regarding the Plow Shop Pond Dam restoration funding request and suggesting request be moved up to Federal level through Congressman Tsongas's Office (Super Fund List) re hazardous condition of the dam stating this is a great time to explore clean-up as well of Plow Shop Pond and Grove Pond. Representative Hargraves urging getting all parties together i.e. DEP, EPA, DOA, Dept. of Dam Safety, Fish & Wildlife and Calvin Moore, in a mutual setting,

offering the State House to accomplish mediation. Representative Hargraves spoke also to his watching ongoing status of paving by PanAm and doing everything he can do to assist the Town. The board than ked Representative Hargraves for coming in to meet with the Board.

Chairman Sullivan called for a motion to accept the amended Agenda. Selectman Luca moved the Board vote to approve the Agenda as amended, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. Chairman Sullivan made the following public announcements:

Special Fall Town Meeting to be held on Monday, October 26, 2009 at 7:00p.m. at the Ayer High School and Home Coming Parade, Saturday, October 17, 2009 at 12:00 noon starting on Bishop Rd.

Selectman Fay updating Board to Memorial Garden Com. at ordering plaque status, and urging veterans who have lived in Town not less than ten years and not recognized elsewhere to contact the Committee as soon as possible with Committee being in final preparation phase. Selectman Fay advising to applications available in the Selectmen's Office. Dedication planned for Memorial Day 2010.

**Agenda Item #1. Tom Casey-School Regionalization Committee-**Mr. Casey updated the Board to recent developments/reports re Lunenburg dropping out of Regionalization Plan and funding drying up from State Dept. of Elementary and Secondary education (DESE). Mr. Casey advising to the Committee still moving forward with Option B – A Two Town Regionalization District/Ayer & Shirley. Mr. Casey advising to Committee on a fast track since a lot of the research has been done re three (3) towns can be adapted for two (2) towns. Option B may include State School Building Authority Funding (SBA) since the town is on their “radar” to renovate rather than seeking funding for new construction. Mr. Casey advised to DESE having until 12/31/09 for Ayer/Shirley proposal and perhaps an extension could be granted until Feb. 10 due to the recent demise of the three (3) towns Region. Mr. Casey also advising to two towns in holding pattern due to both having interim superintendents. The Board expressed their support of the Two Town Merger being a better fit and felt the community would support Ayer/Shirley merger more. Mr. Casey left the meeting stating education got short-changed again re the State promoting the three-town merger as a model and bright star for education . The Board stating their support to keep the bright star out there, it still can be.

**Agenda Item #2. Fin-Com Appointment- no show-rescheduled for next Selectmen's Meeting.**

**Agenda Item #3. Sundar Sundarmurthy-Navin Industries, LLC-Solar Opportunity Assessment**

The Board met with Sundar Sundaramurthy, President of Navin Enterprises, LLC. Mr. Sundarmurthy gave a brief proposal of his company's solar opportunity assessment for the Town of Ayer which included potential locations for roof and ground mount solar electric arrays, prepare solar opportunity assessment report. Selectmen McCreary requesting references and background be submitted as well as projects company has worked on be submitted to the Board for their next meeting. .

**Agenda Item #4. CDBG**

- 1. Fy-09 CDBG Grant Agreement-**Ms Provencher submitted two copies of the Fy-09 CDBG Grant Agreement award to rehabilitate nineteen (19) units of housing in the amount of \$531,579 for the Chairman's endorsement. Selectman Luca moved the Board vote to authorize the Chairman's signature of the Fy-09 CDBG Grant Agreement in the amount of \$531,579, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
- 2. 76 Central Ave-Site Clearance-**Ms Provencher reviewed with the Board the remediation efforts for 76 Central Ave re Asbestos/Hazardous Materials Report depicting asbestos in flooring, roofing window glazing, and hazardous waste i.e. TV, refrig, car batteries/antifreeze etc. coming in at \$14,950 plus additional \$6K proposed for demolition. Ms. Provencher to report back re demolition of property. Chairman Sullivan stated his concern re lights on at site requesting Police to monitor if someone is living there.
- 3. Kelley Building-**Ms. Provencher updated the Board to Kelley's Bldg. completed at a cost of \$30,541. The Board reviewed with Ms. Provencher their authorizing up to \$60K in UDAG Funds at their meeting

on 9-2-08 for this work. Ms Provencher requested the Board vote to rescind the Kelley Hallmark UDAG fund balance of \$29,459.00 from the 9-2-08 \$60K UDAG allocation back to UDAG Funds. Selectman Fay moved the Board vote to reallocate the Kelley's Hallmark UDAG fund balance of \$29,459.00 back to UDAG funds, 2<sup>nd</sup> by Selectman McCreary, VOTE: 4-0 unanimous, so moved. Selectman Luca stepping out of room for moment.

