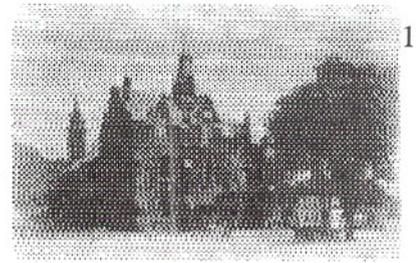


Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room
Ayer Massachusetts, 01432
4-7-09



Tuesday, April 7, 2009

Meeting date: 4-7-09

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 7:05p.m.

Public Input-Chairman McCreary requested if there was anyone present wishing to meet with the Board under Public Input.

1. Shaun Suhoski-Requested the Board add Judge Kilmartin of the Ayer District Court and Kerin Raymond, Program Manager for "Advocates" and Ayer Court House Chief Probationary Officer to the Agenda re Executive Office of Public Safety & Security (EOPSS) Federal Funding in support of the Ayer District Court Traveling Training Initiative in the amount of \$9,023.80 and a new three year \$100K Drug Court Grant Partnership with the Town and the Town receiving administrative fee/s to run the program. Judge Kilmartin spoke to the benefits and resources realized from the program. Selectman Gilles moved the Board vote to approve the Grant applications as presented, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

2. Selectman Fay-announced Armed Forces Day May 16, 2009 on Devens from 10-4p.m.

3. Selectman Gilles-announced Veteran's Administration -Dept. of Veterans Affairs Training to be conducted on Saturday, April 18, 2009 at 10:00a.m. at Woodlawn Cemetery re the proper installation, maintenance of Headstones & Markers. Selectman Gilles advising the Board to Veteran's Administration Under-Secretary-Steven Muro, Washington, DC to be present along with National Guard and Veterans Agents from the surrounding Towns.

Selectman Gilles also announced the Town's survey on line with Nashoba Publications-The Public Spirit Web Site at www.nashobapublishing.com click on Ayer Public Spirit requesting residents preference re funding budget resources for Fy-10. i.e. What do you Value in our community, what are your priorities, what services/quality would you like to have i.e. new/existing, should we spend less, how do you propose to do this, should we manage differently, how do you propose we do this.

4. Chairman McCreary welcomed Senator Eldridge to the meeting and made Announcements re Candidates Forum Wednesday April 8th @7pm at the Town Hall, Clean-Up Day in Town of Ayer Saturday, April 25th 9-12, Town Election 4-27-09 7am-8p.m. Ayer Town Hall and Public Information Meeting re Vicksburg Sq. Wednesday, April 15, 2009 @ 7p.m @ Town Hall.

Chairman McCreary called for a motion to approve the Agenda. Selectman Luca moved the Board vote to approve the amended agenda, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Chairman McCreary invited Senator Eldridge to the table.

Senator Eldridge-Gave the Board the State Budget update advising to State Revenues dropping dramatically and Local Aid to Cities & Towns difficult to estimate. Senator Eldridge informed the Board to the House to put out their budget next week and the Senate in May everything being in a state of flux and very unpredictable. Senator Eldridge advised to 50% of Federal Title One & Individuals with Disabilities Education Act Funds (IDEA) to be released next week to ease the financial cost of supplying supplemental instruction for qualifying special needs students. Senator Eldridge also elaborated on the State Chapter 70 Funds being level funded. Prospects looking good \$37 million re additional commuter tracks between South Acton and Ayer and changes coming to State Hotel and meals tax currently proposed may bring added revenue to the Town. Town Administrator projecting approximately \$70-90K if adopted. The Board thanked Senator Eldridge for coming in to meet with the Board.

electman Sullivan updating Senator Eldridge to Ayer voting in favor at their last meeting to Deven's Inn request for a full alcohol license only with condition that Ayer petition the State for two (2) additional liquor licenses and not approving the additional two licenses requested by Robert Walker and urging Senator Eldridge's support for Ayer's additional license/s request.

Selectman Fay reminded all to 3rd additional Vicksburg Square Public Meeting scheduled for Wednesday, April 15, 2009 at 7:00p.m. at the Ayer Town Hall.

