

Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room Ayer Massachusetts, 01432

10-20-09
Tuesday, October 20, 2009



Meeting Date: 10-20-09

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 7:10p.m. by Chairman Sullivan.

Public Input-Chairman Sullivan requested if there was anyone present wishing to meet with the Board. Selectman McCreary-International Day of Climate Change October 24, 2009 inviting everyone to join Ayer/Shirley local to ring the alarm bells and rally for change. Advising to over 3800 actions in 163 counties will be happening and taking a stand for a safe climate future. Locally: on 10-24-09 at 9:00am walk, ride a bike, to the rail trail to join Ayer/Shirley, 10:00am St. Andrews Church in Ayer will ring its bell 350 times to remind us to reduce our earths atmosphere from today's levels of 390 parts per million of carbon dioxide to a livable 350, 10:00a.m. speakers, information table, and children's activities at rail trail head, 11:34 Inbound train MBTA train to Concord for an Energy Rally in Lexington at 2:00p.m. (transportation to be provided) 4:13 Outbound train back to Ayer.

Selectman Gilles-Volunteer Thank you for re-roofing Sandy Pond Beach-Club House. Thank you's extended to Fire Dept., Park Dept. and citizens who contributed their time and effort to replace the roof.

Selectman Fay-Memorial Plaque-Deadline for submission of names 12-7-09.

Chuck King-10-31-09 Halloween Party-Formal Agenda of festivities planned for Town Hall was presented to the Board for their approval of Town Hall for use of 2nd Floor Great Hall for masquerade party & decorating by Ed & Penny Kelly from 8-11p.m. (earlier/later for set up & clean-up) for the Ayer Business Alliance. Motion to approve made by Selectman McCreary, 2nd by Selectman Gilles, VOTE: unanimous, so moved. The Board also approved of a special appearance of Dark Vader at the 10-26-09 Special Fall Town Meeting prior to opening the meeting to announce the Ayer Business Alliance's 10-31-09 Halloween Party contingent upon the Town Moderator's approval.

Chairman Sullivan reminding all to the Town's Fall Town Meeting on Monday, October 26, 2009 at 7:00p.m. at the Ayer High School and encouraging all to attend.

Agenda Item #1. Ayer Court House Grant-The Board welcomed Judge Kilmartin, of Ayer District Court, Kerin Raymond and Hilary Curtin of Advocates Inc. Judge Kilmartin applauded the Town on its second successful award of \$300K for substance abuse and mental health services pursuant to the authority of Section 509 of the PHS Act by the US Department of Health and Human Services. Judge Kilmartin spoke to the need and support of the program and many success stories. Selectman Gilles moved the Board vote to approve the Grant Agreement #1H79T1021879-01 dated 9-11-09 for the budget period from 9-30-09 to 9-29-10 and project period from 9-30-09 to 9-29-12 in the amount of \$300K with the Town of Ayer and Advocates Inc. 2nd by Selectman Fay, VOTE: unanimous, so moved. Mr. Sushoski reviewed with the Board the Town's cost allocation plan totaling \$12,212.00 re personnel administration of award.

- 76 Central Ave.-CDBG Program –The Board awarded the contract to N.E. Surface Maintenance for the remediation of asbestos and hazardous materials for 76 Central Ave., Ayer, MA funded through CDBG

Program Income. Motion to approve made by Selectman Gilles, 2nd by Selectman Fay VOTE: Selectman Gilles aye, Selectman Fay aye, Selectman McCreary aye, Chairman Sullivan aye, Selectman Luca no 4-1 motion passes.

Agenda Item #3. St. Mary's Church-One (1) Day Beer & Wine License-Oktoberfest 10-23-09

The Board met with Betsy Diskin of St. Mary's Parish-Ms. Diskin advised of this event a 1st Time occurrence for the parish and of 160 tickets available to which 60 tickets have already been sold. Event will be held in the basement of the parish hall. Selectman Luca moved the Board vote to approve the One Day Beer & Alcohol License for St. Mary's Church, Shirley St., Ayer, MA for Friday, October 23, 2009, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #4. Nashoba Valley Chamber of Commerce-One Day Beer & Wine License for

