

Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room Ayer Massachusetts, 01432



4-13-10

Selectmen's Meeting

Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

Tuesday, April 13, 2010

Meeting Date: 4-13-10

Present:

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

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

Selectman Fay moved the Board vote to approve the Agenda as presented, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #1.-Special Town Meeting Warrant-5-10-10 prior to Annual Town Meeting. Selectman Fay moved the Board vote to open the Special Town Meeting Warrant, 2nd by Selectman McCreary, VOTE: unanimous, so moved. Selectman Fay moved the Board vote to approve Article I. to see if the Town will vote to transfer from available free cash the sum of \$32K to Dept. 600 Education line item 02-Transportation , 2nd by Selectman McCreary, VOTE: unanimous, so moved. Selectman McCreary moved to close the Special Town Meeting Warrant of 5-10-10, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #2. Water Connection Fees-Richard Roper/Paul Routhier-Mr. Roper presented the Board a proposal as a follow up to their previous letter of 4-8-10. Mr. Roper stating he believed the context of the earlier discussions and Settlement agreement considered any water permit fee increases to be included in the infrastructure improvements both to the Town water supply and road/railroad improvements provided by Crabtree Development. Mr. Roper stated however he and Mr. Routhier were sensitive for the needs of the town and the DPW's responsibility to manage the infrastructure in a fiscally responsible manner offering the following fee schedule for the Board's consideration:

1. Phase 1 & 2 no increases
2. Phase 3 \$400.00 (29%) increase to \$1,800.00/per lot
3. Phase 4 \$800.00 (57%) increase to \$2,200.00/per lot
4. Phase 5 \$1,600.00 (114%) increase to \$3,000.00/per lot

Mr. Roper stating this phasing will completely catch up to the newly imposed \$3K per lot permit fee. Selectman McCreary counter-offered agreeing 120% increase was rather radical and proposed the following re three year phase in of year one 70% increase, year two 80% increase and year three 90% increase. Selectman Luca reviewed the project process/settlement agreement and agreed with proponent to proposal presented being more than fair considering what they have done for the Town's infrastructure. Selectman Fay stating Committee recommended fees increase (should be done every year much better to raise each year than jump fees 120% in one year) agreeing both good customers fearing this may open door to other developers suggesting to take up each on their own merit 120% a lot to ask. Chairman Sullivan again stating he agrees with prior rate before increase due to infrastructure improvements to Town specifically building tower stating Town would have been subject to prevailing wage which would have cost the Town a fortune. Chairman Sullivan stating these individuals are not fly by night developers off more jobs, pay more taxes should give concessions. The Board took comments from the floor: Patrick Hughes speaking on behalf of other benefits driven from developers

Wratton Hills, 130 Conservation acres, Willow Rd.-40D development, phase in across board this scenario will be repeated over & over again. Dave Canney spoke to environment different today cant change rules in the middle of the game repeating other developers have contributed to town's infrastructure. Robert Prescott-Prescott Home same concerns as Roper/Routhier urging the Board look at fees case by case. Selectman McCreary moved to have the Rate Committee to look at rate structure proposed by Roper/Routhier and make recommendation back to Board. Supt. Nason cautioning Board to not hold off increasing fee due to large/small developers will pull permits ASAP. Financial Manager Lisa Gabree read letter from Joe Sampson (Cain's Foods SIU) urging the advising the Town to developer passing along rate increases to home buyers and insulating themselves. Ms. Spinner also on Rate Committee summarized the Board's review stating in essence wave fees for every project. Selectman Luca urging the Committee to re-look at structure and make more palatable for everyone and with that Selectman Luca moved the Board vote to approve rate proposal presented by Mr. Roper dated 4-12-10, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #3. Planning & Development Director-David Maher-Central Ave. parking-Mr. Maher reviewed with the Board appraisals re the purchase of property re overflow parking for the downtown business district by the Industrial Development Finance Authority (IDFA) with or without the rail-trail purchase. Mr. Maher requesting the Board's authorization to release the appraisals with the property owners to begin negotiation/s. Mr. Maher advising to involving the IDFA membership in these negotiations. Selectman Fay moved the Board authorize the release of the real estate appraisals dated 3-15-10 from Arber Assoc., 2nd by Selectman McCreary, VOTE: Selectman Fay aye, Selectman McCreary aye, Selectman Luca abstaining Chairman Sullivan aye 3-1 motion passes. Mr. Maher requesting Selectman Sullivan (as citizen) negotiate with property owners with permission of IDFA, for the three parcels east of Central Ave. Selectman McCreary moved the Board approve Selectman Sullivan as role of citizen negotiate with property owners, 2nd by Selectman Fay, VOTE: Selectman McCreary aye, Selectman Fay aye, Selectman Sullivan recusing, Selectman Luca aye, 3-1 motion passes.

The Board requested Town Administrator to pursue telephone calls to State House re meeting with Governor & Dept. of Transportation re release of funding (State match) for downtown parking facility.

Agenda Item #4. UDAG Balances-The Board reviewed the print-out prepared by Ms. Gabree, Financial Mgr. prior to meeting with Johnson Controls.

