

Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room Ayer Massachusetts, 01432 9-15-09 Tuesday, September 15, 2009



Meeting Date: 9-15-09

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	Shaun Suhoski, Town Administrator (Mr. Suhoski)	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

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

Chairman Sullivan opened the meeting by requesting a Moment-of-Silence be conducted for former Police Chief William Adamson who passed away on September 8, 2009 after a lengthy illness.

Chairman Sullivan called for another Moment of Silence for 911- National Day of Service and Remembrance for those individuals who lost their lives as a result of the Terrorist Attacks against the United States that occurred on September 11, 2001.

Chairman Sullivan requesting if there was anyone present wishing to meet with the Board under Public Input: Selectman Fay: Special Announcement-to my surprise Selectman Fay announced and recognized my thirty years of service anniversary to the Town of Ayer. The Board congratulated me and treated me to a warm round of applause.

Selectman Luca-American Legion announcement. Selectman Luca welcomed Doug Friedrich to step forward and present his information re "Honor Flight" for World War II Veterans, a N.H. based non-profit organization whose goal it is to take as many WWII Veterans or terminally ill veterans of any war to the WW II Memorial in Washington, D.C. at no cost to the Veteran. Flights are from Manchester NH to DC (18 hour day). Deadline for applications is October 29, 2009. Application forms available in the Selectmen's Office.

Selectman McCreary: Announcements

Tuesday, September 21, 2009-St. Andrews Parish Hall-Faulkner St- 8PM Confronting Climate Change

This Thursday, September 18, 2009 6-7pm Fay Park -Littleton, MA Water Rally-opposing PanAm Unloading Facility

Saturday, September 26, 2009, Local Arts Council-Arts Smart-Town Hall/Old Fire Station 10-3pm

Saturday, September 26, 2009, Nashoba Valley Community Hospital Health Fair 10-2pm

Saturday, September 26, 2009, Farmer's Market-Depot Sq. 8-2pm & Ayer Downtown Fair going on at same time.

Kurt Hayes-9-17-09 Lyme disease Awareness Public Meeting-7pm Ayer Town Hall-2nd Floor Great Hall. Mr. Hayes spoke to this epidemic proportioned disease in MA and MA being the 2nd State in county with the highest number of reported cases and encouraging residents to attend the Public Meeting to learn more about this disease and how to prevent it.

Chairman Sullivan called for a motion to approve the Agenda as amended. Selectman Fay moved the Board approve the Agenda of 9-15-09 as amended, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #1. Ayer Business Alliance-The Board met with Chuck King President of the Ayer Business Alliance. Mr. King addressed the Alliance's frustration upon hearing the news of Mrs. Scarsdale's resignation due to funding not being made available to continue her work re Economic Development. Mr. King spoke to Ms. Scarsdale's work with the downtown Businesses benefiting from her work urging the Board to consider

other funding sources to keep her work going. Many of the Downtown business owners were present i.e. Calvin Moore, Nick Laggis, Paul Bresnahan, new downtown business owner Maurice Babcock, who echoed and voiced their support for Ms. Scarsdale to be considered for the Economic Developer's position in Town, supporting Mr. King's praise of Ms. Scarsdale work, ethics, genuine interest and support of local businesses. Great loss for Town to lose her. Selectman Fay sharing the same concerns advising all to the Economic Development Director's position being a work in progress and welcomed all to stay on for later discussion.