"Business After Hours" to be held on November 17, 2009, at Nashoba Valley Medical Center. The Board met with Rosanne Casavechia who spoke to the event being held in the Founder's Room of the Hospital and License holder for the event being Jack-O-Lantern/Steve Gervais. Selectman Luca moved the Board vote to approve the One Day Beer & Wine License for Nashoba Valley Medical Center for 11-17-09, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #5. Charles McKinney, re Certificate of Appreciation –Rev. Gary Palmer-New Hope

Community Church-Mr. McKinney, former Town Selectman was welcomed to the table by the Board. Mr. McKinney stated he was before the Board to request a Certificate of Recognition for Rev. Palmer who was being recognized in Leominster by the Merrimack/Nashoba Valley African American Caucus on Friday Nov. 20, 2009, for his 22 years of ministry and founding of NHCC. Chairman Sullivan read the Board of Selectmen's Certificate into the record. Mr. Suhoski also advising to a Proclamation coming in from the House of Representatives for Rev. Palmer.

Agenda Item #6. Fin-Com Appointment-The Board met with Jesse Reich of the Finance Committee (Fin-Com) and Andrew Crowley, Software Engineer with IBM. Mr. Reich advised to the Fin-Com unanimously voting to recommend the appointment of Andrew Crowley to fill the remaining two years of the unexpired term of James Stephen expiring on June 30, 2011. The Board welcomed Mr. Crowley to the table and requested Mr. Crowley give the Board a brief statement re his request to serve on the Fin-Com and what attributes he could bring to the Committee. Mr. Crowley stated his desire to serve and of his willingness to learn having strong computer experience and proficiency with numbers. The Board thanked Mr. Crowley for his willingness to serve on this Committee. Motion to appoint Mr. Crowley to the Fin-Com made by Selectman Gilles, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #7. Police Chief William Murray

1. Halloween Observance-Chief Murray advised to this year's town-wide celebration being held on Saturday, October 31, 2009, from 6:00p.m. to 8:00p.m. for trick/treating this in conjunction with the Business Alliances earlier function in downtown Ayer. Chief Murray ran through standard safety measures and advising to patrol officers/cars being out in neighborhoods along with Department preparing a pamphlet which is available at the Police Station. The Board requested Chief Murray place Halloween pamphlet on Town Website for residents.

2. Police Cruiser Purchase Approval-Chief Murray advised the Board to request being made to move forward on the Police Cruiser that was approved at the May 2009 Town Meeting. Chief Murray recommending the contract be awarded to MHQ Vehicle & Equipment of Marlborough, MA for the purchase of a 2010 Ford Crown Vic. Per the Plymouth County, Cooperative Procurement Contract #09-10-11 for the contract award not to exceed \$25,225 as outlined in a memo to the Board dated 10-20-09. Selectman McCreary addressed Green Communities mileage/emissions with the Chief re new vehicle standards. Selectman Gilles moved the Board vote to approve the Chief's recommendation so stated above, 2nd by Selectman Luca, VOTE: unanimous, so moved.

3. Medal Of Honor Recipients-Officers Kellie Barhight and Jennifer Bigelow-Chief Murray advised the Board to two (2) of his officers being awarded Medal of Honor Awards from the MA Police Association on 10-29-09 in West Springfield, MA this award given for their valiant efforts taken at the 2008 Zodiac Apartments Fire, going room to room alerting and waking residents of the Fire under extremely difficult Smokey conditions. Chief Murray advising to his planning to attend and requesting if the Board members would like to attend ceremony. Selectman Gilles expressing interest if he is available. The Board congratulated both officers and requested citations be awarded and Mr. Suhoski advising to officers having been recognized earlier by Board. Chief Murray stated he is also seeking an accommodation for Sgt. McDonald for his instrumental assistance at this fire as well.

4. Shinning Star Award-The Board congratulated Chief Murray upon his receipt of this award from the BWA at the Leominster Four Point on Friday, October 9, 2009, for his efforts and the departments efforts re domestic violence against women. Chief Murray advising to Ayer Police Dept. Crisis Team identifying eleven (11) high risk cases which in many cases has saves lives and places individuals in corrective treatment.

