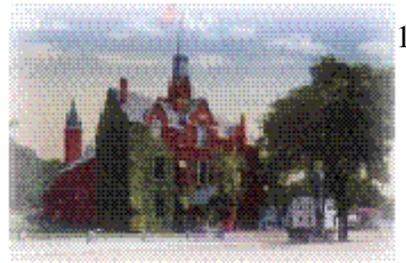


Town of Ayer

Board of Selectmen

**Town Hall, First Floor Meeting Room
Ayer Massachusetts, 01432
12-15-09
Tuesday, December 15, 2009**



Meeting Date: 12-15-09

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:

7:15p.m. Chairman Sullivan called the meeting to order.

Public Input:

1. Selectman Fay re: Memorial Garden Committee-and Adams Assoc./Shriver Job Corp. donation. .
2. Pauline Conley requesting copy of MRPC –draft impact analysis re the Downtown Parking Facility under the Public Records Law.
3. Frank Maxant-requesting progress report on meeting with Chancellor Meehen re U-MA Lowell Campus on Devens.
4. Mary Arata re Pan-Am
5. Mary Spinner re Spec Pond Well #2

Chairman Sullivan requesting the Board’s indulgence to take up Public Input after Agenda Item #1.

Ayer/Shirley School Regionalization presentation by George Frost & Tom Casey. Motion to approve made by Selectman Gilles 2nd by Selectman Luca, VOTE: unanimous, so moved

Agenda item #1. Ayer/Shirley Regional Planning Board re School Regionalization-The Board met with Supt. of Schools George Frost and Regional School Committee Chairman Thomas Casey. Tom Casey opened the discussion by updating the Board to Ayer/Shirley Regional Planning Board conducting Public Forums re Regional issues and beginning next month with an aggressive schedule to get the information out to residents. Mr. Casey advising to all work completed re the tri-town region which unfortunately was discontinued due to transitional State Funding depleted. A new submission package re the two-town region has been sent to the Dept. of Elementary and Secondary Education the end of November 2009 including a transitional plan, long-range plan, a regional agreement and a financial plan; Planning Board presently awaiting State approval. A meeting is scheduled for next week with DESE representative and local officials hopefully to advance the plan. Selectman McCreary questioned why continue if we don’t have the funding? Mr. Casey advising to funding for two-town transition (\$500K) is less than a third of original three town \$1.8million stating a lot of the cost can be absorbed between the two towns stating a request has been submitted in the Governor’s budget for the \$500K. Supt. Frost stating the three town effort very complex and the \$1.8 was challenging/tough; the \$500K is feasible and may be doable for less. Supt. Frost advising to a third of Shirley school children attend Ayer schools now. Supt. Frost reviewed with the Board expansion needs for the Ayer High School, costs associated and cost shared between two towns advising to MA School Building Authority issues include a town paid feasibility study to identify problems at the Ayer Middle/High School and levy communities. The Regionalization Committee leaning towards towns paying a computed and adjusted base rate for required contributions as well as transportation, capital expenses and other cost that arise. With a \$24million dollar budget of that 50% comes from other sources and the half is locally assessed or a split of 54 % Town of Ayer and 46% Town of Shirley, adjustments would half to be made with Ayer shouldering a short fall in the short term and reassessed in five

years, each entity would then have to approach town meetings to support their regional assessments. Supt. Frost closed by saying Ayer may not capture all the financial benefit in years 1-3 but our children will with a much more powerful education i.e. foreign languages, art/music, Physical Ed. and a greatly enhanced elementary school supply & materials budget and high school will see added offerings and smaller classrooms. The Board thanked both Mr. Casey and Supt. Frost for coming into meet with the Board and for their update.

Public Input:

Selectman Fay-Memorial Garden Com.-advising to Committee extending application deadline for Veteran's names re Memorial plaque due to overwhelming response from community to Monday, December 28, 2009. Selectman Fay stating committee is looking at 90+ names and they are still coming in. Monday the 28th of December final cut off date for this round. Committee will look at reestablishing again in 3-5 years for new enrollees.

Selectman Fay-Adams Assoc./Shriver Job Corp Ctr.-Selectman Fay stated he was please again to announce & award donation from Adams Assoc. to Loaves & Fishes Food pantry on behalf of the Board. Motion to approve made by Selectman Fay 2nd by Selectman Luca, VOTE: unanimous, so moved.