Agenda Item #1. April 27, 2009 Town Election Warrant

Chairman McCreary met with Constable Clark Paige re the Town's Election Warrant. Chairman McCreary read into the record the Official Town Warrant. Selectman Fay moved the Board vote to endorse the Warrant as presented, 2nd by Selectman Gilles, VOTE: unanimous, so moved. The Board thanked Mr. Paige for officially signing & posting of the warrant.

Public Input-Robert Walker-Deven's Inn-The Board revisited their earlier discussion re request for three (3) alcohol licenses by Robert Walker. One (1) All Alcohol License for Hotel Restaurant, one Beer & Wine Package Store License, and additional license for an All Alcohol license. Selectman Gilles, Fay and Sullivan agreeing to granting one license for Hotel only, petition state for two additional licenses for the Town of Ayer and at later date entertain request for additional licenses when identified. Chairman McCreary also in favor of granting only one license for hotel. Selectman Gilles suggesting to start ball rolling for additional two licenses for Town of Ayer. The Board did not approve/endorse any other alcohol beverage license at Devens as no specific entities were named by developer. Senator Eldridge's stated assurances & staff for Rep. Hargraves that the local legislator delegation would support a request by the Town of Ayer for additional licensing should that need be identified by the Board supports and helps petition. Selectman Luca stating his adamant vote against licenses contrary to re-use plan. Selectman Fay moved the Board vote to approve one (1) All Alcohol License for the proposed Hilton Garden Inn Hotel to be located in the Devens Enterprise Zone as proposed by Robert Walker, 2nd by Selectman Gilles, VOTE: Selectman Fay aye, Selectman Gilles aye, Selectman Sullivan aye, Chairman McCreary aye, Selectman Luca no 4-1 motion passes.

Agenda Item #2. Robert Friedrich-Special Municipal Employee Exemption. Not present rescheduled for 4-21-09

Agenda Item #3. Chief William Murray-Police/Fire/EMS Dispatcher Appointment-The Board met with Chief Murray who introduced Terri Fuhs of Fitchburg, MA. Chief Murray gave the Board a brief background re Ms. Fuhs resident of Fitchburg assigned to the Fitchburg Police Department as dispatcher in 2002 through 2007. Chief Murray advising to Ms. Fuhs possessing strong communication and computer skills, requiring little or no training and recommending her appointment to the vacant full-time position. Selectman Gilles moved the Board vote to appoint Terri Fuhs to the vacant full-time dispatcher's position per the recommendation of Chief Murray, 2nd by Selectman Fay, VOTE: unanimous, so moved. Selectman Luca requesting the Chief's input re parking at the Ayer Post Office, agenda'd for 4-21-09.

Agenda Item #4. Fire Chief Robert Pedrazzi re ALS & HIPPA Contract/Agreement

The Board met with Chief Pedrazzi. Chief Pedrazzi updated the Board to the Fire Dept.'s receipt of \$5K Grant re Carbon Dioxide Units awarded to the Dept. three months ago. Selectman Gilles moved the Board vote to accept grant with signature by Chair, 2nd by Selectman Fay, VOTE: unanimous, so moved.

1. ALS Contract-Selectman Fay moved the Board vote to approve the blanket ALS Service agreement with such communities the Fire Chief shall deem appropriate with signature by the Chairman, 2nd by Selectman Sullivan VOTE: unanimous so moved.

2. HIPPA -Addendum-The Board approved the addendum to the HIPPA-Business Associate Agreement (Health Insurance Portability and Accountability Act of 1996). No motion necessary.

Agenda Item #5. Supt. Nason's Report- The Board met with Dan Nason who requested to place on tonight's Agenda 2 FYI's and one additional item.

1. Proclamation-National Public Work's Week-May 17-23, 2009. Supt Nason's requested the Board proclaim the week of May 17-23, 2009 as Public Work's Week in the Town of Ayer. Selectman Gilles moved the Board approve Supt. Nason's request and Proclaim May 17-23, 2009 as Public Work's Week in the Town of Ayer, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

2. New Neighbor's Fair-3-28-09 Supt. Nason recognized and thanked DPW Office staff and DPW employees that participated in the event and donated their time, demonstrating how critical their jobs are to everyday life stating many people take the services provides for granted and this was the perfect opportunity to demonstrate what goes on behind the

enes. Thank you's were offered to Pam Martin, Paul Curtin, John Loomer, John Shanahan, Rick Linde, Dave Kidder and John Gamblin. The Board extended their appreciation to all as well.

