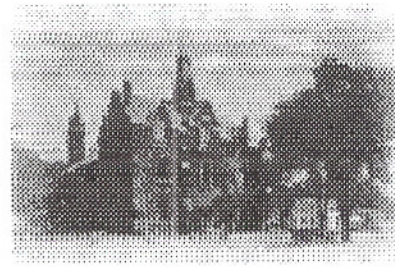


Town of Ayer
Board of Selectmen
Town Hall, First Floor Meeting Room
Ayer Massachusetts, 01432
8-11-09



Tuesday, August 11, 2009

Meeting date: 8-11-09

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)-	X
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 7:08p.m. by Chairman Sullivan. Chairman Sullivan requesting if there was anyone present wishing to meet with the Board under Public Input:

Selectman Fay wishing the Board take up the Groton School Rd. sidewalks. The Board moved this item under Supt. Nason's Report –as bullet #5.

Selectmen Luca requesting the Board amend the Agenda to take up two (2) issues-property on Central Ave. and truck traffic. To be taken up under Selectmen's Questions.

Chairman Sullivan called for a motion to approve the Agenda as amended. Selectman Luca moved the Board vote to approve the Agenda as amended, 2nd by Selectman Fay, VOTE: 5-0, unanimous, so moved.

Chairman Sullivan called for a "Moment of Silence" for the Town's Veterans Agent Manuel Velez who passed away suddenly on Thursday, August 6, 2009. Chairman Sullivan gave a brief tribute to Mr. Velez speaking to his many years of service to the Town and community, having served as Veterans Agent from 1983 to present (26 years) and serving on the Zoning Board of Appeals from 1975 to present (34 years) as well as many other civic and community services. The Board expressed their sincere sympathy to Mr. Velez's family.

The Board approved a One Day Beer & Wine License for St. Mary's Annual Lawn Party to be held on September 11 & 12, 2009. Motion to approve made by Selectman Fay and 2nd by Selectman Gilles, VOTE: 5-0, unanimous, so moved.

Agenda Item #1. Laurie Sabol, Chairman Recycling Committee-Updated Bottle Bill Legislation- Ms. Sabol updated and displayed new bottles being proposed under the new legislation "Bottle Bill" (bottled water, sports drinks, teas, etc.) urging the Board's support of the updated Bottle Bill. Ms. Sabol stating resolution is a win-win situation –fewer containers going into garbage lowering tipping fee/s-taking up space in landfills, -- more containers going into recycling resulting in less roadside trash, --more money for the state. Supt. Nason advising to Transfer Station currently taking in recycled plastic/s a lot of work going into separating. Chairman McCreary stating more revenue stream realized offsets labor. Chairman Sullivan requested if the Board is prepared to vote or requiring more time for review. Selectman Fay moved the Board vote to support and endorse the Updated Bottle Bill Resolution with signature by the Chairman, 2nd by Selectman McCreary, VOTE: 5-0, unanimous, so moved.

Agenda Item #2. Public Hearing –Aboveground Storage Tank-25 Westford Rd.-The Board met with Kevin Horgan, Ayer Oil Company. Chairman Sullivan opened the Hearing by requesting the Legal Notice be

read into the record by the Clerk. Selectman Fay read into the record the Legal Notice which ran in the Nashoba Publications the weeks of 7/31/09 and 8/7/09. Mr. Horgan requested to postpone Hearing for thirty (30) days or to the Board's 2nd meeting in September re additional information needed. Chairman Sullivan called for a motion to continue the Public Hearing for thirty (30) days –September 15, 2009 at 7:05p.m. Selectman Fay moved the Board vote to approve Mr. Horgan's request to continue the Public Hearing to September 15, 2009 at 7:05p.m., 2nd by Selectman Luca, VOTE: 5-0, unanimous, so moved. Selectman McCreary inquiring if location is in Zone II Recharge area and Mr. Horgan responding yes, which requires Board of Health review.

