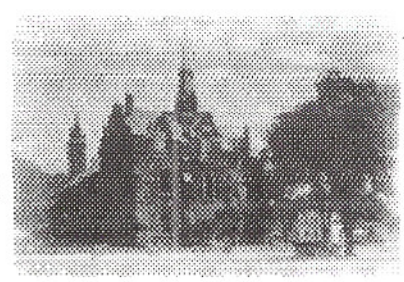


Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room
Ayer Massachusetts, 01432
5-5-09
Tuesday, May 5, 2009



Meeting date: 5-5-09

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)-	Absent
James M. Fay, Clerk (Mr. Fay)	X	Shaun Suhoski, Town Administrator (Mr. Suhoski)	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

Meeting Called to order at 7:05p.m. by Chairman Sullivan

Public Input-Chairman Sullivan requested if there was anyone present wishing to meet with the Board under Public Input. No one stepped forward.

Chairman Sullivan announced the following public announcements: Town Meeting Monday, May 11, 2009 @7p.m. at the Ayer High School on Washington St., advising to Town Warrant mailed to residents and also available on the Town Web Site as well as copies available at Town Hall and also the 2008 Town Report being on the Web Site as well.

Chairman Sullivan announced the Memorial Day Parade to be held on May 23rd at 10:00a.m. parade to start on Park St. to Main St. stopping in front of Town Hall for ceremony and ending at Pirone Park.

Chairman Sullivan called for a motion to accept the Agenda. Selectman Gilles moved the Board vote to approve the Agenda, 2nd by Selectman Fay VOTE: unanimous, so moved.

Agenda Item #1. Chairman Sullivan acknowledged the following individuals for their contributions to the 2008 Town Report-John McDowell, local photographer responsible for the panoramic cover of the Town's 4th of July Celebration at Pirone Park and Media News photographer John Love for his contribution of historical photographs, and dedication of the 2008 Town Report to Faye Morrison for her induction into the Electoral College, Ayer's first resident to be inducted and Penny & Ed Kelley upon their retirement from local business on Main Street. (Kelley's Hallmark).

Agenda Item #4. Chairman Sullivan went off the posted Agenda to take up Superintendent Nason's report-Appointment of Water Meter Reader. Supt. Nason introduced Brian Boomgaarden to the Board. Supt. Nason recommended the appointment of Mr. Boomgaarden to the vacant Water Meter Readers's position advising the Board to his qualifications, experience, knowledge and ethics/demeanor qualifying him for this position having been previously employed by the Town of Shirley's Dept. of Public Works. The Board after meeting with Mr. Boomgaarden voted to accept Supt. Nason's recommendation and appointed Brian Boomgaarden to the Water Meter Reader's position contingent upon Mr. Boomgaarden successfully completing a physical examination by the Town's Physician to include drug screening, twelve month probationary period and subject to his obtaining his Water Operator's License. Motion to approve made by Selectman McCreary, 2nd by Selectman Gilles, VOTE: unanimous, so moved. The Board congratulated and welcomed Mr. Boomgaarden to the Town.

Agenda Item #2. PanAm construction -The Board endorsed the letter of support to Ford Motor Co, re critical nature of Spectacle Pond aquifer and re-voicing their concern to ensure protection of Ayer's drinking water. The Board requesting to remind Ford Motor Co to the sensitive nature of the location and ensuring the highest level of protection are included with the development and operational plans for the site to ensure the aquifer is protected from any accidental release of diesel fuel, gasoline, battery acid, break fluid or other hazardous materials. Selectman Fay urging vigilant monitoring to hold PanAm in compliance. Selectman Gilles agreeing stating Consent Decree good ground to do. Selectman Sullivan urging the Board to thread lightly stating Consent Decree limits what Selectmen can do reminding Board to not having authority to stop project if feels there is just cause to consult with Town Counsel and enforce non-compliance with building inspector. Selectman Gilles stating he was not comfortable with Guilford's track record-aquifer -Zone 2 at risk. Laurie Nehring-PACE agreeing with Selectman Fay to monitor on daily basis. Mr. Suhoski advising to Supt. Nason

aving -Rick Linde monitor. Beth Suedmayer suggested Town's infrastructure also be investigated to be pursued -Town has jurisdiction re travel over town roads i.e. driveway, traveling over Town property. The Board thanked all for their suggestions and requested letter be held for Selectman Luca's signature.