Agenda Item #8. Supt. Nason's Report-The Board met with Dan Nason

- 1. Water/Sewer Permits-** Selectman Gilles moved the Board vote to approve Water & Sewer Permits for 3 & 6 Patriot Way for 1" cubic foot water service and a 6" cubic foot sewer service for John Giamo. Motion to approve and authorize the Chairman's signature made by Selectman Gilles, 2nd by Selectman Fay, VOTE: unanimous, so moved.
- 2. Snake Hill Rd. Rail Crossing-** The Board voted to approve the plans to install raised mediums on snake Hill Rd.. Supt. Nason reviewed and presented the plan developed from meetings with FRA, DPU, MBTA, and MBCR to improve the safety at this grade crossing and to enable the Town to preserve the Whistle Ban to keep its "Quiet Zone" designation. The plans include construction of two non-traversable curbed medians, the relocation of one signal gate and other improvements. Medians to be installed in Spring 2010. Funding from Rick Roper for all the cost associated for these improvements including relocation of signal gate due to this projects proximity to Pingrey Hill Sub-division estimated at approximately \$20K. Selectman McCreary stated her concern re need for more citizens input re this medium not allowing motorist to be able to turn around if long slow train goes through crossing and urged Board to conduct Public Hearing prior to installation of mediums. Chairman Sullivan called for a vote: Selectman Gilles aye, Selectman Fay aye, Selectman Luca aye, Chairman Sullivan aye, Selectman McCreary no 4-1 motion passes
- 3. Street Light Budget-**Supt. Nason advised Board to Street Light Budgeted for Fy-10 \$66K and cut by 10% or \$660.00 stating this budget cannot be under-funded. Reserve Fund Transfer needed in Fy-09 of \$4,300.00. The Board discussed long/short term alternatives i.e. Town owned street lights such as Town of Littleton. The Board also discussed having the Planning Board when reviewing/approving new sub-divisions revert poles back to developer. Selectman McCreary suggesting 100 lights be targeted for shut off. Supt. Nason advising to DPW has driven around town and tagged poles to be shut off. The Board requested the DPW list the streets and pole # scheduled for shut-off on the Web Site to advise residents and to also requested residents to inform the DPW of lights they would like to see shut off i.e. annoying lights or unnecessary lights.
- 4. Sandy Pond Paving-** Supt. Nason informed the Board to start up of paving Sandy Pond Road to begin 10-26-09. Selectman Gilles informing Supt. Nason to complaints by residents re manholes left exposed and urging DPW to place orange barrels on top. Chairman Sullivan requested signs be put up warning motorist to start up of Sandy Pond paving. Selectman McCreary also urging the DPW to look into crosswalk vinyl paint due to crosswalks fading. Supt. Nason also advising to Chapter 90 funds funding the removal of additional ledge on Groton Harvard Rd. for future use.

5. **Ice-Ban 50-50** Supt. Nason updating the Board to his plans to use this product this winter-advising the Board to material makes salt stay on the roadway longer, leaving a residue which helps the next time it snows and will cut down the amount of sand and salt used which makes cleanup much easier. Best of all its environmentally friendly and reduces salt consumption by a third, by mixing with salt or directly spraying the road.
6. Chapter 90 proposal-purchase of new tractor for sidewalk snow removal and used in summer as mower. Cost to purchase between \$150K-\$160K. Resident Jeff Mayes questioning why some sidewalks are cleared and some aren't-private vs. public, urging Board to plow all or none. Frank Maxant stating Board should enforce Police By-law #5/Town Policy and would not have any problems who & when to plow.

Agenda item #8 JBoS-Selectman Luca –Vicksburg Sq. Committee met and decided to pursue variance through their own channels. JBoS looking at getting rid of Super Town Meeting and replace it with a ballot Question to get a better cross section feeling that 50-60 people's vote doesn't give credit to people who worked on issues and also hearing that UMAS Lowell interested in campus on Devens. (Vicksburg Sq.)

Mosquito Control- JBoS looking for letter from Ayer, Shirley & Harvard to be supportive of Mosquito control measures on Devens, three towns need to ratify vote.