Agenda Item #3. Public Hearing-Earth Removal Permit Renewal- The Board met with Steve Mullany of Mullany Engineering representing Crabtree Development-Pingrey Hill Sub-division. Chairman Sullivan requested the Legal Notice be read into the record by the Clerk. Selectman Fay read into the record the Legal Notice which ran in the Nashoba Publications the weeks of 7-31-09 and 8/7/09. Mr. Mullany updated the Board to the status of the project-165 new homes of which 10% or 17 houses having been sold, Phase I complete and presently into Phase II with total build-out in five (5) years. Chairman Sullivan called for a motion. Selectman Fay moved the Board vote to approve the Earth Removal Renewal for six (6) months (Feb. 11, 2010) for Crabtree Dev. Corp., Westford, MA for the removal of up to 240,000+/- common borrow, possible topsoil, and loam tailings during the hours of 7-5pm Monday-Saturday, DPW to monitor truck count and residents of Sandy Pond and School House condominiums to be notified prior to start up. Truck traffic to use Rt.2A East to Interstate 495 North to exit 32 Boston Rd., 2nd by Selectman McCreary, VOTE: 4-0 unanimous so moved. (Selectman Luca not voting stepped away from table for a moment).

Agenda Item #4. Fire Chief-Bid Award-CEMP Grant Award, Ambulance calls outside Town borders.

1. **Bid Award-Replacement Air Cylinders-(Article 19 ATM)-**Chief Pedrazzi advised the Board to three (3) bids received and low bidder Fire Tech & Safety of New England, Chelmsford, MA coming in at \$14,850.00 for 22 units/@\$675/ea. under the State Bid Contract #FIR-02. Chief Pedrazzi submitted purchase Order 1071409 dated 7-14-09 for the Chairman's endorsement. Motion to approve made by Selectman Gilles, 2nd by Selectman Luca, VOTE: 5-0, unanimous, so moved. Selectman Gilles moved the Board approve the Chairman's signature on the contract, 2nd by Selectman Luca, VOTE: 5-0, unanimous, so moved.
2. **CEMP Grant Award-**Chief Pedrazzi updated the Board to the Department's successful application of a CEMP Matching Fund Grant, to update the Town's Emergency Management Plan, in the amount of \$2,500.00. Chief Pedrazzi advising to the Department's Administrative Assistant Lisa White to be paid from the grant for compiling/completing the Department's application on line. Chief Pedrazzi advising to Local Emergency Team Meeting on August 18, 2009 at 1:00p.m. with Department Heads, i.e. Board of Health, DPW, Police Chief, Wellman Parker, Emergency Management Coordinator. Selectman Luca requesting he also to be included as new Postmaster of Ayer who is presently updating his Office's plan. Chairman Sullivan called for a motion. Selectman Gilles moved the Board approve the Emergency Management Grant award in the amount of \$2,500.00 and allow the Department's Admin. Asst. Lisa White to be paid from this grant in the amount not to exceed \$2,500.00, 2nd by Selectman Fay, VOTE: 5-0, unanimous, so moved.
3. **Out of Town Ambulance runs-**Chief Pedrazzi responding to Chairman's inquiry re Ambulance going outside Town borders re transporting /picking up patients. Chairman Sullivan hearing Emerson Hospital's not running their own ambulance any longer. Chief Pedrazzi advising to Emerson still up and running ambulance and will not be shutting down/stopping until plan is in place. Chief Pedrazzi advising Board to State-wide protocol determines which hospitals patients are to be delivered-driven by situation i.e. "Trauma, Stint, Stroke" that specializes in that specific condition. Chief Pedrazzi distributed the Com of MA Statewide Point of Entry Plan for Appropriate Health Care Facility Destination based upon Patient's Specific Condition and Need effective August 1, 2008. Chief Pedrazzi

advising Board to Departments to date "Out of Town Ambulance Runs ALS Intercepts" for 2009 being 265 and Ambulance Enterprise Revenue in excess of \$369K to date. Chairman Sullivan stating his concern being to ensure the Town has adequate back-up re coverage for residents.