Pauline Conley suggesting the Board pursue insurance indemnification from architect re window/s defective and possible claim with window manufacturer.

**4. Gap Filler** –Ms. Provencher presented the Board an authorized signature verification form for the Gap Filler VI Grant re the Town's recent \$70K DCHD Grant award. Selectman McCreary moved the Board vote to authorize the Chairman's signature on the authorized signature verification form for the Gap Filler VI Grant, 2<sup>nd</sup> by Selectman Gilles VOTE: unanimous, so moved.

**5. Court- House \$300K Grant Award**-Chairman Sullivan requested this program be placed on the Board's 10-20-09 Agenda for 7:00p.m. re Contract Agreement Services with Advocates, Inc.

**Agenda Item #5. Supt. Nason's Report-** The Board met with Dan Nason

**1. Water & Sewer Permits**-Supt. Nason submitted the following Water/Sewer Permits for the Board's approval:

1A, 1B, 1C, 3A, 3B, 3C, Longview circle-for Habitect, Inc.

58, 50, 82, 84, 80 5 Snake Hill Rd. – for Crabtree Dev.

11,13, 16 Mountain Laurel Rd.- for Ranger Development Corp.

Selectman Luca moved the Board vote to approve all the above water/sewer permits and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**2. Highway Division Utility/Laborer Appointment**-The Board per the recommendation of Supt. Nason in a memo dated 9-29-09 to the Board appointed Andrew Jackson formerly assigned to the Town's Transfer Station to the recently re-assigned vacancy in the Highway Division effective 10-6-09. Mr. Jackson's probationary period still in effect for his first 12 months of employment based upon his initial start date of 7-25-09. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

**3. Fy-10 Sand Award (Winter use)**-Supt. Nason presented the Winter Sand Bid Award to Powell Stone & Gravel Co., Inc. of Lunenburg, MA at the low bid price of \$11.49 per cubic yard delivered. Selectman Gilles moved the Board vote to approve the Bid Award as recommended to the Board in a Memo dated 10-7-09, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

**4. Fy10- Catch Basin Cleaning**-Supt. Nason presented the Board the Bids results for the Catch Basin Cleaning and recommendation to award the bid to the low bidder Sam's Catch Basin Cleaner of Fitchburg, MA for the low bid of \$13.96 per catch basin to clean approximately eight hundred basins in the Town. Motion to approve made by Selectman Gilles, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. Supt. Nason advising to this cleaning budget line item funded.

**5. 2009-2010 Public Works Snow removal Operations and Procedures**-The Board complimented Supt. Nason on his residents guide to winter snow removal operations. Supt. Nason advising to brochure being placed around Town i.e. Library, Town Hall, DPW Offices for residents.

**6. Chapter 90-Roadways**- Supt. Nason updated the Board to work start up on the following roads for Spring 2010-Sandy Pond Rd., Groton Harvard Road side-walks, Newton Street and advising Board to Groton School Rd. side-walks receiving two (2) proposals re Engineering.

Paving Bid Contracts-Supt. Nason ran through the bid awards and made the following recommendations:

P.J. Keating/Lunenburg, MA-bituminous concrete pavement, bituminous concrete cold planning, adjustment of casting for overlay, providing new casting and adjustment of valve boxes per Fy-2010

Paving Bid Summary Results-Selectman Luca moved to approve Supt. Nason's recommendation based

upon unit costs and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

Murray Paving & Reclamation, Inc./Holliston, MA-bituminous concrete reclaiming, adjustment of castings for reclaiming, and rebuilding manholes & catch-basins per Fy-2010 Paving Bid Summary Results-Selectman Luca moved to approve Supt. Nason's recommendation based upon unit costs and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

Erosion Control Measures-Silt Fence & Hay Bales-Supt. Nason recommended the Bid Award to Pickard Farms/Littleton, MA to provide and install silt fence and hay-bales for specific roadway resurfacing projects for the bid award not to exceed the price of \$24,950.00 for Fy-10 and authorize the Chairman's signature. Motion to approve made by Selectman Gilles, 2<sup>nd</sup> by Selectman Luca VOTE: unanimous, so moved.

