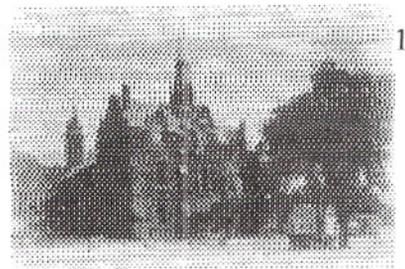


Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room
Ayer Massachusetts, 01432
3-17-09



Tuesday, March 17, 2009

Meeting date: 3-17-09

Present:

Carolyn McCreary, Chairman (Ms. McCreary)	X	Cornelius F. Sullivan, Vice-Chairman (Mr. Sullivan)	X
Richard D. Gilles, Clerk (Mr. Gilles)	X	James Fay, Member (Mr. Fay)	X
Gary J. Luca, Member (Mr. Luca)	X	Shaun Suhoski, Town Administrator (Mr. Suhoski)	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

Meeting Called to order at 7:10p.m.

The Board and Town Administrator paused briefly for their annual picture for the 2008 Town Report.

Public Input-Chairman McCreary requested to amend the Agenda by introducing Susan Edwards of Pepperell, MA who updated the Board to a State environmental film being produced documenting the history and events re the successful clean-up of the Nashua River. This documentary focusing on life and efforts of Marion Stoddard who pioneered the clean-up effort. Ms. Edwards stated towards this effort there is a benefit this Saturday night at the Billiard's Café honoring Marion Stoddard and encouraging everyone to attend to meet this amazing lady. Ms. Edwards also advised to Web Page detailing the Clean-up and updates re the benefit and documentary web page: work of 1000.com The Board thanked Ms. Edwards for coming in and updating the community to this event and documentary. Selectman Gilles requesting to add item under Supt. Nason's Report re notification re 2nd spill at Evergreen Solar/Devens-sodium hydroxide.

Selectman Gilles re: update re Care of Graves-Selectman Gilles advising the Board to his recent conversation with Secretary of Veterans Affairs in Washington, DC and confirming date re training & liability work-shop to be conducted at one of the Town's cemeteries re proper care, installation and maintenance of grave markers demonstration to be given on Saturday, April 18, 2009 at 12:00 noon. Location to be determined and flyers to be sent out to Town entities and neighboring communities.

Chairman McCreary made the following public announcements:

1. Rabies Clinic this Saturday, March 21, 2009 from 9:00a.m.-10:00a.m. at the Ayer Animal Clinic-West Main St. \$10/ea.
2. New Neighbor Fair, March 28, 2009 from 10:00am-2:00p.m. Ayer Town Hall-2nd Floor Great Hall.
3. Earth Hour also on March 28, 2009 encouraging Ayer residents to join in nationwide Earth Hour by shutting off their household lights from 8:30a.m.-9:30a.m.
4. Ayer/Shirley Lion's Club Karaoke Night 3-28-09 Billiard's café 7:00p.m.

Agenda Item #1. Regional Veteran's Agent-taken off Agenda and set back for next Selectmen's Meeting.

Agenda Item #2. Public Hearing-Robert Walker-Deven's Inn, LLC, re support of Alcohol License on Devens
 7:15P.M. Chairman McCreary opened the Public Hearing by requesting the Clerk read into the record the Legal Notice advertised in the Nashoba Publications the week of March 13, 2009. The Board welcomed Robert Walker to the meeting. Mr. Walker stated the Devens Inn is a 118 room hotel and the 2nd hotel on Devens. Mr. Walker updated the Board to meeting with the Harvard Board of Selectmen last week and Harvard supporting the Alcohol licenses. Selectman Sullivan advising Board to State Legislation doing whatever they want regardless of individual Town's wishes alluding to State Rep. fighting hard against another licensee competing with Town licensees. Selectman Gillis feeling Hotel being good for Town but questioning why the need for two additional licenses three in total. Selectman Luca feeling licenses does not help downtown Ayer and the building is not even up and their here looking for licenses and adamantly stating he is against granting license/s direct competition with downtown Ayer we need to keep Ayer viable. Selectman Fay stating times change we knew Phase II was coming and he too, agrees with Selectman Luca against additional license/s that would complete with Town's downtown... business vibrant in downtown Ayer and will not vote in favor of license/s...locked into original Re-use Plan, stating he does not want Devens to adversely compete with downtown Ayer. Chairman McCreary stating she looks at Devens in a different way-Devens is an Economic engine for all of us, what is