Pauline Conley-requested copy of MRPC-draft impact analysis re Downtown Parking Facility under the Public Record Law also complaining about posting of Agendas, Minutes, etc. on Town's Web Site and advised by Board to awaiting upon Communications Committee's policy and in the meantime the Board is doing what is required. Ms. Conley also recited what she considered proper re the pass age of notes at the Selectmen's table. Frank Maxant-requesting progress report on meeting with Chancellor Marty Meehan re UMAS Lowell Campus on Devens (Vicksburg Sq.) Mr. Suhoski advised to representative in Chancellor Meehan's Office contacting Selectmen's Office and putting together a meeting the first of the year with local officials and MADev Reps. Mr. Maxant urging Board to keep diligent during holidays in order to keep issue in forefront.

Mary Arata-PanAm update.

Mary Spinner-Grove Pond Well #2. Stating her dismay re project put on hold since 2007 and cost increasing more each year and advised by Board to be discussed later in meeting.

Selectman McCreary announced the Town exceeding recycling goals-and awarded Community that Recycles Award for exceeding 700 pounds per household.

Chairman Sullivan announced the December 2009 Town Hall Holiday closures.

Agenda Item #2.-Fy09 Water/Sewer Liens-The Board viewed the 2009 Water/Sewer Liens and moved to approve the DPW's certification of unpaid water lien accounts to the Board of Assessors dated 12-4-09 in the amount of \$224,906.75. Motion to approve made by Selectman Luca, 2nd by Selectman Gilles, VOTE: unanimous, so moved.

Agenda Item #3. CDBG- no business to report

Agenda Item #4. Supt. Nason's Report-The Board met with Dan Nason

1. **Water/Sewer Permits**-Selectman Fay moved the Board vote to approve water/sewer permits recommended by Supt. Nason for 81 & 82 Juniper Ridge for 1" cubic ft water service and 6" PVC sewer service, and authorize the Chairman' signature, 2nd by Selectman Gilles, VOTE: unanimous, so moved.

2. **ECR-Richard Doherty**- Supt. Nason updated the Board to ECR's billing spent to date on the unloading facility project totals \$11,019.05 as of 12-1-09 of the maximum budgeted amount of \$11,800.00 and recommending the Board's authorization to continue work on the project with ECR. Present for the discussion Richard Doherty, Consultant ECR -the Board reviewed with Mr. Doherty his monetary estimate re project status and completion re on site meetings coming to end. Mr. Doherty stating \$3,500.00 and advising to DEP/EPA being extremely helpful developing SOP with PanAm submitting revisions by the end of the year. Selectman Gilles moved the Board extend ECR's budget allocation not to exceed \$3,500.00, 2nd by Selectman Fay, VOTE: unanimous, so moved.

3. **Valiant Management and Holdings LLC-Supt.** Nason updated the Board to Mr. Doherty being contacted last month by Valiant and advising him to Valiant being the operators of the unloading facility once it becomes operational. Supt. Nason advised to Valiant offering Mr. Doherty the local environmental consultant position to provide environmental compliance assistance for the facility. Mr. Doherty stated he was interested in this opportunity when ECR's work with the unloading facility ends when it becomes operational but his relationship is very important with the Town of Ayer and he would not pursue opportunity if Town is uncomfortable with him doing so. The Selectmen all feeling it being in the Town's best interest having Mr. Doherty assume position to keep watchful eye out for the Town of Ayer re operations at the facility and encouraged him to pursue. Selectman Gilles moved the Board approve Mr. Doherty enter into contract negotiations with Valiant Management and Holdings LLC when he is released from obligations with the Town of Ayer and at such time when work is completed ECR re PanAm Southern; Mr. Doherty to remit letter stating same, 2nd by Selectman Fay, VOTE: unanimous, so moved. Comments taken from floor: Pauline Conley suggesting Board check with Ethic Commission. Mr. Maxant stating Engineer ethics report on Facts entirely.
4. **Groton School Road Pumping Station Upgrade Contract Award-Supt.** Nason presented the Short Form Agreement between the Town of Ayer and Onsite Engineering Inc. of Franklin, MA for the Groton School Road Pumping Station Upgrade for the design and permitting of replacement pump station further detailed in scope of services provided in proposal. Present for the discussion David Formato, P.E.; President for Onsite Eng. who reviewed with the Board the scope of services proposal. Selectman Gilles moved the Board vote to approve the Groton School Road Pumping Station Contract with Onsite Eng. Inc. for the sum not to exceed \$25,800.00 dated 12-15-09 and authorize the Chairman's signature, 2nd by Selectman Fay, VOTE: unanimous, so moved.
5. **VHB-Stormwater Utility Presentation**-postponed due to scheduling conflict to next Selectmen's Meeting
6. **Grove Pond Well Update**-Supt. Nason reviewed with the Board scheduling conflicts with Tata & Howard re getting update on project and contacting Tata & Howard on several occasions re the two shallow wells not submitted to DEP to date. Mary Spinner advised to Capital Plan approving replacements wells and project never was done in the fall of 2003 and here it is 2010 and cost increasing over the years to do work presently looking at a \$80K deficit. The Board scheduled a 6:30p.m. Executive Session on 12-21-09 re Collective Bargaining and Non-Union Negotiations and requested to schedule an earlier Open Session at 5:30p.m. to take up the Tata & Howard Grove Pond Wells Engineering Contract Investigation. Requesting Agenda be posted to reflect above.
7. **Off Groton School Road Snow Removal/Plowing**-Chairman Sullivan advising to complaint received re off Groton School Rd. not plowed during last storm and being informed by Supt. Nason to DPW making sweep on some private roads for Public Safety and some not swept. Highway Dept. is not plowing roads not adopted as public roads. The Selectmen requested one (1`) sweep down & back be given to sub-divisions approved by the Planning Board and informed by Supt. Nason would place the Town of Ayer in great liability. Off Groton School Rd. is in extremely rough condition and causes damage to equipment, possible safety- plus overtime, materials/sand cost on unaccepted ways not documented under Chapter 90 funds. Supt. Nason advising to DPW plowing some not all again for Public Safety purposes and challenging contractors responsibility when road is developed-establish and maintain plowing funding to pay for plowing service. Supt. Nason to prepare policy packet for Planning Board for developers re road acceptance and in the meantime to maintain status quo. Supt. Nason to sit down with Highway foreman and go over road by road and compile a list of streets subject to snow removal operations and to include a listing of unaccepted (private) ways. Supt. Nason also to prepare draft letter to unaccepted road residents to hold Town of Ayer harmless re damage not to be born by Town (DPW) but by homeowners. This information to presented to the Board re determination whether or not to designate appropriate funding re private ways/unaccepted roads plowing in which funds may be expended.

