

# Town of Ayer

## Board of Selectmen

**Town Hall, First Floor Meeting Room  
Ayer Massachusetts, 01432  
3-16-10**



**Tuesday, March 16, 2010**

**Meeting Date: 3-16-10**

Present:

Cornelius F. Sullivan, Chairman (Mr. Sullivan)	X	Carolyn McCreary, Member (Ms. McCreary) <i>Absent</i>	A
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:

7:05p.m. Chairman Sullivan called the meeting to order.

**Public Input-**

1. Jeffrey Mayes-Website Award Ceremony
  2. George Frost-Dan Gleason-Ayer School Committee-re Article in paper re relocating students to Shirley.
  3. Rick Dusek-109 Pleasant St.-illegal storm water drainage.
  4. William McCormick -1 Standish Ave.-water drainage onto his property
1. Jeff Mayes updated Board to Common Cause- award ceremony in Boston earlier today- Massachusetts Campaign for Open Government-2010 E-Government Award presented to Town of Ayer in recognition of its commitment to open government by posting key governance records on the website i.e. agendas, minutes, budget, by-laws/ordinances and Town Meeting warrant results. The Board thanked Mr. Mayes for all his work coordinating and implementing Town Departments Agendas Minutes, etc. on the Website. Mr. Mayes in turn thanked all Depts, Boards, Committees and Commissions for their timely submissions to make this award possible. Mr. Mayes also advised to Representative Hargraves presenting Citation to town in recognition of receiving the 2010 e-government Award for the Towns outstanding contribution to Government transparency.
2. George Frost-Supt. of Schools-spoke to article in Lowell Sun re changes in Regionalization clarification.re housing students to Shirley during renovation of Ayer Middle-High School building.( four years out) clarifying to Ayer being long term site (50-year merge) and housing students a proposed cost savings measure. Decision to be made by Regional School Com. April 1, 2010 no decision made to date. Will be presented to Ayer School Committee Wednesday night and addressed again on 4-1-10 by the Regional School Com. The Board thanked Supt. Frost and Mr. Gleason for coming to the Board's meeting under short notice.
3. Ruth Rhonemus-4<sup>th</sup> of July Fireworks-Ms. Rhonemus updated the Board to her single handed plan to raise funds for the 4<sup>th</sup> of July Fireworks by selling magnets at \$10.00 each having raised over \$300.00 to date and advising to names of all donors being displayed at Park on 4<sup>th</sup> of July. The Board suggested Ms. Rhonemus place notice on town website and cable soliciting donations. Frank Maxant requesting if names displayed at Park will be displayed when donation received.
4. Chairman Sullivan announced Town of Ayer's Declaration of State Emergency-effective March 16, 2010 @ 12:01a.m. due to impacts associated with the extended storm event and substantial rainfall associated. MEMA Weather Advisory declaring the Town of Ayer in a State of Emergency. MEMA Alter identifier BVRYKDYDUXGVZ505ZP3DT5Y4EHGZUVHQ the event has necessitated road closures and resulted in damage to public and private property. Localized flooding resulted in closure of three roads: Groton Shirley Rd. (Game Farm Rd.), West Main Street near the railroad underpass and James Brook Road. Also effecting Ayer is the closure of State Rt. 2A in Shirley just over the Ayer town line. In addition, the Fire Station

sustained damage to some equipment, electrical and communication controls in the basement. Fire & Ambulance remain fully operational the full extent of damages will be assessed over the next few days. Chairman Sullivan advising to this State of emergency allows the Town to access any and all mitigation, assistance and/or funding that the Massachusetts Emergency Management Agency (MEMA) can provide for this event. Allowing the Town to take advantage of any state or federal assistance that may become available.

5. Richard Dusek-109 Pleasant St.-illegal storm water drainage-Mr. Dusek updated the Board to what he believes is an illegal water drainage system at the corner of Taft St. and Nashua St. advising to drain is the endpoint of a pipes and drains which are quite old but endpipe drain is newer and contains a 10 inch pipe that feeds down onto his property resulting in thousands of gallons of water pouring into his basement. Mr. Dusek stated working with previous Superintendent of Public Works who wanted to tie the drain into existing drainage at the corner of Pleasant & Taft. With the new development of homes at Fletchers Field the problem has worsened. Mr. Dusek presented pictures of flooding & runoff. The Board requested Supt. Nason meet with Mr. Dusek and report back to the Board at their next meeting.