prosperous at Devens is good for all. Hilton needs an alcohol license a downtown merchant could work with them to refocus argument. Mr. Walker spoke to his need for three (3) license/s being for a all alcohol license for the hotel, a for sale Beer & Wine License, and an All Alcohol License for a future restaurant on Devens and arguing economic development spreads through out the region. Selectman Gilles agreeing that hotel being a good thing but having issues with additional licenses inclined to vote for one doesn't want to work against the local economy other two licenses too much competition to area. Chairman McCreary countering with limiting support for one license from Legislator for Devens and Town of Ayer's limit be increased by two additional licenses. Selectman Luca again stating not being in favor of any new licenses be supported for Devens. The Board opened the floor for comments: Phil Berry spoke against license/s for Devens feeling licenses would keep people on Devens if three licenses were approved, no need to leave base/Devens. Mr. Berry inviting Mr. Walker to look at Ayer to build his hotel stating he has eight acres of land in Ayer big enough to build a hotel on. Mr. Berry advising the Board to Hotel License strongest license you can have operating 24/hours. Robert Rakip-in favor of hotel but going for additional two licenses unbelievable advising to Ayer having plenty of take out/off premise businesses. Frank Maxant also agreeing additional licenses request short sighted offering conflicting statements from hotel/s he contacted re need for alcohol license. Calvin Moore stated MADev promised not to compete with local businesses, afraid of unknown wants MADev to play on level playing field. Chairman McCreary called for a motion. Selectman Gilles moved the Board vote to solicit legislator for single (1) All alcohol License on Devens with the condition the Town of Ayer gets two (2) additional All Alcohol Licenses, 2nd by Selectman Sullivan VOTE: Selectman Gilles aye, Selectman Sullivan aye, Selectman Fay no, Selectman Luca no, Chairman McCreary aye, 3-2 motion passes. 8:05p.m. Selectman Luca moved the Board close the Public Hearing 2nd by Selectman Gilles, VOTE: unanimous, Public Hearing closed.

Agenda Item #3. Chairman McCreary-Vacancies on Town Boards/Committees-Chairman McCreary announced the following vacancies:

Personnel Board – Five (5) member Board with one (1) vacancy meets generally once a month or as needed, responsible for review & maintenance of the Personnel By-law and the Classification and compensation plan unexpired term to 6-30-11.

Fin-Com-Five (5) member Board with one (1) vacancy meets generally twice a month, responsible with the review and recommendation re Reserve Funds Transfers, Capital Improvements, and monitoring all Town-wide budgets. Unexpired term to 6-30-10.

Mr. Suhoski notifying Board to late request coming in from the Zoning Board of Appeals seeking to fill two vacant positions on that Board advising to one of the positions the ZBA having a candidate and looking to advertise for one position presently.

Agenda Item #4. Chief of Police William Murray, re Cruiser Bid Award- The Board met with Chief Murray. Chief Murray updated the Board to need of Department to replace a failing line car. Chief Murray reviewed with the Board various problems/costs associated with the failing cruiser. Chief Murray also advised the Board to Town Meeting allocating funds for this cruiser replacement and those funds still available. Chief Murray reviewed with the Board the Bid for a new 2009 Ford Crown Victoria Police Sedan per the State Bid List for the bid award not to exceed \$28,600.00. Selectman Gilles moved the Board vote to approve the Bid Award to Plymouth County, Cooperative Procurement Contract #09-10-11 for a Ford Crown Victoria Police Sedan 09-01 for the Bid Award not to exceed \$28,600.00, 2nd by Selectman Luca VOTE: unanimous, so moved.