Agenda Item #5. Supt. Nason's Report-DPW

1. Water & Sewer Permits-The Board met with Supt. Nason

- Crabtree Development-Lot D -47 Snake Hill Rd., Lot F -28 Snake Hill Rd., and Lot G-18 Snake Hill Rd. Selectman Gilles moved the Board approve 1" Cubic and 6" PVC Water & Sewer Permits for Lot D, Lot F and Lot G as presented by Supt. Nason in a Memo to the Board dated 8-6-09 and authorize the Chairman's signature, 2nd by Selectman Fay, VOTE: 5-0, unanimous, so moved.
- **Bid Award-Roadway Maintenance Salt**-Selectman Gilles moved the Board vote to approve the Road Maintenance Salt to Granite State Minerals, Inc. of Portsmouth, NH for the bid award not to exceed \$68.34/per ton for Fy-2010 (7-1-09 to 6-30-10) as presented by Supt. Nason in a Memo to the Board dated 8-10-09 and authorize the Chairman's signature, 2nd by Selectman Luca, VOTE: 5-0, unanimous, so moved.
- **Bid Award-Fuel -to be re-bid**
- **Change Order #3-Central Ave. Pumping Station Contract Upgrades**-Supt. Nason updated the Board to need to replace lighting with new explosion proof fixtures which increases the contract by \$12,481.70 bringing the new contract price to \$832,599.70 (from \$820,118.00). Supt. Nason advising to fixtures corroded & mechanically altered with self-tapping screws in order to allow the lights to be re-lamped which has broken the gas tight seal and compromised explosion proof rating-caused by old age. (original lighting) Selectman Gilles moved the Board vote to approve Change Order #3 to North Atlantic Coastal Region Constructors, Inc. of Rowley, MA to replace lighting at the Central Ave. Pump Station for the amount not to exceed \$12,481.70, as described to the Board in a Memo from Supt. Nason dated 8-7-09 and authorize the Chairman's signature, 2nd by Selectman Fay, VOTE: 5-0, unanimous, so moved.
- **Chapter 90 Update-Summer/Fall 2009**-Supt. Nason updated the Board to \$208,109 allocated for Fy-10 in Chapter 90 Funds and roadway improvements planned for the following locations in Town: Sandy Pond Rd. 4,300 linear feet (from Easy St. to road resurfaced
Newton St. 425 linear feet (from Washington St. to Columbia)
Groton Street-(from Pleasant St. to Park Street)

Selectman McCreary requesting the roadway improvements be delayed until Town finds out what's going on with Downtown parking. The Board questioned status of crosswalk painting and, paint quality, status of sidewalks new and repairs which led to discussion re sidewalks taken under advisement: Groton School Rd., Groton Harvard Road, Washington Street. Selectman Fay taking up Groton School Rd. sidewalk petition and advised by Supt. Nason to his personally going out and video taping both sides of street re problems/issues with project being hydrants, guard rails, grading, poles, property lines survey-approvals necessary to avoid huge problems involving many different departments i.e.- legal, Conservation, Water, Elec./Telephone Company/s. Supt. Nason stating project needs to be fully engineered. The Board requested to agenda this issue for their September Meeting. The Board expressed their dismay re Devens not including Town of Ayer in their bids after stating Ayer would be included in joint procurement. Selectman Gilles requesting Groton Harvard Road also be included re sidewalks from Oakridge Dr. 800+/-feet public safety issue with children walking to school. Selectman Luca requested Rt. 2A State Road also be pushed re paving and advised to MART preparing TIF for region and to encourage MART to place this item higher on TIP list of priorities. Selectman

McCreary 2nd motion for discussion requesting to amend this request by having both the Groton School sidewalks and Rt. 2A paving placed higher on TIP. Selectman Luca rescinded his earlier motion. The Board requested the Town Administrator pull information together re TIP eligibility, prepare a letter to MART re the order of steps, funding sources involved for the Board's review at their next meeting as well as contacting MA Highways Region #3 re process repaving Rt. 2A in its entirety through Ayer. Selectman Fay requesting Mr. Abbott is informed to this Agenda item being placed on the Board's Agenda in September.