8. **Denis L. Maher** The Board voted to approve the Grove Pond Wells 1 & 2 pumping test recommended by Supt. Nason in a Memo dated 12-15-09 in the amount of \$13,845 per well to minimize damage to pumps. Motion to approve made by Selectman Gilles and authorize the Chairman's signature, 2nd by Selectman Fay VOTE: unanimous, so moved.

Agenda Item #5 JBoS-Board advised to meeting established with Chancellor Meehan's Office and MADev officials re potential of campus at Vicksburg Sq. the first of the year.

Agenda Item #6. Town Administrator's Report-The Board met with Shaun Suhoski

1. MMA Conference-Jan. 22 & 23, 2010-Selectman Luca to get back to Town Administrator re attendance and Mr. Suhoski advising to attending Friday & leaving after Saturday's banquet.
2. 76 Central Ave.-Mr. Suhoski queried the Board re options re the vacant property i.e. Habitat for Humanity referencing previous successful project on Shirley Street/ RFP for creating Affordable Housing or to sell property by auction. To ensure adequate minimum bid the Board requested the following information: total spent from Program Income (asbestos removal, abatement, etc.) assessed valuation of vacant land, market rate of vacant land, outstanding taxes-amount for which property was taken and any outstanding water & sewer fees/liens Selectman Gilles moved the Board vote to sell property, 2nd by Selectman Fay, VOTE: unanimous, so moved.
3. ESSCO Update- Mr. Suhoski updated the Board to Town submitting two grant proposals under the Renewable Energy Trust re technical assistance and should have more information re same mid January.
4. Economic Development Director Search-Mr. Suhoski reviewed with the Board the Search Committees process re 41 applications received and field narrowed down to ten who interviewed on 12-1-09, 12-2-09, and 12-3-09 and narrowed again down to three finalists: Glen Ohlund-N.H., Erin Rowe-MA, and David Maher-R.I., who will meet with the Board of Selectmen on 1-6-10. Selectman Fay & Selectman Luca spoke to Search Committees role and criteria utilized throughout the process and Committee being unanimous in decision. Selectman McCreary stated her concern re distance of two candidates. Selectman Fay elaborated stating none of the candidates expressed problem re travel/distance. Selectman Gilles looking for someone who is familiar with Town of Ayer and assured by Selectman Luca to all candidates very qualified and have done their homework and well versed re Town. Selectman McCreary withdrawing her comments and accepted conclusions of the Search Committee.
5. Water/Sewer Rate Committee –Board designee-The Board designated Selectman Fay to represent the Board on this Committee. Motion made by Selectman Gilles, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #7. New Business/Selectmen's Questions

Selectman Fay moved the Board vote to approve the Minutes of 11-17-09, 2nd by Selectman Gilles, VOTE: unanimous, so moved.

The Board wished every one a Merry Christmas and a Happy New Year.

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

DATE: _____

James M. Fay, Clerk
Ayer Board of Selectmen