

Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room Ayer Massachusetts, 01432



11-3-09

Tuesday, November 3, 2009

Meeting Date: 11-3-09

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		

Open Session:

7:10p.m. Chairman Sullivan called the meeting to order.

Public Input- Chairman Sullivan opened the meeting by requesting a “Moment of Silence” is conducted for Bruce Page, who passed away on October 24, 2009. Mr. Page was a Park Commissioner for over twenty (20) years for the Town of Ayer, as well as serving on the Disabilities Commission, and coaching Ayer Little League and Babe Ruth Programs. Chairman Sullivan read into the record Mr. Page’s obituary and welcomed Leigh Jeunesse to the table, Mr. Page’s sister. Ms. Jeunesse spoke of her brother’s love of sports especially baseball and thanked the Board for their kind words.

Selectman Fay-Halloween Party, Saturday, October 31, 2009, sponsored by the Ayer Business Alliance- Congratulated all for their efforts on a very successful promotion from decorations to band, hearing nothing but accolades. The Board echoed Selectmen’s Fay’s comments.

Harry Zane-PanAm site-Mr. Zane urging the Board to place cameras on site-scan rails 24/hours a day record violations. The Board advising to PanAm also having camera on site to record any tampering/interference at the site. Town Administrator requested to research and make recommendation at the board’s next meeting. Selectman Fay suggesting to research Homeland Security funding availability re potential problems i.e. off-loading areas. Mr. Suhoski updated all to meeting with EPA & DEP on Monday, November 9, 2009 re when PanAm becomes operational. Mr. Zane on another matter advised the Board to the Town’s 5 Year Comprehensive Plan Update coming up and to get issues out front now that are important to Town before Consultant comes on board and to advertise for volunteers to serve on this Committee. Town Administrator suggesting the Planning Board take lead on this issue perhaps works in concert. Mr. Suhoski to get feed back from Planning Board.

Announcements- Fy10 Tax Classification Public Hearing scheduled for Tuesday, November 17, 2009, at 7:15p.m. at the next Selectmen’s Meeting.

Winter Parking Ban-Chairman Sullivan reminded residents to the Winter Parking Ban going into effect on Sunday, November 15th, 2009 at 12:01a.m. through April 15, 2010-no parking of any motor vehicle on Town streets from 12:01a.m. to 6:00a.m. to assist DPW with snow & ice removal operations advising to the Ayer Police Dept. charged with enforcing this ban.

Wish Project-Saturday, November 14, 2009, sponsored by Ayer Recycling Committee -collecting at the parking lot of the Ayer High School- donations going to homeless shelters, affordable housing, early intervention, mentally disable and senior citizens. Items needed: gently used clothing from preemie baby to large adults, baby gear, furniture, mattress sets, tables etc., bedding, small/large appliances, electronics, and computers. WISH Trucks to be available to take everything away.

Agenda Item #1. Laurie Nehring-Renewable Energy Curriculum-Page/Hilltop School-Energy Rebate Program. Ms Nehring updated the Board to 5th grade faculty members from the Ayer Schools responding very enthusiastic re support & interest to provide educational programs relating to renewable energy. Ms Nehring described her concepts for consideration **1. After school enrichment program** “ECO Club” grades 4-5, meet 2 hours over 8-10 weeks **2. Classroom workshop series-** 4-6 educational workshops for one grade level re energy consumption, conservation and global warming with activities **and 3. develop new curriculum for teachers-** working through Mary Beth Hamel, Curriculum Coordination for Ayer Schools activity based program to support the States framework. Ms. Nehring presented a general overview, target audience, objectives and outcomes sought and timeline, closing with offering to donate one half (1/2) of her salary to PACE. Selectman McCreary stating this program vying for funding under the Town’s \$4900.00 in rebate trust money and advising to deadline of grant submissions 11-30-09. Selectman McCreary advising to other considerations being: solar lights, signs etc. Proposals to be presented to Board of Selectman at next meeting all proposals very good and have value.

Agenda Item #2. Change of Manager-Shaker Hills Golf Club All Alcohol License- The Board met with Joe Levine and Mike Herrick of Shaker Hills Golf Club. Mr. Levine introduced Mr. Herrick to the Board –Head Golf Professional since 1999 and manager of the grill room. Mr. Herrick advising to taking TIPS Course pursuant to licensing requirement of Town of Ayer and Manager of food service for the past three years. Selectman Luca moved the Board vote to approve the Change of Manager request for Shaker Hills Golf Club, 2nd by Selectman McCreary VOTE: unanimous, so moved.