Agenda Item #6. Margaret Scarsdale, re Green Communities Technical Assistance

1. **Application**-Ms Scarsdale presented the Board the application for planning assistance and letter of commitment due to Green Communities Division of the MA Dept. of Energy Resources by 8/14/09. Ms. Scarsdale reviewed with the Board \$12million dollars being delegated for energy projects to communities that have been designated with "Green Community" status- achieving five (5) milestones: As-of-Right zoning for renewable or alternative energy generation-R&D facility or manufacturing, Expedited Permitting Process, Established energy baseline for all buildings, vehicles, streetlights and commits to reducing baseline by 20% over five years, procure only fuel efficient vehicles, requires all new construction to minimize the life-cycle cost of the facility by utilizing energy efficiency, water conservation and other renewable or alternative energy technology. The Board after a length discussion re pros/cons and expense incurred for Town of each criteria voted not to approve authorizing the application VOTE: 3-2 Selectman Fay no, Selectman McCreary aye, Selectman Luca no, Selectman Gilles aye, Chairman Sullivan no.
2. **ESCO Recommendation**-Ms. Scarsdale updated the Board to ESCO Review Com. (George Frost, Ed Davis, Lisa Gabree, Dan Sherman, Dan Nason, Carolyn McCreary, Shaun Suhoski, and herself) recommending Johnson Controls be selected as Ayer's ESCO and requested the Board authorize the Department of Planning & Development prepare a draft contract with Johnson Controls for the Board's review. Selectman McCreary moved the Board vote to accept Johnson Controls as vendor to perform ESCO services for the Town of Ayer, 2nd by Selectman Fay. Selectman Luca advising to speaking with Committee members who felt ESCO not good for the Town and requesting more time for review. Chairman Sullivan stating his concern being paying for the ESCO if Town wants to opt out and committing Town of Ayer to \$45K. Selectman Gilles inquiring what would prevent Town from hiring Engineer and do ourselves. Selectman McCreary arguing State recommends this is good way for Towns to go. Selectman Luca requesting to hear from Dan Sherman and Ed Davis at the Board's September meeting. Selectman McCreary advising both people on the ESCO Review Com. Chairman Sullivan called for a vote: 3-2, Selectman McCreary aye, Selectman Gilles aye, Selectman Fay no, Selectman Luca no, Chairman Sullivan no. Motion fails.
3. **EDF Application**-Ms. Scarsdale updated the Board to status of three eligible applicants for the Economic Development Fund requesting the Board authorize the Department of Planning & Development to submit project materials for the Wholesome Café & Bookstore to DHCD for its review as an EDF candidate for Ayer. Motion to approve Ms. Scarsdale's recommendation made by Selectman Fay, 2nd by Selectman Gilles, VOTE: 5-0, unanimous, so moved.
4. **Lead Abatement Program**-Town Administrator Shaun Suhoski advised the Board to Town receiving notice of award of \$70K from DHCD for the Departments Lead Abatement Program.
5. **Solar Power**-Chairman Sullivan queried the Board re Shirley Selectman Enrico Cappucci contacting him re Town of Shirley Grant opportunity re solar power- joint effort of JBoS inquiring if Town of Ayer is interested in pursuing, advising to Town of Harvard expressing interest. The Board to revisit issue in September re joint application with Town of Shirley, Ayer & Harvard. Selectman McCreary stating her disappointment re Board's action re ESCO decision taken earlier advising to Committee wanting to go forward, having gone through the whole process and brought

something concrete before the Selectmen. Chairman Sullivan stating he is not comfortable with audit, concerns from day one re cost of audit. Selectman Fay stating cost is the bottom line issue until he has all the information necessary he will not vote. McCreary arguing Town will not realize savings until we have audit. Calvin Moore sitting in meeting room took this opportunity to urge the Chairman due to lateness of the meeting to please stick to the Agenda, Chairman Sullivan apologizing to the viewing public and attendees for running late but felt the issue was worth the extra discussion.