Agenda Item #5. Supt. Nason's Report-The Board met with Dan Nason, Supt. of Public Works Supt. Nason requested the Board's permission to add under his report this evening a Change Order re the Central Ave. Pump Station.

1. Sewer Abatement-70 Pleasant St., Ayer, MA-Supt. Nason advised to plumbing leak which did not enter the Town's sewer requesting a abatement from \$1632.25 to \$443.45 reflecting usage differential billed at 25618 cubic feet to average usage for water/sewer to 8027cu ft. Motion to approve made by Selectman Gilles 2nd by Selectman Sullivan VOTE: unanimous, so moved.

2. Solid Waste/Transfer Station Foreman Appointment-Supt. Nason advised the Board to position posted in house and advertised and three (3) candidates applying for the position. Interviews were conducted and John Gamelin, Meter Reader in the Water Dept. being the strongest candidate. Mr. Nason stating Mr. Gamelin illustrates a strong work ethic, knows how to improve and implement changes within the Transfer Station and will be a complement to current team of DPW foremen. Supt. Nason recommended the appointment be on a six-month trial basis contingent upon Mr. Gamelin

obtaining a MA CDL Class I Drivers License (with airbrake endorsement). Selectman Fay moved the Board vote to appoint Mr. Gamelin to the Transfer Station Foreman's position contingent upon Mr. Gamelin obtaining his MA CDL Class I Driver's License w/airbrake endorsement, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Supt. Nason advising the Board to Mr. Gamelin volunteering to aid the Water Dept in training the next Water Meter Reader.

3. Silpro Industrial Discharge Permit-Supt. Nason presented the Board Silpro's National Industrial Discharge Permit advising the Board to this permit back before them after his review and approval of up to 5/K gallons and authorize the Chairman's signature. Motion to approve made by Selectman Sullivan 2nd by Selectman Fay, VOTE unanimous, so moved.

4. FEMA reimbursement-Ice storm (12/08) reimbursement-Supt Nason updated the Board to FEMA reimbursing the Town for emergency action taken re clean-up of debris/equipment/labor and waiting on calculations. The Board requested Supt. Nason look into placing a lump sum bid (RFP) re residential curb side pick-up re tree limbs, brush to be deposited at Transfer Station.

5. Spill -112 Barnum Road-Evergreen Solar-Selectman Gilles spoke to Town's late notification to 2nd spill at Evergreen Solar. Spill occurred on 2-11-09 and Town just notified today 3-17-09 over 1 month late re notification. The Board expressed concern re late notice to Town wells in that area not acceptable or inadequate. Ms. Spinner spoke to Board of Health as well not notified and this being 2nd spill in five months. The Board stated their concern and requested formal channel be pursued with Evergreen and DEP re late notification by both parties. The Board also requested to find out what caused the spill and if corrective action is in place. Selectman Gilles to make phone call to Evergreen Solar and Town Administrator to send out letter to DEP as well as finding out what is stored there.

6. Change Order Central Ave. Pump Station- Supt. Nason presented the Board the Change Order for the Central Ave. Pump Station reviewed and approved by him and Hoyle Tanner. Selectman Gilles moved the Board vote to approve Change Order #1. #216 dated 3-5-09 not to exceed \$9,181.00 and authorize the Chairman's signature, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Item #6. JBoS-

1. Town Administrator updated the Board to Susan Provencher on board as Town's Administrative support staff to JBoS/MRPC re Administrative Filings ..salary to be funded from MRPC State Grant.

2. Vicksburg Square Public Hearings re proposed Zoning Changes- Selectman Fay updated the Board to three (3) Public Hearings to be conducted in Harvard 3-16-09, Shirley 3-23-09 and Ayer 3-24-09. Selectman Fay advising to Harvard's Public Hearing went well. Selectman Fay advising to a fifteen minute presentation re Public Hearing on the 24th with JBoS refining Warrant Article for super Town Meeting.