Agenda Item # 3. Devens Recycling Center-The Board met with Laurie Nehring who stated she was before the Board re re-visited the Devens Recycling Center having received correspondence to the site being amended from accepting exclusively C&D (construction & demolition) materials to a combination of C&D materials and municipal solid waste (MSW) and DEC approving amendment to application. Selectman McCreary advising to receiving a call from a Devens resident re serious concerns-rodents, odors, trucks, traffic, etc. Selectman Gilles informed the Board to speaking with gentleman running facility advising to facility state of the art and owners having good intentions i.e. pest control scheduled regularly, doors to open & close quickly to eliminate odors as much as possible. Ms. Nehring speaking to this area and agreeing with measures to be taken and also suggesting spraying for odor control as well. Selectman McCreary moved the Board request the DEC update plans and any on going reports i.e transportation plan and cc the Board of Health, 2nd by Selectmen Gilles, VOTE: unanimous, so moved.

Agenda Item #5. Lisa Gabree re Pre-Town Meeting Presentation-The Board met with the Town Administrator and Lisa Gabree-Finance Manager re overview of presentation for 5-11-09 Spring Town Meeting. The Board reviewed with Ms. Gabree the Financial Information Packet representing the Fy-10 Budget, revenue projections, charges, Omnibus Budget, Enterprise funds including Articles 6-9, (Solid Waste, Ambulance, Sewer & Water), estimated outstanding debt, & Fy10 Debt Service. Town Administrator advising to balanced budget per House Ways & means Aid depicted in Budget Building blocks i.e. Revenue/Expenses \$22,031,281.00. Ms. Gabree ran through her power-point presentation for Town Meeting alerting the Board to handouts as presented this evening being prepared for town meeting distribution. Chairman Sullivan requesting all handouts to be given out at Town Meeting be submitted to the Selectmen's Office for the Board's review prior to 5-11-09. Mr. Suhoski ran through the 5-11-09 Town Meeting Warrant Articles with the Board The Board to meet on May 11, 2009 at 5:00p.m. to review all information i.e. amendments, handouts, personnel policy-section re classification plan so that everyone goes into Town Meeting on same page. Selectman Gilles requesting Ms Gabree prepare bar graphs- three (3) over ten year period reflecting Debt Service, total Revenue & Expenses, and Health Insurance to see proportionally by Department.

Agenda Item #6. JBoS-The Board opened the Super Town Meeting Warrant to be held on June 8, 2009 at the Ayer High School -Washington Street, Ayer, MA at 7:00p.m. and to close the Super Town Meeting Warrant on Tuesday the 19th of May at the next Selectmen's Meeting. Motion to open warrant made by Selectman McCreary 2nd by Selectman Fay, VOTE: unanimous, so moved. The Board requested the Super Town Meeting Warrant be posted on the Web Site as soon as it becomes available. Selectman Fay reminded the Board to tour of Vicksburg Square invitation on May 30th. Flyer to be prepared re Open House and mailing to be sent out to residents re June 8, 2009 Super Town Meeting.

Agenda Item #8. Town Administrator's Report-

1. Town Meeting Warrant addressed earlier in meeting.
2. Local Initiative Program (LIP) refinance request-Mr. Suhoski presented the Board the request on behalf of Ms. Provencher, CDBG Program Manager re petitioners request to take out a new mortgage to change from an adjustable loan to a fixed rate loan advising to both State & local approvals needed. Selectman Gilles moved the Board has no objection to the request for a new mortgage in the amount of \$145,500.00 at 28 West Street under the terms of the LIP agreement and that the Town hereby approves forwarding such request to DHCD for their final approval, 2nd by Selectman Fay, VOTE: unanimous, so moved.
3. Mr. Suhoski updated the Board to MRPC finalizing draft design phase report re Ayer Station and Parking upgrades-parking deck 350-400 parking spaces on the site of the Nashua River Rail Trail- need title search to private parcels, legal review i.e. right-of-way, transfer of documentation from Commonwealth to Town re rail trail parking area. Legal work is needed to advance the project and is included in the initial outlay of earmarked grant funds through MART so Town budget is not getting hit on this item. Hybrid -future discussion. Mr. Sushoski advising project is moving forward meeting with Senator Eldridge in near future. Chairman Sullivan addressed parking facility issue re access to platform, discussion included moving platform to old bus station area across from Town Hall, would need only a walkway. Discussion held to pursue both options: explore right-of-way across property and old bus stop. The Board also discussed MART's interest in providing a bus stop on Devens/Shirley-perhaps Central Ave empty office building could be looked at.

Regional Sewer Facility-Shirley Sewer Committee wishing to meet with Ayer Board of Selectmen re a regional Sewer facility to see if there is a common interest on June 3, 2009. Selectman Gilles and Selectman Luca to represent Ayer

Board along with Dan Nason, Supt. of Public Works. Selectman McCreary updating the Board to last JBoS Meeting all parties agreed to MOU re Regionalization.

Agenda Item #9 New Business/Selectmen's Questions-Selectman Gilles moved the Board vote to approve the Open Session minutes of 4-7-09 and the Executive Session Minutes of 10-14-08 and 11-8-08, 2nd by Selectman Fay, VOTE: unanimous, so moved.