Agenda Item #2. Zoning Board of Appeals Appointment-The Board met with Dale Taylor, Chairman of the Zoning Board of Appeals who introduced John Cadigan to the Board. Mr. Taylor advising to the ZBA meeting on 9-8-09 and unanimously appointing Mr. Cadigan to the Board of Appeals. The Board thanked Mr. Cadigan for volunteering to serve on this committee. The Board reviewed with Mr. Cadigan's his many years of extensive service to the Town of Westford and bringing those attributes to the Town of Ayer. Chairman Sullivan called for a motion. Selectman McCreary moved the Board vote to appoint Mr. Cadigan to the Zoning Board of Appeals, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #3. Fin-Com Appointment- The Board met with Brian Muldoon, Vice-Chair of the Finance Committee who introduced Scott Houde to the Board. Mr. Muldoon advised the Board to the Fin-Com meeting with Mr. Houde, a ten year resident of the Town, and recommending his appointment to the vacant seat of James Stephen for his unexpired term of office to June 30, 2010. The Board reviewed Mr. Houde's impressive financial back ground and thanked him for stepping forward to fill this very important Town position. Chairman Sullivan called for a motion. Selectman Fay moved the Board vote to appoint Mr. Houde to the unexpired term of James Stephen effective from 9-15-09 to 6-30-10, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #4. Continuation of 8-11-09 Aboveground Tank Public Hearing-Kevin Horgan-Ayer Oil Ho. Chairman Sullivan re-opened the Hearing by requesting the Legal Notice be read into the record. The Board met with Kevin Horgan. Mr. Horgan stated his request to amend the volume of his aboveground tanks from 50K to 100K necessary for fuel delivery business. Mr. Horgan advising Board to removal of underground tanks with expansion plans in mind at a cost of \$130K. Mr. Horgan stated he took over business upon his father's retirement in 1999 and buying another business and employing over thirty (30) people. Mr. Horgan stating Fire Chief supports project. Chief Pedrazzi spoke to business certified each year by State re safety and procedures, layers of scrutiny involved, and Company goes above & beyond what is required by Fire Marshall, business is inspected annually by licensed professional engineer. Paul McGuane co-owner of property speaking in support of permit along with businessman Paul Bresnahan. Chuck Horgan, former Town Moderator and prior owner also speaking on family owned and operated business. Chairman Sullivan called for a motion. Selectman Fay moved the Board vote to approve the Above Ground Tanks amended permit from 50K to 100K, and authorize the Chairman's signature 2nd by Selectman Luca, VOTE: unanimous, so moved. Selectman McCreary thanking Mr. Horgan for Zone II protection re containment spill measures undertaken.

Agenda Item #5. Gap Filler Contract-The Board met with Margaret Scarsdale, Program Manager/Grants Administrator-Ms. Scarsdale reviewed with the Board the recent award by DHCD for the Town to begin implementing the \$70K Gap Filler Grant (Lead Abatement). Selectman Luca moved the Board vote to authorize the Chairman's signature on the DHCD 2009 Gap Filler Contract, 2nd by Selectman Fay, VOTE: unanimous, so moved.

ESCO Update-Ms Scarsdale reviewed with the Board the 9-2-09 ESCO Review Committee's meeting with Johnson Controls. Majority of the Board agreeing to more time necessary to discuss, not ready to bring forward. Selectman McCreary advising Board to more state grants will be made available to defray cost of ESCO if Town obtains "Green Community status" ESCO will help create plan to reach goal to become eligible for state funds. Selectman Sullivan advising to school & DPW anxious to get started, room for more dialog re long term plan to get verifiable savings, budget is overriding concern. Regionalization not yet settled re

wnership of building needs to be resolved before sinking money into building. Reducing electric, gas, oil now will get free services information allowing Town to save everywhere before we contract out. Selectman McCreary arguing reducing utility cost won't get us there stating school committee encourages ESCO audit. David Bodutha interjecting that Town needs someone overlooking two programs i.e. laser fiche and permit tracking will save money for Town, needs someone to Champion. Chairman Sullivan urging Board to take steps now to solve energy issue i.e. light fixtures throughout town. The Board reviewed the DPW's WWTP Prism reported savings projected and requested the Town Administrator review/present for the next Selectmen's Meeting. The Board after a lengthy discussion voted to independently pursue energy savings plan, 2nd by Selectman Luca, VOTE: Selectman Fay aye, Selectman Luca aye, Selectman McCreary no, Chairman Sullivan aye, 3-1 motion carries.

Agenda Item #6. Susan Provencher, Program Manager CDBG

1. 76 Central Ave.-Ms. Provencher updated the Board to receipt of three bids from three demolition companies re site clearance of the property at 76 Central Ave. Selectman Fay moved the Board vote to award the demolition contract to Kidder Wrecking Inc., for the bid award not to exceed \$14,950.00 funding to come from Program Income, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
2. Development of new CDBG Management Plan-Ms. Provencher presented the Board the suggested Fy-09 Management Plan suggesting the Board have her remain as Grant Manager/Financial Manager and a second person be hired as a department assistant for sixteen hours per week for CDBG related issues at a savings of approximately \$5K. Selectman Fay moved the Board authorize the hiring of a department assistant for a total number of hours not to exceed sixteen per week through Fy-10, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
3. Certifying Officer-The Board voted to approve the Town Administrator as the Environmental Certifying Officer for the Fy09 CDBG Grant until a new director is appointed. Motion made by Selectman Luca 2nd by Selectman Fay, VOTE: unanimous, so moved.
4. Change in Deleading Protocol-The Board voted to authorize the use of encapsulating practices whenever practical when deleading all properties that come through the program except for item-specific emergencies (i.e. roof, boiler). Motion to approve made by Selectman Fay, 2nd by Selectman McCreary VOTE: Selectman Fay aye, Selectman McCreary aye, Chairman Sullivan aye, Selectman Luca not voting stepping out of room, 3-0 motion passes.

