

**Selectmen's Meeting**

April 1, 2008

Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

Meeting recorded by AYERPAC made part of meeting minutes-CD available for viewing by written request to Town Administrator or by purchase from AYERPAC directly.

**Present**

Gary J. Luca, Chairman	X
Carolyn McCreary, Vice-Chairman	X
Cornelius F. Sullivan, Clerk	X
Frank F. Maxant, Member	X
Pauline Conley, Member	X
Shaun Suhoski, Town Administrator	X
Janet Lewis, Secretary	X

7:05p.m. **Public Input-** Chairman Luca opened the meeting by requesting if there was anyone present wishing to meet with the Board under Public Input:

1. James Nehring-re School Regionalization-Mr. Nehring stated he was before the Selectmen re his opposition of the School Regionalization Consultant's opinion re viability of regionalization over staying alone. Mr. Nehring distributed literature to the Board entitled "Choosing Small- The Essential Guide to Successful High School Conversion", adding he does not have an opinion just wants to share information advising the Board to his also sharing the document to the Regionalization Com. Selectman Sullivan suggesting the Board read documentation first and then comment.
2. James Fay, re: offering to volunteer his service to fill one of the vacancies on the Personal Board for the Board to be able to have quorum to meet.
3. Chairman Luca re adding Steve Roach under Public Input re Nashoba Valley Medical Ctr. status update.
4. Selectman Conley re adding reclassification of Dan Sherman, Facilities Coordinator and Selectmen's Fy-09 Budget under the Town Administrator's Report.

Chairman Luca called for a motion to approve the Agenda. Selectman Maxant moved the Board approve the Agenda of 4-1-08 as amended, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Maxant aye, Selectman McCreary aye, Selectman Conley aye, Chairman Luca aye, Selectman Sullivan stepped away from table for moment not present for vote, 4-0 motion carries.

**Steve Roach, CEO-Nashoba Valley Medical Ctr.** --Mr. Roach reviewed with the Board Essent Healthcare's (Nashoba Valley Medical Ctr.) Hospital's project change status from total replacement to expansion of equipment, staff and the rehabilitation of existing facility i.e. operating room, fascia. Mr. Roach advising to 15-20 new positions of which were two (2) new physicians, inpatient expansion of up to 35-38 new beds, and moving services around. Selectman Maxant requesting if hospital was selling real estate to other parties and Mr. Roach advising to land being leased and hospital maintaining ownership of property. Selectman Maxant questioning if improvements to hospital were for profit/not for profit and advised for profit. Selectman Sullivan questioning if plans included drive thru pharmacy and Mr. Roach advising to working with local market presently but stating pharmacy would not be under hospital. the hospital not having license to operate. Mr. Roach advising to his planning to be back before the board early summer with status update. The Board thanked Mr. Roach for coming in to meet with the Board.

**Agenda Item #1. Council on Aging Appointments-**The Board met with Sister Paula McCrea and Karin Dynice Swanfeldt, Director of the Council on Aging. Sister Paula introduced to the Board Catherine Lawton and Agnes Shanahan. Sister Paula gave the Board backgrounds re each of the candidates: Catherine Lawton lives at the Pond Street site active volunteer at the hospital and council. Agnes Shanahan life long resident of the Town of Ayer, volunteer at center. Ms. Swanfeldt stated the Council has been searching for new members since September 07 advising to Ellen Tremont resigning due to health related problems and now residing at Nashoba Park. Ms. Swanfeldt recommending the appointments of both Catherine Lawton and Agnes Shanahan and advising to Ellen Tremont being a honorary member to the Council and Liaison for Nashoba Park. Selectman Conley moved the Board approve the recommendations of both Sr. Paula and Karin Swanfeldt and appoint Catherine Lawton and Agnes Shanahan to the Council

on Aging vacancies subject to exact terms of office to be submitted by Karin Swanfeldt, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**Agenda Item #2. Bennetts Brook-Laying out of Road.** Mr. Suhoski updated the Board to Bennetts Brook Plan being recertified and placed on the 5-12-08 Annual Town Meeting Warrant-Article #15 for acceptance. Selectman Conley moved the Board vote accept Bennetts Brook Road Acceptance Warrant Article subject to recertification of plan & vote to lay out road, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