6. James McCormick-1 Standish Avenue-Mr. McCormick stated he was before the Board also to address drainage issue re his property due to new development on Wright Rd. Mr. McCormick advising Board to developer was to fix road/spill way caused by removal of trees above his property which causes severe flooding onto his property. David Bodurtha Conservation Commission, spoke to this area re retention basin overflowing into pond and only one basin in place presently. Planning Board issue, no binder course, permits expired. The Board requested to place Planning Board on Agenda re conditions of sub-division approval and requested Supt. Nason to attend the next Planning Board meeting re conditions of sub-division not being met.

**Agenda Item #1. Eagle Scouts-Troop 3-Ayer Fire Station.** The Board met with Brendan Chapin and Tyler Brown of Troop 3. Chairman Sullivan read into the record two Certificates of Recognition presented to both scouts for their work restoring the Town Beach bathhouse at Sandy Pond-the Eagle project of Tyler Brown and the designing and building of a twenty-five foot bridge connecting both sides of trails at Long Pond-Eagle project of Brendan Chapin. The Board congratulated both scouts on their achievements and paused to have pictures taken with the Scouts and their families.

**Agenda Item #2. Public Hearing-L&L(Lorden Oil) Industrial Properties –amendments to existing Aboveground Fuel Storage License-** The Board met with Ted Lorden of L&L Ind. Properties. Sitting in for the discussion Fire Chief Robert Pedrazzi. Selectman Fay read into the record the Public Hearing Notice advertised in the Nashoba Publications 3-5-10. Mr. Lorden reviewed with the Board his proposed change/s to his license adding one 122,000 gallon propane tank, one 2000 gallon tank and four 30,000 gallon tanks. Fire Chief spoke to Mr. Lorden running a tight ship above and beyond standards/of what is required, Permits, rules & regulations all up to date, safety inspections conducted before and after sitting, employees fully trained, Science/Eng. on site. Chairman Sullivan requested if there was anyone present wishing to speak for or against petition, no one stepped forward. Selectman Fay moved the Board vote to approve the Aboveground Fuel Storage License, 2nd by Selectman Gilles VOTE: unanimous, so moved. Selectman Luca moved the Board vote to close the Public Hearing, 2<sup>nd</sup> by Selectman Gilles, VOTE: unanimous, so moved.

**Agenda Item #3. Public Hearing-Automatic Fire Alarm Systems-**the Board met with Fire Chief Robert Pedrazzi. Selectman Fay opened the Hearing by reading the Public Hearing Notice into the record. Chief Pedrazzi ran through his recommendations re amendments to this By-law requesting the Board adopt Radio Master Fire Alarm Box (Radio Box) control, equipment or device which enables an individual or entity who has on his business premise/s a fire alarm system to send a radio signal directly to the Ayer Fire Department-by connection of the alarm system to the municipal department system. Chief Pedrazzi advising to Town having 48 master boxes in town i.e. schools, businesses, municipal buildings. Chief Pedrazzi also recommending the fee is amended/increased from \$200.00 to \$300.00 due to time involved regarding inspections/re-inspections. Selectman Luca requesting how false alarms are handled and advised if over three (3) alarms come into station

fee of \$50.00 is assessed. Mr. Suhoski advising the Board to Chief requiring the Board's approval/support of by-law amendment in order for it to be placed on the Spring- ATM Warrant. Selectman Gilles moved the Board vote to support and sponsor the Automatic Fire Alarm System By-law XL1 amendment presented and recommended by the Fire Chief, 2<sup>nd</sup> Selectman Luca, VOTE: unanimous, so moved.