3. Water/Sewer Permits –The Board approved Water/Sewer Permits for Habitech Inc. for Lots 5A, 5B, & 5C Bayberry Lane units 13, 14, & 15 and JSG, Inc. 106 Oakridge Dr and 9 Patriots Lane and authorized the Chairman's signature. Motion by Selectman Gilles, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

4. Silpro Discharge Permit-Supt. Nason updated the Board to change in ownership of Company requiring new industrial user wastewater discharge permit for the discharge of 5K gallons over 24 hour period on week-ends. Selectman Gilles moved the Board vote to approve Silpro, LLC, 2 New England Drive, Ayer, MA Permit #062 category 2 Industrial Wastewater Discharge Permit classified by SIC #3241 effective 4-2-09 expiring on 12-31-13 and authorize signature by Chairman 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

5. Boart Longyear-Grove Pond Well #1& 2.-Supt. Nason presented the Board maintenance billing from Boart Longyear to bring well #1 & 2 back up to full capacity. Ms. Spinner questioning maintenance advising to Town approving the replacement of the wells. Supt. Nason explained replacement not in time... work is necessary and timely. Selectman Gilles moved the Board vote to approve Boart Longyear proposal #1023450-248 43 dated 2-24-09 in the amount not to exceed \$40,380.00 as outlined in proposal and authorize the Chairman's signature, 2nd by Selectman Fay, VOTE: unanimous, so moved.

6. FEMA-Supt. Nason presented the Town's FEMA request for reimbursement –FEMA DR 1813 MA on behalf of the DPW, Fire, Police, and Tree Warden along with the Town's equipment and labor summaries re Phase 1 of the December 08 Ice Storm reimbursing the town a total of \$28,749.28. Phase 2. Would be for the debris/pick-up along the side of the road. The Board discussed downed trees in public ways/leaners along public streets/roads having the DPW address and encourage residents to clean up their yards and bring brush to brush dump, and get the Tree warden involved as to what the town is responsible for addressing the most dangerous public safety issues first. The Board suggested the DPW help out with Clean Up Day, Saturday, April 25, 2009 by picking up trash bags on Monday. Supt. Nason announcing the Ayer Brush Dump open date for residents: April 4, 5, 11, 18, 19, 26 and 27 from 8am to 4pm.

7. Trench Permit Applications & Fees-Supt. Nason presented the Board his recommendations re the trench permitting requirements for municipalities as he has been designated (Supt. of Public Works) as the Town's permitting authority. Mr. Nason advising to trench's needing to be inspected, violations to be established re depth/length (12 feet/ea) Town on hook re liability issues State Legislature enacted without any guidance/regulations to municipalities. The Board requested the Town Administrator contact Town Counsel re protecting itself i.e. establishing By-law/penalties. Can Town charge permit fee each day trench is open, what is the Town's liability re trench reported not being in compliance, does the Town have to secure/cover that trench re liability/responsibility, even if on private property, can Town establish civil fine/s via non-criminal fine By-law, can Town recoup Town incurred cost to secure/cover open trench, does Town Meeting have to approve, does K&P have sample bylaws, regulations that would assist us.

8. Tata & Howard Construction of Grove Pond #3. –Supt. Nason presented contract documents re the construction of Grove Pond Well #3 re the Notice of Award, Contract Agreement and Notice to Proceed to R.E. Chapman of West Boylston Contract #15 dated October 22, 2008, bid award not to exceed \$72,935.00, with signature by Chair. Motion to approve made by Selectman Gilles, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

9. Water Meter Position-Supt. Nason updated the Board to John Gamblin transferred to Transfer Station Foreman position and Water Meter Reader's position open and may have to go outside to fill position.

10. Vehicle Fleet Maintenance Plan-Supt. Nason presented the Board the DPW's Driver Vehicle Inspection report and Maintenance Shop functions report prepared by John Shanahan. The Board congratulated Mr. Shanahan for his extra efforts and outstanding job.