Agenda Item #3. Class II License Public Hearing-T.J. Motors -217 West Main Street, Ayer, MA Chairman Sullivan opened the Hearing by requesting the legal notice be read into the record by Clerk of the Board -Selectman James Fay, advertised in the Nashoba Publications on 10-30-09. The Board met with Tom Guzzi of Groton, MA petitioner. Mr. Guzzi advising to location across from Job Corp area paved area 10 x 12 with new office construction (presented). Mr. Guzzi advising to prior dealer ship in Chelmsford, MA which was sold. Mr. Guzzi requested a ten car resale class II License, cars to be placed on paved area of lot. Selectman McCreary inquiring if business was in Zone II Area and informed by Laurie Nehring to lot being in Zone II of McPherson Well site on Devens. Hours of operation requested would be Monday through Saturday 8:00a.m. to 5:00p.m. no detrimental display of flags/balloons etc. The Board requested to continue the Public Hearing to their next meeting (11-17-09) at 7:00p.m. to look into Zone II issues and also request the Fire Chief comment re review layout. Motion to continue Hearing made by Selectman Luca, 2nd by Selectman Gilles, VOTE: unanimous, so moved.

Agenda Item #4. ESCO-Project Development Agreement-Mr. Suhoki advised the Board to Johnson Controls accepting the amendments with Town Counsel’s incorporation. The Board reviewed the negotiated points of the Agreement: reduction of fee by almost 50% down to \$22,500.00, street lighting not projected savings due to Town replacing its fixtures with new high efficiency lighting, guarantee the Town would reduce energy consumption and costs, JC would help facilitate a PPA for the Town and not charge as a condition and JC would write the town’s grant application that provides \$150K to pay down the cost of conservation measures and assist the Town with pursuing the purchase of its street lighting. After a short discussion addressing Selectman Luca’s concerns regarding including the schools, regionalization, etc. and additional language request to Item #9. Miscellaneous Provisions-adding “Which consent shall not be unreasonably withheld” per Chairman Sullivan, Selectman Gilles moved the Board vote to approve the Project Development Agreement with Johnson Controls as described in document pursuant to MGL Chapter 25 Section 11 i, and subject to Town Counsels final review 2nd by Selectman McCreary, VOTE: Selectman McCreary aye, Selectman Gilles aye, Selectman Fay aye, Selectman Luca no, Chairman Sullivan aye, 4-1 motion passes.

Agenda item #5. Superintendent Nason’s Report-

Town Administrator advised the Board to Supt. Nason not ready to report re Spec. Pond Well #3 redevelopment and rescheduled item for 11-17-09. Agenda #5. removed from Agenda.

Water/Sewer permits-The Board moved & voted to approve the following permits 112, 84, 38, 68 Old Farm Way & 81 Haymeadow Lane for Crabtree Development. Motion to approve made by Selectman Gilles, 2nd by Selectman Fay, and authorize the Chairman's signature, VOTE: unanimous, so moved.

Selectman Luca taking this time to move the Board vote to approve the agenda as amended for 11-3-09, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #6. Selectman McCreary-Green Communities-Selectman McCreary elaborated on the criteria for the Town of Ayer to achieve a "Green Community" designation to access the new grant and loan programs. Selectman McCreary ran through the five (5) criteria:

1. As of right Renewable or Alternate Energy Zoning.-siting that provides for the allowed use of and does not unreasonable regulate or require a special permit.
2. Expedited Application and Permitting Process-Town has implemented
3. Energy Use Baseline Inventory for Municipal Buildings-establish energy use inventory i.e. buildings, vehicles, traffic lighting and reduce this baseline by 20% within five (5) years within participation in program.
4. Purchase Fuel-Efficient Vehicles-purchase whenever such vehicles are commercially available and practicable.
5. Life cycle Cost of Residential Construction over 3,000 sq. ft and new Commercial and Industrial Real Estate.-require all new residential/commercial/industrial construction to minimize to the extent feasible the life-cycle cost of the facility by utilizing energy efficient water conservation and other renewable or alternate energy technologies.

Selectman McCreary requesting to present one of the five criteria to the Board separately at five different meetings starting with municipal fuel efficient vehicles at the Selectmen's 11-17-09 Meeting. Requesting a list of all Town owned vehicles i.e. DPW, Police, Fire, Schools, etc. Selectman McCreary taking questions from Board members re adoption of vehicle purchase policy and having Johnson Controls assist the Town re meeting criteria re emissions, mileage, etc.