Agenda Item #7. Supt. Nason's Report-

1. Sewer permit-27 Wright Road, Ayer, MA 6" PVC -Selectman Luca moved the Board approve Sewer Permit as presented by Supt. Nason and authorize the Chairman's signature, 2nd by Selectman Fay, VOTE: unanimous, so moved.
2. Amendment #1. Professional Engineering services Agreement (HTA) Central Ave. Pump Station Rehabilitation-Selectman McCreary moved the Board vote to approve Amendment #1. for Engineering services provided by HTA for the above mentioned project authorizing an amended contract with HTA increasing their fees by \$10K to a not to exceed amount of \$78,400.00 and authorize the Chairman's signature, 2nd by Selectman Luca, VOTE: unanimous, so moved.
3. Chapter 90 Projects Update-Supt. Nason presented the Board his Chapter 90 Projects: 1. Sandy Pond Road repaving, Newton Street repaving, Groton Harvard Road-new sidewalk, and infrared pavement repair-at various locations in town. The Board requesting Groton School Road Engineering Service Proposal also be included and get update on TIP list re Willow Rd./Littleton Rd. preliminary work re widening road at intersection. This update to be prepared for the Board's 10-6-09 meeting.

4. Fuel Awards-Supt. Nason presented the fuel award bids:

- Unbranded No Lead Gasoline-\$0.0275 cents per gallon over low market index for Fy-10
- Ultra-low Sulphur Diesel Fuel-\$0.0480 cents “ “ “ “ for deliveries 500-2500
- Ultra-low Sulphur Diesel Fuel-\$0.1900 cents “ “ “ “ “ “ 40-499

Selectman Fay moved the Board award the fuel award bids to C.W. Fuels, Inc. of Pepperell, MA as stated above, 2nd by Selectman Luca VOTE: unanimous, so moved. Selectman Fay moved the Board authorize the Chairman’s signature on the fuel bids, 2nd by Selectman McCreary VOTE: unanimous.

Agenda Item #8. JBoS Update-

Town Administrator updated the Board to Annual Board of Directors meeting scheduled for October 8, 2009 and queried the Board re their suggestions re topics for discussion –North Post Energy was requested to be placed on discussion agenda.

The Board announced their receipt of resignation by JboS Administrative Assistant Susan Provencher upon her return to full time position status as CDBG Grant Manager/Financial Manager for the Town of Ayer. The Board thanked Ms. Provencher for her service to the JBoS.

Agenda Item #9. Town Administrator’s Report-The Board met with Shaun Suhoski

1. Town Hall Trees/Replacement/Landscaping-Mr. Suhoski reviewed the status of the tree in front of Town Hall destroyed by a car accident last year and removed through insurance proceeds. Mr. Suhoski also advised to tree that was growing into flag pole was recommended for removal by Dan Sherman, Facilities Manager. Mr. Sushoski advising to original plan to replace two trees placed on hold due to questions arising re the need to or not to replace due to Town Hall being stately structure and should not be blocked by tree/s. The Board reviewed insurance proceeds/credit value on damages and requesting cash be requested and to not replant trees in front of Town Hall. Pauline Conley offering her assistance re insurance settlement. The Board to review landscaping/maintenance options.
2. UDAG Replenishment –(closeout of old fund balances)- Mr. Suhoski requested the Board close the following Parks Dept. old UDAG designations: Pirone Park Master Plan -\$1,795.75 and Pirone Park Walkways-\$272.00 and return funds back to UDAG fund balance, having met with Park’s Director and confirming same. Motion made by Selectman Luca, 2nd by Selectman Fay, VOTE: unanimous, so moved.
3. Economic Development 2010 Work Program-Mr. Suhoski ran through Fy10 Economic Director’s Budget position scenarios which includes 8 hour department assistant.