Item #7. Town Administrator's Report-The Board met with Mr. Suhoski who distributed his draft Fy-10 Omnibus Budget reflecting a \$70K deficit. Mr. Suhoski opened the discussion by advising the Board to the Legislature probably waiting upon March revenue reports before issuing a formal joint resolution on Fy-10 State Aid. Mr. Suhoski advised the Board based upon the Governors proposed State Aid figures the draft budget has a \$70K deficit not including any impact from the Governors proposed meals and lodging local option taxes. Mr Suhoski reviewed with the Board his projected deficit assumptions: major departments School, Fire, Police, DPW, Library all taking a 1% reduction from their Fy-09 Budgets. Additional cuts to Town Counsel, Liability Insurance, Health Insurance as well, and includes 3% COLA for non-union employees which matches all CBU employees which reflects 260 Collective Bargaining employees and 40 non-union employees. Mr. Suhoski reminded Board to Tri-Board Executive Committee meeting tomorrow 3-18-09 at 7:00a.m. to further discuss shortfall (\$70K). Mr. Suhoski advising to looking at other options as well to bring the budget into balance. Mr. Suhoski reviewed time-line advising to a few dates being pushed out:

3-24-09 Budget working session with Dept. Heads, 3-31-09 Public Hearing Fy10 Budget, 4-2-09 Deadline for ATM Articles by Town Depts., 4-7-09 BOS Meeting, 4-21-09 BOS Meeting-close ATM Warrant, 4-23-09 Warrant to printer, 4-27-09 Election, 5-4-09 Pre-Town Meeting, 5-5-09 BOS Meeting- Board re-organizes, 5-11, 5-12, 5-18, 5-19 ATM. Selectman Luca questioning if freezing COLA's, & raises was run by Town Counsel and advised to Town Counsel still reviewing and unknowns everywhere and everything on table, i.e. Facilities Manager assistant, Planner's Assistant, etc. stating Town Meeting can amend.

IT Update-Mr. Suhoski advised the Board to contract in place/endorsed with Evan Torlin -PC Consulting-work to be done on an hourly basis (\$95.00/hr) and billed weekly. Mr. Suhoski prepared an Inventory of Town-wide Department CPU's/printers for the Board's review.

Mr. Sushoki updated the Board to Planning Board Meeting on 3-18-09 here at Town Hall at 3:00p.m. re structure of staffing upon recent departure of Chris Ryan, Planning & Development Director and need for Zoning/Map revisions RFP.

4. Mr. Suhoski updated the Board to Adult Video Store/Park St. The Board met with Phil Berry owner of property rented to Video Store. Mr. Berry advised the Board to store having 80 sq. ft. of shelf space with 20% adult videos, only movies no paraphernalia in back room. Mr. Berry stated proprietor in compliance with Town zoning and Mr. Vellante has yet to inspect the back room. The Board questioned why Zoning Officer has not inspected property or submitted report and advised to Mr. Vellante not responding. The Board requested the Town Administrator get a report from Mr. Vellante and advise Mr. Vellante of their displeasure that Mr. Vellante has not inspected the premise before now and holding up Board's decision.

5. Mr. Suhoski advised the Board to resident making compliant re commuter parking at the Post Office re cars parked all day long from corner of Central Ave. to mail boxes making it extremely difficult for residents caring packages or picking up packages. Selectman Luca feeling it was a good idea to limit parking (15min) advising to parking for employees/trucks in back of Post Office. Selectman Sullivan not in favor or restricting parking and Chairman McCreary also feeling it being inappropriate for commuters to park there all day. The Board requested Chief Murray look into and come back with a recommendation.

Agenda Item #8. Selectmen's Minutes- Selectman Gilles moved the Board vote to approve the Tri-Board Meeting Minutes of 2-11-09, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Agenda Item #9. Selectmen's Questions/New Business-Selectman Luca requesting status of contracts i.e. Police, Fire Chiefs and advised to meeting with Mr. Montouri later in the week and no parameters being set at this juncture. 9:25p.m. Selectman Gilles moved the Board adjourn, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Date: _____

Richard Gilles, Clerk
 Ayer Board of Selectmen