Agenda Item #6. JBOS Update-

Selectman Fay reminded residents to Board of Selectmen conducting a 3rd Public Information Meeting re Vicksburg Square proposed zoning amendments on Wednesday, April 15, 2009 at 7:00p.m. at the Ayer Town Hall-2nd floor Great Hall advising to time running out at last meeting and need to continue discussion.

Selectman Fay updated the Board to MADev proposing June 9, 2009 for the Super Town Meeting re zoning amendments.

Agenda Item #7. Selectman McCreary, re Dog Ordinance-Selectman McCreary updated the Board to being advised by residents to a lot of dog doo on our downtown street/s, especially near the rail trail advising to the town passing an ordinance last year and requesting it being enforced. Suggesting signs be put up asking people to clean up after their dogs, place doggie doo bag holders along street/s, have SHAVE people clean up daily, camera to catch owners. The

Board suggested placing dog pails along streets have Police enforce-issue tickets to owners. Selectman Sullivan suggesting the Board look at Town of Groton -Groton Wood's dispenser.

Agenda Item 8. Town Administrator's Report- The Board met with Shaun Suhoski

1. Fy-10 Budget Update-Mr. Suhoski presented his revised draft Fy-10 Omnibus Budget -\$22,118,912 (\$195K reduction from prior year), stating his balanced budget reflects months of development in conjunction with the Fin-Com and Tri-Board Executive Committee which also includes the \$20K deficit (increase to Veteran's benefits) funding this deficit Mr. Suhoski recommended the following: cut \$4K from IT, cut \$4K from Fireworks, cut \$4K from Planning, cut \$6K from COLA allowance (reduce to 2.5%), recommending the COLA cut for all non-union employees and a similar allowance for all new union employees combined with a freeze on all steps under the compensation plan allowing an equitable cost of living adjustment. Mr. Suhoski advising Budget is essentially balanced until he hears otherwise. Mr. Suhoski recommended the Board hold off on the Fy-10 Budget until next Tuesday's Public Hearing.

2. The Board reviewed the draft 5-11-09 Spring Town Meeting Warrant presented by Mr. Suhoski (28 Articles).

3. IT Update-Mr. Suhoski advised to Evan Torlin starting assessment of Town Hall computers .

4. Mr. Gilles reminded all to Fin-Com holding their Public Hearing tomorrow evening at 7pm at Town Hall re the Fy-10 Budget and having a different approach and his planning to attend. Chairman McCreary also planning to attend.

5. Mr. Suhoski presented the Board the Reserve Fund Transfer for Veterans Benefits -Account # 01547-53170 in the amount of \$17,841.00. Selectman Gilles moved the Board vote to approve the Veterans Benefits Reserve Fund Transfer in the amount not to exceed \$17,841.00, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

6. Mr. Suhoski advised to the Ayer Business Alliance requesting to place a link from the Ayer Town page to the Business Alliance page, the Board requested to defer this to the Communications Committee. Motion made by Selectmen Gilles, 2nd by Selectman Sullivan. Mr. Suhoski advising Board to policy re non-government entities links being approved by the Board of Selectmen. Selectman Gilles moved the Board authorize/charge the Communications Committee with managing the links, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

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

Selectman Gilles- requested Mr. Suhoski get Town Counsel's opinion/input re Citizens Petition to rescind hospitals TIF. Selectman Gilles moved the Board vote to approve the minutes of 3-17-09, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Chairman McCreary -announced the satisfactory Annual Review of the Town Administrator completed by the Board.

Mr. Suhoski advised the Board to late request coming in from the Chairman of the Zoning Board of Appeals requesting Patricia Walsh be appointed temporary member to fill the vacant seat of Jennifer Gibbons unexpired term 6-30-09.

Selectman Luca moved the Board vote to appoint Patricia Walsh to the unexpired term of Jennifer Gibbons on the Zoning Board of Appeals, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

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

10:00p.m. Meeting adjourned

DATE: _____

Richard Gilles, Clerk
AYER BOARD OF SELECTMEN