PanAm-The Board questioned PanAm fill-recycled crushed concrete fill under the asphalt being suitable for aquifer and advised to Richard Doherty requesting sample to test and PanAm providing letter back which the Board requested the 10-1-09 PanAm letter be sent to DEP/Judge and cc Atty. Generals Office.

Lighting national Grid/Prism-Supt. Nason advised to revisiting 1-8-08 WWTP Energy Initiative Program proposal and advising to price going up \$5K from \$12, 698 to \$17,856. Savings realized would be approximately \$7478.49 per year on electric by installing state of the art lighting equipment avoiding \$969.10 in maintenance cost. National Grid to pay 26% of the cost (parts & labor) this lighting upgrade valued at \$24,273.90 the town's contributions would be \$17,856.40 with payback of lighting investment being 2.3 years with final completion date of 11-30-09. Funding source needs to be identified, currently running a \$14,943 deficit.. The Board requested Supt. Nason to bring this back to Selectmen at their next meeting.

National Grid Small Business Plan- Supt. Nason presented to the Board National Grid's Small Business Plan for the Highway Garage-reporting to 24 month plan (\$80.30-payment) proposed for the contract price of \$1,927.09. Selectman Luca moved the Board vote to approve Supt. Nason's request and recommendation to enter into a 24/mo payment plan with Nat'l Grid for the total contract award #532160 not to exceed \$1,927.09, 2<sup>nd</sup> by Selectman Gilles, VOTE: unanimous, so moved.

119/Willow Rd. Intersection-The Board requested this matter be placed on the Oct. 20, 2009 Selectmen's Agenda i.e. traffic count-truck exclusion, industrial signage/new route signage requesting letter be written to MRPC re having study conducted.

Snakehill Rd. Rail-road crossing-safety plan. Selectman Fay urging this matter also is placed on the Board's 10-20-09 Selectmen's Meeting.

**Agenda Item #6. Appointed Treasurer/Collector Position Discussion**-Mr. Suhoski updated the Board to receiving word Town Treasurer Denis Callahan and Town Clerk/Tax Collector Ann Callahan will not be seeking re-election in April 2010. Mr. Suhoski requesting the Board's direction re possible Treasurer/Collector appointed position is considered for placement on the Fall Town Warrant, re by-law change. Mr. Suhoski stating Town Government Study Committee and DOR both encouraging a combined position and appointed position would get bigger range of professional/qualified people. The Board all agreeing to more discussion needed...more research and public hearing/s re public input re elected vs. appointed. Citizens input: advising to Ms Callahan holding two Elected Titles/Offices i.e. Town Clerk and Tax Collector. Selectman McCreary moved the Board request the Town Administrator to continue to look into developing plan for presentation for May Town Meeting and April ballot, 2<sup>nd</sup> by Selectman Gilles, VOTE: unanimous, so moved.

**Agenda Item #7. JBoS**

**1. Meeting 10-8-09 @7:30p.m.** Selectman Gilles advising to being unable to attend. Selectman Luca to represent Board. Agenda-revisit-Vicksburg Sq.-campus interest-U.MA- Lowell and Dispatch Regionalization Facility at Devens proposal (Ayer, Harvard, Devens & Shirley).

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

**1. 10-26-09 Special Fall Town Meeting Warrant-** Mr. Suhoski reviewed and presented the finalized Special Town Meeting Warrant with the Board. Revisions requested by the Board: Article 2. Litigation-typo *change language from seventy five to eighty five thousand.* Article 4. The Board requested Mr. Suhoski get a sense/recommendation re amount from the Fin-Com if in agreement. Article 5. CPAC- *change amount from \$131K to \$133,400.00*-Selectman Luca reminding Board to (\$12K authorized previously re recording fees and actual cost of property \$121,400.00)-to be amended on floor once numbers are verified and add language vote to transfer from the Open Space Reserve Fund of the Community Preservation Fund. **Remove (or otherwise fund)** add for the acquisition of a certain unique parcel of land off of Oak ridge Dr, *remove: for the acquisition by gift, purchase eminent domain or otherwise and remove Article 7 Appointed Treasurer/Collector's position*-place on May Annual Town Meeting Warrant. With the above amendments Selectman Gilles moved to approve, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

**2. Close Fall Special Town Meeting Warrant-** Selectman Luca moved the Board vote to close the October 26, 2009 Fall Special Town Meeting Warrant, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**3. Economic Development Director Position-**Mr. Suhoski presented the Job Description for the Economic Development Director requesting the Board's permission to advertise the position for fourteen (14) days and established a budget not to exceed \$1,400.00 for advertising. Closing date for applications 10-27-09, salary\_ \$51,645-\$56,439. Motion to approve Mr. Suhoski's recommendation made by Selectman Gilles, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Gilles, aye, Selectman Fay aye, Selectman McCreary aye, Chairman Sullivan aye, Selectman Luca no 4-1 motion passes. Mr. Suhoski also strongly recommending a Search Committee is established.