**Agenda Item #4. Public Hearing Fy-11 Water & Sewer Public Hearing-**The Board met with Lisa Gabree, Financial Manager-Ms. Gabree conducted a power-point presentation (see attached) reviewing with the Board: Water & Sewer Enterprise Funds, Criteria for rates, additional task for 2011, Water/Sewer expenses, Water/Sewer Misc. revenues, proposed Fy-11 Water/Sewer rates, impact on residents, and Rate Committee recommendations. Supt. Nason proposed new water connection fees and fire flow test fees be implemented which would more than double existing fees which have not been changed/increased for many years and the lowest rates in the surrounding Towns. Supt. Nason stated he took the highest/lowest value in set and then took average of the remaining re the proposed connection fees. Selectman Gilles moved the Board vote to accept the proposed water connection fee increases proposed by Supt. Nason effective immediately, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved (see attached fee increases). Selectman Gilles moved the Board vote to approve the Fire Flow Test Fee increase from \$150.00 to \$300.00 as proposed by Supt. Nason effective immediately, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. Selectman Luca moved the Board vote to set the Fy-11 Water & Sewer Rates as proposed and recommended by the Financial Manager and Water & Sewer Study Committee (Mary Spinner, Joseph Sampson, Selectman Fay, Lisa Gabree & Shaun Suhoski). **Water** -Step 1-\$2.19, Step 2-\$2.72, Step 3-\$3.21 **Sewer** Step 1-\$5.80, Step 2-\$6.65, Step 3-\$7.57, 2<sup>nd</sup> by Selectman Gilles, VOTE: unanimous, so moved. The Board thanked Ms. Gabree, Supt. Nason, Mr. Suhoski and the Water & Sewer Committee for all their work putting the information and proposal/s forward.

**Agenda Item #5. David Maher-Planning & Development Director-**Mr. Maher updated the Board to his monitoring situation re parking by commuters along Central Ave. and offering alternate parking areas in town to offset the reduced parking being requested by business owners 2-hour parking signs from post office to Adams St. (having met previously with Mr. Rakip and Mr. Locke) along Central Ave. Mr. Maher identified other streets where parking is available offering various methods to get this information out to the commuters. On another relevant matter Mr. Maher reported to the Board to property owners on Central Ave. amendable to selling their property to accommodate off-site commuter parking, appraisals are being developed and due in the first of the week. Mr. Maher advising to possible wetland issue at this site. The Board requested update re funding of the downtown parking facility Mr. Suhoski advising to State match to the Federal funding being tracked down at the State level. Mr. Maher updated the Board to IDFA supporting Downtown Business Directory Signage to be located in the downtown rail trail parking area as well as the Town's Commercial/Industrial area along Westford & Willow Rd. Mr. Maher advising Board to his visits going well with downtown businesses and working with Business Alliance re upcoming Town events and his office sponsoring Census 2010 employment opportunities with three workshops, advising Board to thirteen people have been hired with potential of additional 5-7 more jobs available.

**Agenda Item #6. Supt. Nason's Report-**

1. **Water/Sewer Permits-**The Board voted to approve Water/Sewer Permits for 123 Oak Ridge Dr. for a 6" PVC Sewer Permit, 9 & 22 Mountain Laurel Road for a 1" Cu Water Service and 6" PVC Sewer Service. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Gilles, VOTE: unanimous, so moved.
2. **Change Order Grove Pond Well #1-** The Board voted to approve Denis L. Maher Co. Change Order #1 dated 2-19-10 per Supt. Nason's recommendation presented in a memo dated 3-11-10 for a 5-Stage vertical turbine submersible pump to include installation for the price not to exceed \$4,980.00, and authorize the Chairman's signature. Motion to approve made by Selectman Gilles, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

3. **Snow Removal Deficit spending**-The Board voted to approve Fy-10 Deficit Spending for Snow Removal, motion to approve made by Selectman Gilles, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. Town Accountant Lisa Gabree advising to \$18,152.00 outstanding to date.

4. Relay for Life Sovereign Bank carwash approval by Board made by Selectman Fay,, 2<sup>nd</sup> by Selectman Gilles for 4-11-10, VOTE: unanimous, so moved.

The Board congratulated and thanked the DPW on doing a great job assisting with flood conditions at the Fire Station and with assisting residents.

5. Supt. Nason advising Board to street sweeping also in progress.

**Agenda Item #7. Robert Anctil-Acceptance of Riley Road-** The Board met with Robert Anctil and Calvin Moore. Atty. Anctil stated he was before the Board to formally request to have Riley Road placed on the Annual Spring Town Meeting to have the Town vote to accept John Riley Road as a Public Way. Mr. Anctil advising to Riley Road owned by Molumco Development Corp. will convey its rights in Riley Road to the Town via an easement and requesting the Board refer this matter to the Ayer Planning Board for its recommendation and support and updating the Board to Supt. Nason's approval of this project. Selectman Gilles moved the Board vote to refer to the Planning Board for approval of John Riley Rd. and a Public Way, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

**Agenda Item #8. JBoS** –taken off Agenda nothing to report at this time.

**Agenda Item #9. Town Administrator's Report-**

1. **Ridge View Estates**-Selectman Gilles moved the Board vote to ratify the professional Services Agreement between Tata & Howard and the Conservation Commission under the Consultant's by-law not to exceed \$5K effective 8-1-09, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

2. **Environmental Certifying Officer**-The Board designated David Maher, Director of Planning & Development as the Town's Environmental Certifying Officer. Motion made by Selectman Fay, 2<sup>nd</sup> by Selectman Gilles, VOTE: unanimous, so moved.