New Business: the Board voted to approve IT Consultant Evan Torlin's request to update the Town Administrator's desktop with a Dell Latitude 6500 in the amount of \$1,544.00 and to purchase a LCD monitor to Ms. Lewis ACER Model V173BM 17" monitor 1280x1024, 2000:1 Internal Speakers, VGA black \$136.25. Selectman Gilles moved the Board vote to approve IT recommendation to purchase equipment so stated above in the amount not to exceed \$2,500.00, 2nd Selectman Fay, VOTE: unanimous, so moved. The Board also approved Mr. Suhoski to research voice software hardware-voice recognition software for the Selectmen's minutes.

Agenda Item #7-Ruth Maxant Schultz-Board of Health re health issues-The Board met with Ruth Maxant.

Ms. Maxant addressed -harassment issues she had with the Board of Health and the Animal Control Officer re the renewed use of her property as a family farm. The Board stated that they have no control over the Board of Health, discussions led to more investigation into her claims. Ms Maxant presented evidence of her farm products goats milk, eggs of different variety goose, chickens, etc. Ms. Maxant advised to returning to her property in 2000 and reintroduced farm animals to her property, horses-fertilizer, goats-eat underbrush & provide milk, chickens/geese-lay eggs. Dispute arose with abutting neighbors when she pushed neighbors off her property which landed before the Board of Health where she claims the problems began. Questioning if the Board of Health has jurisdiction over fencing-arguing her point that that falls under the Zoning Officer/Building Inspector's purview. Selectman Gilles requesting the Building Inspector come before the board at their next meeting stating the Board does have control over building dept re fencing issues i.e. installed to code requesting Me. Vellante report on both Ms. Maxant's property fence and the neighbors fence. Other issues discussed were stable maintenance and fencing installed thirty (30) feet from lot lines leading to more Board of Health interference through a settlement with the Board of Health to a fifteen (15) foot fence set back for her animals and the Board of Health altered fencing language re distance re penned animals forcing her being unable to establish pastures or fear of being found in fault again of violations. Ms Maxant alleging to the Animal control Office fining her \$100.00 for goose escaping into neighbors yard; and upon questioning the animal control officer re this incident he admitted to not seeing the offense but rather sited the neighbors testimony as evidence only, advising to mediator finding her story more credible and dismissed the fine. The Board requested the Animal Control Officer also report to the Board at their next meeting re this incident as well per Selectman Gilles motion that he moved on hearsay stating we should not be fining people if we don't have cause for action, 2nd by Selectman Fay, VOTE: unanimous, so moved. Laurie Haines spoke in support of Ms Maxant's fencing stating there is no way for contact with animals now since complaining neighbors have installed a six foot privacy fence along property boundary furthering question that settlement serves no purpose.. Ms. Maxant stated the Board of Health never went to her property to look at before taking action. Ms Maxant questioning way Town money was spent on Legal Counsel re this issue (settlement issue) re health code violations. The Board voted to rescind their earlier policy re the Town Administrator approving requests for use of Town Counsel by Boards, Departments, Committees and Commissions to now come before the board for authority/approval. Chairman Sullivan stating this measure taken due to being in a tight budget year and the board scrutinizing every penny. Ms Maxant also queried the Board re Ms. Spinner in violation of the Town's Bylaw serving on the Board of Health as an Elected Official and also appointed to serve on the Fin-Com challenging authorizing town spending on legal counsel for the Board of Health. The Board continued matter to 5-19-09 re meeting with Building Inspector and Animal Control Officer.

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

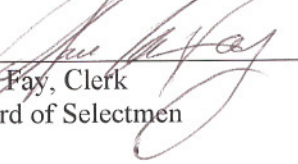
Selectman Fay re letter from Frank & Joyce Finney re Town business taken out of town. Mr. Suhoski to investigate and respond to Finney's letter.

Mr. Suhoski advised the board to the Town's 43D Consultant requesting the Board designate 2 Members of Planning Board, 1 member of the ZBA, 1 resident, and 1 Selectman. Selectman McCreary advising to being on the CPIC and could serve on this Committee and Selectman Fay requesting to serve on resident position.

Selectman Gilles spoke to the successful turnout regarding the Veterans Grave Seminar conducted on Saturday, April 25th with Town Selectmen, Veterans Agent, American Legion-Post 139, both Town Cemeteries and neighboring Towns

participation including Devens. Selectman Gilles advising to the Town hosting Undersecretary of Veterans Administration and his staff from Washington D.C. as well as delegates from the National Guard.

9:22p.m. Selectman Gilles moved to adjourn the meeting, 2nd by Selectman Fay, VOTE: unanimous, so moved.

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James M. Fay, Clerk
Ayer Board of Selectmen