32 Hours-Omnibus-\$25,020.00	UDAG-\$15,040.00	IDFA-\$ 6,446.00
40 Hours-Omnibus-\$25,020.00	UDAG-\$23,440.00	IDFA-\$10,046.00

 Chairman Sullivan requesting update re UDAG Interest/Income Status and UDAG principal. Selectman Fay feeling Director’s job dependent upon Grants/grant funding ability. Selectman McCreary feeling position is an investment in Town. The Board requested to re-visit this discussion at their next meeting and contact the IDFA re funding availability/IDFA allocation of funding for Fy-10.
4. Downtown Parking general status update-Mr. Suhoski advised the Board to parcels identified that might make up site –(6) for the downtown parking facilities and of Meeting conducted last week to walk site. Pauline Hamel to report back to MRPC-Peter Johnston walked through locations i.e. parking garage & hybrid. Pauline Conley requesting copies of MART survey appraisal of 6-23-09 and report re heavy metals on site at the rail line along with accounting of money spent to date re assessments. Mr. Suhoski advising to his not receiving any of those requests to date and advising to Phase II Environmental Assessment of the Rail Trail site requiring additional work. Pauline Conley challenging if an incomplete document is a public record. Mr. Suhoski advising to status as “working documents” but would clarify documents status to Ms. Conley by the end of the week. Mr. Suhoski advising all to Town

of Ayer not spending any money (no local match) project funded to date through US EPA Brownfield Grants for Phase I & 2 & supplemental.

- 5. **Fall Town Meeting Status**-Mr. Suhoski updating the Board to legal status of Ayer's Fall Town Meeting per Town counsel in a four (4) page letter to Board. The Fall Town Meeting is a Special Town Meeting scheduled on an annual basis by virtue of local bylaw. Mr. Suhoski ran through Town Counsel's definition of Annual Town Meeting (Statutory) -there is only one, Meeting must be held between Feb. & June and conclude by June 30th -Citizen petitioned articles must have ten (10) certified signatures. Fall Town Meeting-considered a Special Town Meeting under state law, procedures for Special Town Meetings apply, Selectmen control warrant, and citizen petition articles require 100 signatures of registered voters or 10% of all registered voters whichever is less (MGL C39 S10). Mr. Suhoski ran through articles being prepared for the Fall Town Meeting Warrant-legal bills, Bills of prior year, school transportation, Planning Board -Zoning Map and CPC-conservation land article Selectman Luca advising to CPC Public Hearing to be held on 9-23-09.
- 6. Mr. Suhoski updating the Board to Settlement Releases not completed and not making public until all signed off. Separate cases but related.

Agenda Item #10. Selectmen's Questions/New Business

1. FYI'S

Mr. Suhoski reviewed the Regional Dispatch Center for Ayer, Harvard, MADev, & Shirley advising Board that the study is informational and not at public discussion level at this point but MADev is getting a grant to help fund this regional dispatch center and of meeting tomorrow with Administrators, Police & Fire Chiefs at Devens to explore opportunities for sharing resources.

Selectman Luca updating the Board to UMAS Lowell interested in Vicksburg Sq. re Campus.

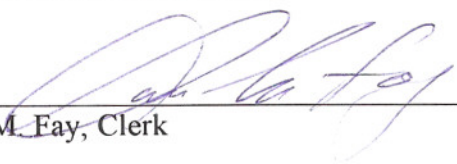
Selectmen's Questions-

Selectman Fay-Memorial Garden Update-Updated the Board on Progress of Committee and exceptional efforts of Asst. Veterans Agent Mike DeTillion to Committee. Requesting the Board authorize the appointment of Mr. DeTillion to serve on the Committee re relationship of personal military information/documents and Committee needing him on this committee. Selectman Luca moved the Board approve Mr. DeTillion to serve on the Memorial Garden Committee, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Selectmen's Packet Release to Press-Selectman Luca moved the Board's packets be released when prepared with exception of Executive Session documents, 2nd by Selectman Fay, VOTE; unanimous, so moved. One (1) packet to be left on counter any others requests to be paid for additional copies.

Selectman Fay moved the Board vote to approve the Executive Session Minutes of 8-11-09, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

10:20p.m. Selectman Luca moved the Board vote to adjourn the meeting 2nd by Selectman McCreary, VOTE: unanimous, so moved.


 _____ Date: 10/6/09
 James M. Fay, Clerk