

Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room
Ayer Massachusetts, 01432
2-2-10



Tuesday, February 2, 2010

Meeting Date: 2-2-10

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:

1. Mary Spinner-4th of July Fireworks Contract-Telstar. The Board to take up after Agenda Item #5.
2. Frank Maxant-Downtown Parking & Crosswalks. Downtown Parking discussion placed after Agenda Item #2.
3. Selectman Luca-Town Government-placed under Town Administrator's Report
4. Chairman Sullivan-Annual Town Meeting Warrant opened-deadline for submittal of articles by Town Departments-April 1, 2010-.Warrant closes 4-22-10.

Chairman Sullivan called for a motion to approve the Agenda as amended. Motion to approve the Agenda made by Selectman Luca, 2nd by Selectman Gilles, VOTE: unanimous, so moved.

1. Frank Maxant-Crosswalk suggestion-Mr. Maxant referring to the faded crosswalks suggesting signs/flag person be placed in front of crosswalk to address safety concerns. The Board requested this suggestion be given to Police Chief for his recommendation and report back.
2. Certificate of Recognition-Chairman Sullivan read into the record a joint Certificate of Recognition from the Board of Selectman and Supt. of Schools George Frost recognizing Dorothy Mullin Hatch formerly of Ayer presently residing in Cocoa Beach Fl. upon her 97th Birthday and for her contribution of service (during the depression -1932) working as a school teacher in the Town of Ayer, at the East Main Street School, where she began her teaching career- working her first year of teaching for no salary. Chairman Sullivan speaking on behalf of the Board applauded Ms. Mullins contribution from a grateful community in Massachusetts.

Agenda Item #1. Middlesex County District Attorney's Opinion re Open Meeting Law-Town Administrator advising the Board to Screening Committee complying with the law during Economic Development Director's search process. The Board of Selectmen's and the Screening Committee's actions on all items questioned by Nashoba Publishing Newspaper was deemed proper. Selectman Fay read into the record the Atty. Generals ruling re the Towns search process for the Economic Development Director's position and allegations filed with the State's Ethics Commission and Supervisor of Public Record relative to violations of the Open Meeting Law. Mr. Fay stated the Board was confident all along that the recruitment and selection process complied fully with the law. The breadth of the search yielded 39 applicants and ultimately three experienced and highly qualified candidates were interviewed in public session with the hiring of David Maher exemplifying how the process was successful. Selectman Luca congratulating Selectman Fay on doing a great job as Chairman, appreciated the manner in which Selectman Fay conducted interviews, commending him for professional process.

Chairman Sullivan took this opportunity to welcome Jane Morison, aide to Representative Robert Hargraves present to conduct Office Hours for Rep. Hargraves this evening at Town Hall from 7-8p.m.

Agenda Item #2. Public Hearing-Change of Alcohol License Type for Billiards Café 37 Main Street. Present for the discussion Calvin Moore, owner. Chairman Sullivan requested the Legal Notice be read into the record. Selectmen Fay, Clerk read the Nashoba Publications Legal Notices of January 15, & January 22, 2010 into the record. Mr. Moore stated he was before the Board this evening to request a change to his present ABCC Alcohol License from a Beer & Wine License to an All Alcohol License to be able to compete with current climate. Mr. Moore advised to having alcohol license for eight (8) years with no violations. The Board conducted a short discussion/review of Mr. Moore's request. Chairman Sullivan requested if there was anyone present wishing to speak for or against the petition. No one stepped forward. Selectman Luca moved the Board vote to approve and support Mr. Moore's request for a Change in Alcohol Type from a Beer & Wine License to an All Alcohol License for Page Moore Café d/b/a Billiards Café to the All Alcohol Beverage Control Commission (ABCC), 2nd by Selectman Fay, VOTE: unanimous, so moved.

7:20p.m. Selectman Luca moved the Board vote to close the Public Hearing, 2nd by Selectman Gilles, VOTE: unanimous, so moved.

Agenda Item #3. Downtown Parking –The Board approved the Downtown Planning and Transit Initiatives Program Resolution dated 2-2-10. Town Administrator Shaun Suhoski advised to Resolution allowing the Board of Selectmen to authorize Montachusett Regional Transit Authority (MART) to file an application with the Federal Transit Authority to seek approval of and access to earmarked funds for completing an architectural and engineering design for the rail trail facility together with any site acquisition and overflow or temporary parking locations (Hybrid) necessary to accomplish the project. The Selectmen further noting the final design of this project is subject to approval by the Selectmen, MART, and MA Div. of Conservation Resources and further that the Selectmen will continue to secure additional sites for such overflow or temporary parking to supplement the rail trail site in order to satisfy the goals of the approved 2009 concept plan. Selectman Gilles moved the Board vote to approve and endorse the Downtown Planning and Transit Initiatives Program Resolution dated 2-2-10, 2nd by Selectman McCreary VOTE: Selectman Gilles aye, Selectman McCreary aye, Selectman Fay aye, Chairman Sullivan aye, Selectman Luca recusing. 4-0 motion passes.