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

1. 10-26-09 Special Fall Town Meeting Warrants mailed to residents, and advising residents if they didn't receive one that warrants are available at Town Hall: Town Clerk's Office & Selectmen's Office.
2. Tri-Board Executive Committee meeting tomorrow morning 10-21-09 @7:00a.m. at the Town Hall looking ahead to the Fy-11 Budget. State Revenues reported dropping \$500K to \$1 million. Free Cash high but preliminary numbers present grim picture Fy-11, very preliminary.
3. Economic Development Director-Mr. Suhoski reported to total cost of advertising position coming in at \$1570.00 over spending \$1400.00 budget set by \$170.00. Selectman Gilles moved to ratify the actions by the Town Administrator for advertising position 2nd by Selectman Luca, VOTE: unanimous, so moved.
4. Economic Development Director Screening Committee-The Board per the recommendation of Mr. Suhoski appointed a five member Screening Committee to screen applicants consisting of Two (2) Selectman (Selectman Luca and Selectman Fay) one (1) member from the IDFA, one (1) member from the Downtown Business Alliance and Town Administrator Shaun Suhoski. Motion made by Selectman Gilles 2nd by Selectman Fay, VOTE: unanimous, so moved.
5. Veterans Services- Mr. Suhoski presented to the Board the Cost-Sharing Agreement between the Town of Ayer and MADev not to exceed \$10,500.00 to provide full and timely reimbursement of the "local" share of all Veterans benefits plus a 20% administrative fee that the Town will receive for providing the services through the Veterans Agent. Motion to approve made by Selectmen Gilles, 2nd by Selectman Luca, and authorize the Chairman's signature VOTE: unanimous, so moved.
6. Veterans Agent Position-Mr. Suhoski requested the Board post a ten (10) day internal posting with the intent to promote the acting Veterans Agent to the full-term position. The Board authorized the posting of the position. Board members Luca & Gilles spoke re hearing from residents wanting the town to have their own Agent. Motion to post position made by Selectman Luca, 2nd by Selectman Gilles, VOTE: unanimous, so moved.
7. Shepley Hill Landfill-Institutional Controls-Mr. Suhoski presented the Board a letter for their endorsement commenting on the Draft Focused Feasibility Study-Shepley's Hill Landfill-Devens, MA clarifying Section 2.3.2 which appears to assume the Town of Ayer will be responsible for implementing various institution controls within the so called "impacted area" and advising BRAC to

the Town not approving and not assuming any responsibility for other parties and concurring with the balance of the comments and recommendations in the ECR letter dated 10-14-09 by Richard Doherty. Municipal Liaison-Ethics Commission-The Board appointed Town Administrator Shaun Suhoski as the Town's Municipal Liaison to the Ethics Commission. Motion to approve made by Selectman Gilles, 2nd by Selectman McCreary VOTE: unanimous, so moved. Mr. Suhoski advising to all municipal employees/Board/Commissions/Committees must take part or have representation for the Ethics training by Kopelman & Paige on 11-4-09 at 7:00p.m. at the Ayer Town Hall, 2nd Floor Great Hall.

Lease-Landlord's Consent-Bay Communications-Bay Communications is the successor to Omnipoint on a lease from the Town. Mr. Suhoski presented Town Counsels review and approval of Landlord's Consent Agreement continuing existing agreement. Motion to approve made by Selectman Gilles, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Solar Consultant Update-The Board held a lengthy discussion re energy efficient proposals before them rejecting the solar proposal by Navin Enterprises and revisiting Johnson Controls after hearing Johnson Controls would drop their audit cost to \$22,500 and pick up work by consultants at no additional cost. Selectman Luca requesting the School Department be included in the audit. The Board requested to have Johnston Control's come before them on 11-3-09 with summary of ESCO in writing with sample contract.

Film Shoot-Mr. Suhoski advising to Film Company requesting to reschedule shoot on Main Street due to rain last weekend scheduling for this Sunday from 8am-11am and looking for 30-40 extras for shoot. Motion to approve made by Selectman Luca 2nd by Selectman Gilles, VOTE: unanimous, so moved.

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

1. Special Legislations-Liquor License-the Board requested Mr. Suhoski follow up with representatives re status of additional liquor license request for Town of Ayer.
2. Stimulus Fund-Selectman McCreary updating Board to funding availability up \$150K from the State of MA EECCBG Program for communities under 35K in population which include solar photovoltaic installation and other clean energy technologies and urging Board to act on through Johnson Controls representative Kathleen Stanley public sector CEM, deadline 12-7-09.
3. Minutes-Selectman Fay moved the Board vote to approve the executive session minutes of 6-25-09, redacted, executive session minutes of 7-13-09, 7-17-09 Tri-Board, Executive Session Tri Board of 7-22-09, executive session minutes of 9-1-09, 9-23-09, 9-15-09, 10-14-08, and 10-6-09 open session minutes, 2nd by Selectman McCreary Vote: unanimous, so moved.

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

10:00p.m. Meeting adjourned

James M. Fay, Clerk
Ayer Board of Selectmen
Approved 11-3-09