Agenda Item #7. JBoS

1. Regional Dispatch Center-Selectman Luca updated the Board to MADev receiving funding to explore regionalization of Ayer, Shirley & Harvard dispatching of emergency services and requesting input from the area communities. Harvard expressing interest. MADev looking for financials/cost analysis/method of management/start-up costs/other services provisions provided locally.
2. Vicksburg Square-exciting news discussed re UMAS Lowell's possible interest in campus at Vicksburg Sq. The Board met with former Ayer Selectman Frank Maxant who in the absence of another former Ayer Selectman Pauline Hamel who spearheaded this endeavor spoke on her behalf re interest of UMAS Lowell Bio-Tech for campus at Vicksburg Sq. Ms. Hamel made contact with Dean of Engineering – Vice Chancellor Maloney re ideal location, setting for Vicksburg Sq. campus. The Board requested a letter to be prepared to former Congressman Meehan to formally communicate correspondence on behalf of Town of Ayer to Secretary of Education & Development in hopes of facilitating discussion between senior level UML and MADev officials. Chairman Sullivan urging conducting a public meeting to receive comment/s from community. Selectman Fay supporting this meeting because there are pros/cons of 400+/- student's impact i.e. transit population. Selectman McCreary & Luca both in favor of proposed campus and looking for stronger sense from UMAS Lowell urging representative

from UMAS Lowell meet with Town. The Board requested the Town Administrator be designated as contact for the Board and Mr. Maxant & Ms. Hamel urged to continue their efforts with State officials.

Agenda Item #8. Town Administrator's Report-

1. Veterans Agent position- Town Administrator reviewed the Veterans Agent advertisement/posting of position along with current job description advising to closing date for applications set for November 16, 2009 @ 4:00p.m. Mr. Suhoski advising to Temporary Veteran's Agent Michael DeTillion interested in position. Mr. DeTillion is also the Town of Shirley's Veterans Agent. Selectman Gilles stating hearing from Town Veterans and American Legion to preference of Town having our own Veterans Agent opposed to shared position. Selectman Fay encouraging Board to look at each application on its own merit and best candidate for the job. Temporary position could be re-addressed every year.
2. DEC Representative re-appointment – Martin Poutry. The Board voted to re-appoint Martin Poutry to the Devens Enterprise Commission for the period of November 2009 to November 2012. Motion made by Selectman Gilles, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
3. The Board requested to advertise for the vacant DEC Alternate's position on the WEB and locally and to re-contact earlier candidates to see if they are still interested in serving on the DEC.
4. Acceptance of Deed to Oakridge Drive property-Mr. Suhoski presented the QUITCLAIM DEED document requiring the execution by both the Conservation Commission and Board of Selectmen to accept the proposed deed to the "Tooker property" approved by Town Counsel and endorsed by the ConCom. Selectman Luca moved the Board vote to approve the Quick Claim Deed of H Albert Tooker and Leah I Tooker Trustees of the Tooker One Family Trust dated 5-4-04 of which a Certificate of Trust is recorded in the Middlesex South District Registry if Deeds in Book 42817 Page 200 in the amount of \$120K for conservation purposes pursuant to MGL C 40 Section 8C, 2nd by Selectman Gilles, VOTE: unanimous, so moved.
5. MISC. Executive Tri Board Meetings 11/18/09, & Full Tri-Board on 11-19-09 reminder. Training re Open Meeting by Kopelman & Paige on 11-4-09 @7pm at the Ayer Town Hall and Ethics Law on 11-18-09 @7pm again at the Ayer town Hall for all Town of Ayer Employees, Officials, and Volunteers.

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

Selectman Fay-publicly thanking Frank Maxant & Pauline Hamel for UML update and information.

Chairman Sullivan-Newspaper Article-Editorial categorically denying three articles that appeared in Oct. 23, 2009 newspaper accusing the Board of Selectmen of a "leadership Lapse" and unfairly accusing him of "hubris" re Navin Enterprises and the Town's investigation of Energy Savings Companies ESCO.

Minutes-Selectman Fay moved the Board vote to approve the Minutes of 10-6-09 and hold the 10-20-09 minutes re edits.

10:00p.m. Selectman Gilles moved the Board vote to adjourn the meeting 2nd by Selectman McCreary, VOTE: unanimous, so moved.

DATE: _____

James Fay, Clerk
Ayer Board of Selectmen