Patrick Hughes commenting that the Charrett's actual meeting can be viewed as it was televised re parking solutions including hybrid overflow parking included in Cecil Group's Downtown Parking Study. Selectman McCreary moved the Board request the Communication Committee place on the Town's Web Site the history of parking decisions as well as links to MART & Cecil Reports, 2nd by Selectman Gilles, VOTE: unanimous, so moved. Discussion followed re release of funds, overflow parking –Central Ave. Hybrid site, if there will be need for another public meeting, and/or if necessary.

Agenda Item #4. Fire Chief Ayer Fire Dept. -The Board met with Fire Chief Robert Pedrazzi.

Deputy Fire Chief Larry Cole-Chief Pedrazzi opened his discussion by recognizing Deputy Fire Chief Larry Cole upon his retirement from the department. Chief Pedrazzi advising to Mr. Cole having 35 years of service with the Call Fire-fighters. Selectmen Gilles moved the Board vote to recognize Deputy Cole for his many years of service at an upcoming meeting, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Federal Homeland Security Grant-Chief Pedrazzi updated the Board to the Departments successful grant award of \$27,598.00 to improve Police/Fire dispatch capabilities, and upgrade of equipment to respond to emergency situations quickly and effectively. Chief Pedrazzi recognizing Lisa White, Paul Fillebrown, and Jeremy Januskiewicz for their work compiling information re grant application. The Board congratulated the Chief and echoed the Chief's appreciation to all for the successful grant application.

Permit Fees—Chief Pedrazzi advised the Board to MGL Chapter 148 Section 10A gives the Fire Chief the authority to set fees for permits up to \$25.00 stating there is a section in the law that allows the Selectmen to set the rates up to \$50.00 unless otherwise specified without a Public Hearing. Chief Pedrazzi elaborated on inspections, re-inspections much more involved and Town should be compensated higher as well as for combination fees i.e. permit (\$50), plan review (\$50), inspection (\$50) total of \$150 undertaken by the Department re LPG storage permit/inspection, tanks: underground/aboveground/removal, inspections etc. smoke detectors-carbon monoxide alarms, sprinkler systems inspections (NFPA) apartment houses/multifamily etc. The Board thanked the Chief for spreadsheet depicting current & proposed new fees as well as neighboring town's survey. Selectman Gilles moved the Board vote to approve the new permit fees as proposed by Chief Pedrazzi dated 1-28-10, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #5. Selectman McCreary-Green Community Status-

Selectman McCreary reviewed with the Board the Green Community designation criteria and Board decision to take up one (1) criteria at a time.

The 1st criteria the Board discussed –Purchasing only Fuel Efficient Vehicles for municipal use whenever such vehicles are commercially available and practicable and/or when vehicles are retired and adopting a vehicle purchase policy. Selectman McCreary noting current inventory fleet schedule exempts heavy-duty vehicles such as fire trucks, ambulances, and public works trucks. Police cruisers are exempt however municipalities must commit to purchasing fuel efficient cruisers when they become commercially available. (Police department administrative vehicles must meet fuel efficient requirements). Selectman McCreary reviewed fuel efficiency ratings with the Board i.e. 2 wheel drive car: 29MPG, 4 wheel drive cars: 24MPG, 2 wheel small pick-up: 20MPG, 4 wheel small pick-up: 18MPG, 4 wheel standard pick-up: 16MPG and 2 wheel standard pick.-up: 17MPG. Selectman McCreary reviewed with the Board a draft Fuel Efficient Vehicle Policy.

Another Criteria Selectman McCreary suggested the Town look at would be Criteria #1. Provide as of right siting of renewable of alternative energy generating facilities, renewable of alternative energy research and development facilities, or renewable of alternative energy manufacturing facilities in designated locations. Selectman McCreary advising to MRPC reviewing Town of Ayer Zoning By-laws and determining that the town meets Criteria #1 based upon the town provided as of right siting in both its light industrial and heavy industrial districts for research experimental and testing laboratories and related light manufacturing etc. MRPC stating it is possible to go beyond what is required: Allowing use of Wind Energy, Solar Photovoltaic generation, and Biomass Generation. Selectman McCreary announced the next Emergency Training Meeting at the Ayer Fire Dept with regional coordinator Kelly Brown and Johnson Controls Energy Meeting scheduled for Tuesday, February 16, 2010 at 7pm at the Ayer Town Hall re funding availability, town buildings, street lighting cost savings measures and solar power i.e. roofs at schools, treatment plants, land-fill.