**4. Economic Development Budget-** Mr. Suhoski presented the Board his recommended budget of \$97,627.00 for the Planning & Development Department:

**\$38,K – Planning & Dev. Line item-**

**\$42,049 – UDAG**

**\$17,578- IDFA**

Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Gilles, VOTE: unanimous, so moved.

**5. Downtown Parking Update-** Mr. Suhoski reported to the Board discussion underway with Phil Berry re purchasing a 40-50 strip of land to link the commuter platform and rail trail parking lot. This update in conjunction with the 9-28-09 meeting at MRPC with representatives from transit, planning and local officials re the Town's downtown parking improvements. Mr. Suhoski presented the Board a letter to Mohammed Khan outlining the actions from this meeting:

1. MART to review and finalize study of the rail trail facility and issues associated upon completion by MRPC.
2. MART will request MRPC to report on the merits of the Town achieving a clearly demarcated and permanent right of way to the commuter train platform via Depot Sq.
3. MART will issue the study together with the access report to the town Administrator for review and discussion by the Selectmen with 30-45 days.
4. Upon approval of the study and access plan by the Board, MART will seek approval of the Federal Transit Authority to access earmark funds to advance the design and engineering.

5. The Board thanked MRPC for the recently endorsed regional TIP award of \$480K in architectural and engineering funds for Fy10 and \$3,468,080 in construction costs for Fy-11 with additional funds which may be needed to be sought through Congresswoman Tsongas. The Board voted in favor of endorsing letter. Motion made by Selectman Fay, 2<sup>nd</sup> by Selectman Gilles, VOTE: unanimous, so moved.
6. Miscellaneous Items. - Temporary **Sick Leave Bank Policy**- The Board voted to approve a Temporary Sick Leave Bank Policy to allow non-union employees to contribute up to a maximum of 150 hours to be used by the affected employee. Such hours must be used consecutively from the date of this policy until those hours have been exhausted or the employee returns to work. No employee shall be allowed to contribute more than 25 hours in Fy-10 ending June 30, 2010. Any days contributed to the employee which remain unused at the termination of the sick leave will be returned to contributing employees on a pro-rata basis. The Board of Selectmen's agreement to provide for this specific remedy shall not constitute precedent for any future situation which may occur in the Town and is not admissible for any purpose with respect to any Collective Bargaining matters. Motion made by Selectman McCreary and to authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
7. Main Street Closure-10-18-09 Sunday from 8:00am to 12:00noon for an independent film shoot, the producer will hire two (2) police details-the Police & Fire Chiefs have indicated no objection to the closure. The Board voted to approve the request. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Gilles, VOTE: unanimous, so moved.
8. The Board moved to appoint Russ Smith to the full-time position on the DEC vacated by Ed Hamilton and advertise for an alternate member on the DEC. Motion made by Selectman Fay, 2<sup>nd</sup> by Selectman Luca, VOTE: 4-0 unanimous, Selectman Gilles leaving meeting, so moved.

**Agenda Item #9 New Business/Selectmen's Questions-**

1. Selectman Luca-Advised to October being Breast Cancer Awareness Month and passed out pink ribbon pins to the Board.
2. Mary Arata-of Nashoba Publications requested copies of the settlement agreements of the Waters/Maher Cases and advised to make this in writing to the Town Administrator.
3. Minutes - Selectman Fay moved the Board vote to approve the Minutes of 9-1-09 & 9-15-09, 2<sup>nd</sup> by Selectman McCreary, VOTE: 4-0 unanimous, so moved. (Selectman Gilles left meeting).

Selectman Fay moved the Board adjourn the meeting, 2<sup>nd</sup> by Selectman Luca VOTE: unanimous, 4-0, so moved. Selectman Gilles left meeting earlier.

10:57p.m. Meeting adjourned.

James M. Fay, Clerk  
Ayer Board of Selectmen  
Approved 10-20-09