Agenda Item #7 Marilyn McMillian-Ayer Board of Health re PanAm Advisory Committee

Ms McMillian stated she was before Board re organizing a Technical Advisory Board to oversee the PanAm/Norfolk Southern Project. Ms. McMillian stating Board of Health is making this request to ensure the proper maintenance, installation and operation of the monitoring well/s and storm water management provides the highest protection to the Town's aquifer and drinking water. Ms. McMillian suggesting Dan Nason-Supt. of Public Works, a member of the Board of Selectmen -Selectman Fay volunteering his service, Rick Linde, Water Dept. Foreman and the Fire Chief. Selectman Gilles suggesting woman who was associated with Susan Honeywell who volunteered her assistance at the Tsongas Public Meeting on 7-29-09 should be contacted as well. Ms. McMillian stating LSP not needed right now and suggesting Board utilize UDAG funds for this service. The Board thanked Ms. McMillian for coming in to meet with the Board.

Agenda Item #8. Calvin Moore-Plow Shop Dam Repairs-The Board met with Calvin Moore owner of land that contains the dam for Plow Shop Pond in Ayer. Mr. Moore advised to being informed by the Dept. of Conservation and Recreation who is in charge of dam safety re safety concerns needing to be repaired. Mr. Moore advising the Board to his engineers of GPR meeting with eleven representatives from the Dept. of Environmental Protection re what Mr. Moore's plans are. Mr. Moore stated GVM Realty was given an order to have the dam repaired by a certain date or face a \$500.00 per day fine until it is done. Mr. Moore stating he does not have the money to have the work completed. Advising DEP and the Board this evening to having spent over \$20K in the last year in engineering fees as well as to his only being responsible for one side of the dam the other side is on land owned by the Federal Government-Fort Devens. Mr. Moore stated his options:

- Ask the Town for assistance re necessary funding approximately \$55K via i.e. grant/Town funds.
- Town assist in defense with DCR fixing only one side-but will not remedy the dam's safety issues
- Demolish the Dam-draining both Plow Shop & Grove Pond which will cause environmental issues (contaminants) caused by Shepley Hill on Devens to be disrupted and sent down stream. Mr. Moore distributed estimate for project completed by GPR & back-up information. Mr. Moore stating Army responsible for toxins, suggesting Army Core of Engineers be involved.

The Board requested the Town Administrator contact the Town's State & Federal representatives and request the Ayer Board of Selectmen be placed on next BRAC/RAB Agenda re Mr. Moore's request and impact to Town. Selectman McCreary to submit names re RAB Agenda contact/s.

The Board went off the Agenda to meet with Raymond Tylicki of Buffalo, NY who addressed the Board about the Town of Ayer having no Homelessness/transit services available and need for social services plan, advising Board to local Police arresting homeless and Town needs to have Police trained re assistance/resources; to be more pro-active in offering social services i.e. plan vs. arrest. The Board to look into matter and request department's policy. Town Administrator to check into local listing of regional shelters/services available re referral network for Town's emergency agencies.

Agenda Item #9. Status of Pleasant Street School Construction Budget-Selectman Luca responding to concerns re Ayer Elderly Housing Partnership overrun. Selectman Luca presented the Board an actual and estimated cost adjustment/s printout through project completion-estimated at opening in Nov./Dec. 2009.

Selectman Luca advising the Board to the buildings structural integrity the biggest issue- having to be totally

built costing over \$421K to comply with State Code/s. Project cost \$5.2million. Selectman Luca stating HUD and HUD totally committed to project. The Town contributed \$100K of CPC Funding along with \$100K UDAG Funds to date. Current CPC funds available \$42K. Selectman McCreary suggesting Stimulus Money be sought, Selectman Luca advising to Partnership looking into.

Agenda Item #10. JBoS- Selectman Luca advising to Town DEC members coming to next JBoS Meeting in September.