Agenda Item #5. Johnson Controls-The Board met with Johnson Controls Representatives Cathy Stanley and Jim Cotton. Present for the discussion The Town's Energy Committee: Dan Sherman, Bob Pedrazzi, Lisa Gabree and Dan Nason. Ms. Stanley ran through a brief presentation re Johnson Control's scope of services estimated at a cost of \$756,485.00 for a term not to exceed fifteen (15) years. The funding to purchase services & energy efficiency savings to be installed in ten buildings: Town Hall, library, police, fire & DPW buildings, wastewater treatment plant, Central Ave. pumping station, Grove & Spectacle Pond. The Town's MA Dept. of Energy Resources Grant awarded to the town in the amount of \$150K and stimulus funding would be used to offset cost. The Board discussed utilizing UDAG funding for the balance repay with interest. The Energy Committee expressed their concerns having not been provided enough information re contemplated savings, maintenance costs, payback periods re mechanical upgrades etc. plus concerns with the fire department installing the photovoltaic array atop the fire station. The Board requested another meeting be scheduled with Johnson Controls re a joint working session with the Energy Committee, Fin-Com and Board to address concerns and more information needed to make decision. The Board scheduled a Joint Meeting for Tuesday, April 27, 2010 at 2:00p.m. at the Town Hall.

Mr. Alan Wilson, Ayer resident who sat in and participated during the Energy discussion with Johnson Controls expressed his interest serving on the Energy Com. Selectman Fay moved to appoint Alan Wilson to the Energy Committee, 2nd by Select McCreary VOTE: unanimous, so moved.

Agenda Item 6. Town Administrator's Report-The Board met with Jeff Ritter

Mr. Ritter updated the Board to the 2009 Town Report on the Town's Web Site for resident's hard copies to be in Town Hall tomorrow...

2. Contracts with DPW AFSCME & Town Hall Clerical signed.
3. Fin-Com meeting on 5-4-10 re policies updated.
4. Board was reminded to Memorial Day Parade on Saturday the 29 of May and of State Reps called by staff and invited to attend.
5. Town Administrator's Screening Committee the Board was advised to 66 applications received and of Committee's start-up meeting next week to begin process.
6. Mr. Ritter advised the Board to Police Chief requesting to fill vacant Police Officer's position and down two Sergeants due to injuries and may need to back-fill Sgt. position. Selectman Luca moved the board vote to approve Chief Murray's request to fill a patrolman's position, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
7. Mr. Ritter advised to High level articles to be presented to the Board on next Tuesday, 4-20-10.
8. Mr. Ritter reviewed with the Board the placeholder articles and recommended removal of the following Articles until the Fall Town Meeting due the articles not ready for the May 10th Warrant:
 - Storm Water utility Fund-Selectman McCreary moved the Board remove from warrant 2nd by Selectman Fay, VOTE: unanimous, so moved.
 - Pond View Road Acceptance- Supt. Nason advising to still waiting on information from developer. Selectman McCreary moved the Board remove from warrant, 2nd by Selectman Fay, VOTE: unanimous, so moved.
 - Energy Stretch code Bylaw-not ready-Selectman McCreary moved the Board remove from warrant, 2nd by Selectman Luca, VOTE: unanimous, so moved.
 - CPC-\$12K Transfer of Funds-Selectman Luca moved the Board removed from warrant, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
 - The Board approved going forward with Article 26-76 Central Ave.-David Maher to pursue-Habitat/affordable housing.

Tax Title property-66 Westford Rd. the Board was advised to owner still living on property. The Board requested Mr. Ritter contact a local attorney re eviction. Selectman Fay requesting to speak with owner prior to eviction proceedings Selectman McCreary agreeing with Selectman Fay. Selectman Luca after short discussion moved to get local attorney involved and begin eviction proceedings, 2nd by Selectman Fay, for discussion. Selectman Fay requesting the Board verify with tenant what his intentions are and get a clear indication from him or we will go forward/proceed with eviction, give him ten (10) days to respond this placed in the form of a motion, Selectman Luca withdrawing is earlier motion, 2nd by Selectman Luca, VOTE: unanimous, so moved. The Board stated their concern re the animals and asked the Town Administrator to look into what Town of Ayer has to do to protect them.

Lastly Mr. Ritter advised the Board to Town Account placing raise & appropriate Article on warrant re the first years borrow interest and expense for all borrowing/bonding estimated at \$40K.

Mr. Ritter advised to Spectacle Pond culvert construction proceeding nicely controlling flows-substantial receding of water -start up tomorrow of wells-water restrictions still in place. Selectman McCreary taking opportunity to thank and commend everyone (residents/SIU's) for their cooperation during this "State of emergency" and water restriction. The Board echoing Selectmen McCreary.

4-13-10

9:00p.m Selectman Luca moved the Board adjourn the meeting, 2nd by selectmen Fay, VOTE: unanimous, so moved.

DATE: _____

James Fay, Clerk

AYER BOARD OF SELECTMEN