3. **Special Municipal Election**-The Board moved to call a Special Municipal Election on Monday, May 24, 2010 for the purposes of electing members of the Ayer-Shirley Regional School Committee. Selectman Gilles questioning Board- per citizen/s approaching him, to return voting to School requesting the Board's thoughts on this. The majority of the Board feeling to leave voting at Town Hall. Selectman Gilles moved the Board vote to call a Special Municipal Election on Monday, May 24, 2010, at the Ayer Town Hall, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

4. **Capital Exclusion**-Town Administrator advising the Board to Fin-Com voting unanimously on 3-10-10 to support Capital Plan via Capital Exclusion queering the Board as to how to proceed i.e. ballot language –how it will appear on ballot -deadline 3-17-10. The Board revisited their vote on 3-2-10 re Fy-11 capital exclusion (\$20.00 per \$100K (one (1) year only for residents) and rehashing admin vehicles vs. mileage reimbursements. Chairman Sullivan requesting to list each item separately on the ballot. The majority of the Board decided to place lump sum article on the Ballot for \$404K Capital Exclusion and vote each item separately at Town Meeting for the people to decide. Motion made by Selectman Fay, 2<sup>nd</sup> by Selectman Gilles, VOTE: Selectman Fay aye, Selectman Gilles aye, Selectman Luca aye, Chairman Sullivan no 3-1 motion carries.

5. **LIP Unit -68 East Main St. Unit 4.**-Mr. Suhoski advising the Board to owner notifying DHCD and the Town that she wishes to sell her unit Mr. Suhoski recommending the board not exercise right of 1<sup>st</sup> Refusal for 68 E. Main St.-Unit 4, DHCD will market to income eligible buyers. Selectmen Gilles moved the Town not exercise Right of 1<sup>st</sup> Refusal, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

6. **Fy-11 Budget Working Session**-The Board scheduled their Fy-11 Budget Working Session for Tuesday, March 30, 2010 at 4p.m. and their Public Hearing on the Fy-2011 Budget for 7:00p.m. at the Ayer Town Hall, 1<sup>st</sup> floor Meeting room, Main St., Ayer, MA.

7. **Misc**- Mr. Suhoski advising the Board to Library –raise Article \$5K State Matching Funding.

**. Town Administrator Search** –Mr. Suhoski advising Board to position advertised in MMA-Beacon, Website, -Boston Globe and locally. Mr. Suhoski reviewed with the Board pros & cons re three (3) options: Hiring Interim-2 resumes received (not cost effective), designate Department Head, stipend-negative being they are busy with their own day to day operations, no interim Selectmen to designate one Selectman to make decisions. After a short discussion re pros/cons of options the majority of the Board voted to hire interim Town Administrator. Selectman Gilles making motion 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Gilles aye, Selectman Fay aye, Chairman Sullivan aye, Selectman Luca no 3-1 motion carries. The Board to interview candidates on 3-30-10, one at 3:00p.m. and one at 3:30p.m. at the Ayer Town Hall.

**9. Screening Committee-Town Administrator**-The Board after a brief discussion decided to appoint seven (7) volunteers to the Search Committee. Requesting Committee be made up of 1 member from Fin-Com. 1 member of Personnel Board, 1 Former Selectmen, 1 member from Industrial Businesses, 1 member from Downtown Businesses, and 2 citizens. Selectman Gilles to be Board’s liaison. Mr. Suhoski advising to Kopelman & Paige also offering their assistance in search.

**Agenda Item #10-New Business/Selectmen’s Questions**

Selectman Fay moved the Board vote to approve the Minutes of 2-2-10, 2<sup>nd</sup> by Selectman Gilles, VOTE: unanimous, so moved. Selectman Fay moved the Board vote to approve the Minutes of 2-16-10, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

Chairman Sullivan advising to letter received re Historical Commission appointment request be forwarded to His-Com.

10:25p.m. Selectman Gilles moved the board adjourn the meeting 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

DATE:

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**James Fay, Clerk**  
**AYER BOARD OF SELECTMEN**