Agenda Item #11. Town Administrator's Report

1. Local Option-Excise Taxes (meals & lodging) rescheduled for Board's September Agenda.
2. PanAm update-Mr. Suhoski reviewed with the Board his recommendations re follow-through re Community Forum 7-29-09 with Congresswoman Tsongas with regard to Town Officials & MA EPA/DEP follow up. Chairman Sullivan requesting Mr. Suhoski contact Brian Martin in Congressman Tsongas's Office as well re update.
3. Ayer Zoning Review Scope of Work-Mr Suhoski presented the revised scope-of-work proposed for Community Opportunities Group (COG) to match MGL c.43D funding in the amount no to exceed \$44,095.00 approved by the Committee. Motion to approve made by Selectman Luca, 2nd by Selectman Fay, VOTE: 5-0 unanimous, so moved.
4. MRPC Zoning Amendments Agreement-Mr. Suhoski presented MRPC Zoning Agreement advising the Board to the Planning Board approving Agreement at their 6-4-09 Meeting to complete all edits and mapping requirements in the amount not to exceed \$2,049.30. Motion to approve made by Selectman Luca, 2nd by Selectman Fay VOTE: 5-0, unanimous, so moved.
5. Fy-06 CDBG Hous. Rehab Sign & Façade/COA Design Final Report-Mr. Suhoski presented the final report to be filed with the Department of Housing & Community Development advising to Town bringing 24 units of housing up to current code while maintaining affordability restrictions for up to 15 years exceeding original goal of 19 units, also completing 8 façade, 1 awning and 2 sign projects as well as having competed plans developed for the Council on Aging Building for a total award of \$861,295.00. Motion to approve Fy-06 CDBG Final report made by Selectman McCreary 2nd by Selectman Fay VOTE: 5-0, unanimous, so moved.
6. Mr. Sushoski requested the Board appoint Michael DeTillion as Temporary Veterans Agent for the Town advising to Mr. DeTillion filling in for Mr. Velez during his absence the past few years. Selectman Luca moved to appoint Mr. Michael DeTillion Acting Veterans Agent, 2nd by Selectman McCreary, VOTE: 5-0, unanimous, so moved.

Agenda Item #12. Selectmen's Questions/New Business

Selectman Luca-

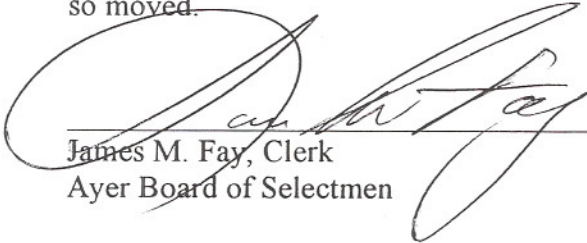
1. Requested the Board open the 10-26-09 Fall Town Meeting Warrant for acceptance of Warrant Articles this request put forward in the form of a motion, 2nd by Selectman Gilles, VOTE: 5-0, unanimous, so moved.
2. Requested the Board look into taking into Tax Title or selling property at 76 Central Ave.
3. Requested the Board place signage in downtown area to detour truck traffic advising to impact to downtown, Central Ave and Columbia St. by tractor-trailers

Selectman Fay-Reminding Mr. Suhoski, re contacting person who emailed Town re making a donation to Town in her mother's memory. Selectman Fay stated he also responded to this person re Memorial Garden Com.

Selectman Fay moved the Board vote to accept the Open Session Minutes of 7-14-09 and Executive Session Minutes of 7-17-09 and 7-22-09, 2nd by Selectman Gillès, VOTE: 5-0, unanimous; so moved.

Pauline Conley stated her dismay re the Board not informing the public or making a statement concerning the settlements of the Water/Maher lawsuits requesting the Board release Waters/Maher Executive Session Minutes questioning where the Town is going to get \$250K..where is it going to come from? Ms. Conley expressed her concern re Re Fy-10 Reserve Fund being used for Water's litigation. Mr. Suhoski rebutting Ms. Conley re the Selectman Sullivan making a brief public statement at the Board's last meeting and advising release of Executive Session minutes will be determined by Counsel once the settlement documentation is deemed final by counsel.

10:45p.m. Selectman McCreary moved the Board adjourn, 2nd by Selectman Gilles, VOTE: 5-0, unanimous so moved.



James M. Fay, Clerk
Ayer Board of Selectmen

DATE: 9/1/09