Agenda Item #6. JBos—Selectman Gilles updated the Board to JBoS working with MRPC re developing financial information and this working group of the JBos 'Fin-Com" meeting at the Ayer Police Dept. Community Room on Sunday, 2-7-10 at 1pm. Selectman Gilles also advising to Rich Montouri no longer working for MADev and Town of Shirley currently Chairing JBos and requesting Town of Ayer Chair JBoS this term. Selectman Gilles moved the Board elect Selectman Luca to Chair, 2nd by Selectman Fay, VOTE: unanimous, so moved. Selectman Fay re Executive Vicksburg Sq. Committee - expressed his concerns re confidentiality requested concerning the two developers bidding on the redevelopment of Vicksburg Sq. and his reluctance to withhold information back from his colleagues (Ayer Board of Selectmen) wanting the entire Board to know what he knows and wants the weight of Board looking at the two contractors. Selectman Fay stating he doesn't want to be the single entity choosing contractor. Selectman McCreary suggesting the Board have the Town Administrator write a letter to MADev to open the discussion to the whole Board to make decision and seek justification re Executive privilege which was later placed in the form of a motion, 2nd by Selectman Gilles VOTE: unanimous, so moved. Selectman Gilles stating MADev is dangerously repeating the

same scenario that failed last Fall. Selectman Gilles on another issue put before the Board the JBos interest in approaching MADev re lodging tax increase to channel back to JBos to secure planner/or administrative JBos assistance to benefit the three Towns queering the Board for their opinion Selectman Luca no, Selectman Fay no, Selectman Gilles no, Selectman McCreary not inclined, Chairman Sullivan no. Chairman Sullivan wishing to convey back to MADev. the Ayer Board of Selectmen is not inclined at this time.

Agenda Item #7. Mary Spinner, Chairman, re 2010 4th of July Celebration-Fireworks Contract/Telstar
Ms. Spinner presented Telstar's Contract for the 2010 4th of July Fireworks contract in the amount of \$10K advising to the Celebration being held on Saturday, July 3, 2010 this year -rain-date 7/10/10. Selectman Gilles moved the Board vote to approve the Contract as presented contingent upon the availability of funds and to authorize the Chairman's signature, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda item #8. Town Administrator's Report-

1. Central Ave. Pumping Station Change Order #4-00216 dated 1-14-10-reduction to contract-Selectman Gilles moved the Board vote to approve Change Order #4 dated 1-14-10 to the Central Ave. Pumping Station Rehabilitation Contract with North Atlantic Coastal Region Constructors, Inc. reducing the contract price of \$832,599.70 by \$20,519.00 (Change Order #4) for the new contract price including Change Order #4 to \$812,080.70, 2nd by Selectman Luca, VOTE: unanimous, so moved.

2. Water/Sewer Permit-Selectman Gilles moved the Board vote to approve the Water/Sewer permit for Lot 97-54 Old Farm Way for 1" cu water service and 6" PVC, 2nd by Selectman McCreary Vote: unanimous, so moved.

3. Treasurer/Collector/Clerk -Selectman Luca suggesting the Board look at forming a Government Study Committee re the upcoming three vacated positions, currently all elected. Last Government Study Committee In Town of Ayer was 1999. The Board reviewed MA DOR Financial Review re appointed vs. elected positions and the Fin-Com's recommendation to utilize the one year remaining on the Collector and Clerk terms to further explore whether and how to combine the Collector and Treasurer duties and whether such positions should be appointed. The Board also proposed to make a recommendation at the Fall Town Meeting and to stay with elected for one year during transition. Selectman Fay also recommending Committee look at returning Board of Selectmen back to original three members.

4. FY-11 Governor's Budget-Joint Resolution on State Aid-Mr. Suhoski presented the Board a joint letter to the Town's State Representatives Eldredge/Hargraves requesting the Governor fully fund the State Aid proposed in the Governors 2011 budget proposal. The Board failed to come into agreement re support for additional budget measures re extending pension funding scheduled to 2040, explore optional early retirement incentive program, rate freeze on special education private placements, relief from maintenance of effort & decertification rules for libraries, provide the same ability to manage health care as enjoyed by the Commonwealth.

5. Ayer/Shirley Regionalization- Mr. Suhoski reviewed with the Board the tentative date proposed by the Regionalization Committee for the Special Town Meeting -Saturday, March 6, 2010 at 10:00am at the Ayer High School and encouraging the Board to make a special effort to be in attendance at the Joint Forum on Tuesday, February 11, 2010 at the Shirley Municipal Building. The Board requested to be able to participate at this forum requesting to post an Ayer Selectmen's meeting for same date/time & place.

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

Selectman Gilles-Executive Tri-Board Budget Plan coming together -Model presented projected re 5-year Budget.

Selectman Luca-Regionalization concerns

Selectman Fay-Requesting the Board moved to rescind the appointment of Edward Orr Veterans Agent until

1-10 per Mr. Orr's request so that he can complete his training, 2nd by Selectman McCreary, Vote unanimous, so moved. Selectman Fay moved to re-appoint Michael Detillion as Veterans Agent until 3-31-10, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Minutes-Selectman Fay moved the Board vote to approve the Minutes 1-19-10, 2nd by Selectman Luca, VOTE: unanimous, so moved.

9:30p.m. Selectman Gilles moved the Board vote to adjourn, 2nd by Selectman Luca, VOTE: unanimous, so moved.

9:30p.m. Meeting adjourned.

DATE: _____

James Fay, Clerk
Ayer Board of Selectmen