**Agenda Item #3. Revised Health Insurance Contributions-**Mr. Suhoski presented the Board the Revised Non-Union Personnel-Health Insurance Contributions requesting the Board modify the March 18, 2008 vote to institute a 75% contribution to Town Health Plans effective with payroll deductions on July 1, 2008. To provide an additional credit to affected employees to ease the transition to the new contribution rate (see memo dated March 28, 2008 from Town Administrator) and to institute a buy-out program that would allow employees currently enrolled in a Town health plan to “buy out” of such coverage – at the employees discretion – for a three year period in exchange for a lump sum bonus payment at the end of each fiscal year of \$5K-family plan or \$2,400 (for individual plans)as further detailed in 3-28-08 Memo from Town Administrator. Selectman McCreary moved the Board vote to approve Mr. Suhoski’s revised Health Insurance Contributions Revised Plan re Part 2. & Part 3. (Part 1. no change) dated 3-28-08, 2<sup>nd</sup> by Selectman Conley, VOTE unanimous, so moved. Selectman Maxant again reiterating to treat all employees fairly don’t give non-union employees opportunity to unionize.

**Agenda Item #4. Town of Pepperell ETA-** Present for the discussion Bonnie Biocchi –MA Office of Business Dev. to assists the Board re clarification/intent of ETA and the benefit of being able to offer TIF (Tax Increment Financing) which the Town of Pepperell wishes to do with the redevelopment of an old manufacturing bldg. (14 acre site) into a 43D site with potential of \$100K funding assistance being offered to smaller demographic communities. Towns must be in an ETA (Economic Target Area) to be able to offer TIF’s and access funding other then Brownfields. Selectman Maxant again expressing his concern re competing for funds with yet another community. Selectman Conley moved the Board vote to approve the Town of Pepperell’s inclusion in the Town of Ayer, Groton and Shirley’s Economic Target Area contingent upon vote of the Town of Shirley, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**Agenda Item #5. Supt. Madigan’s Report-** The Board met with Supt. Madigan.

**1. 2008 Chapter 90 Program-**Supt. Madigan presented the Board his proposed 08 Chapter 90 Program totaling \$211,900.00 advising the Board to \$639,237.48 remaining in account:

- Crack Sealing of roads throughout Town \$10K
- Paving (2 ½ top) 2200’ West Main Street \$72,600
- Paving (2 ½ top) 1000’ Harvard Road \$31,200
- Paving (2 ½ top) 1500’ Willow Road \$48,600
- Paving (2 ½ top) Groton Harvard Road \$49,500

Chairman Luca expressing his concern re Willow Rd. truck traffic and impact to road re digging of trench for new sewer installation, Selectman Sullivan expressing his concern for Groton Harvard Rd. pothole/s and installation of new sidewalks for residents due to new school bus policy, Selectman McCreary urging Supt. Madigan include Sandy Pond Rd. area of recent water line break in Chapter 90 Project list advising to residents angry re trucks/motorist speeding and hitting construction site shaking homes-Supt. Madigan advising to this area included in the Chapter 90 program for a curb to curb paving, Selectman Maxant expressing his concerns re repairs to sidewalks from E. Main to Harvard Rd. sidewalks in horrible condition and some areas without sidewalks. Supt. Madigan to look at all concerns raised by Board and report back advising to sidewalk installation very costly and MA Highway responsible for portion of area around rotary plus having shortage of workers. Selectman McCreary moved the Board vote to approve the 2008 Chapter 90 Program as outlined in a memo dated 3-24-08 to the Board from Supt. Madigan in the amount not to exceed \$211,900.00, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

2. **Highway Department Appointment**-Supt. Madigan updated the Board to Utility Person position in the Highway Dept. open with the recent promotion of Derek Schwartz to Highway Equipment Operator. Supt. Madigan advising to position posted and only one employee requesting interest Leslie Tyler-Solid Waste Dept. Selectman Conley moved the Board vote to appoint Ms. Tyler to the position of full-time Utility Person in the Highway Dept. at the rate of pay of \$16.70/per hour as recommended by Supt. Madigan in a Memo dated 3-24-08 effective 4-3-08, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
3. **Sludge Disposal Surcharge Fee/Fitchburg-FYI only**-Supt. Madigan updated the Board to measures taken by him to ensure Ayer DPW procedures are adopted re Fitchburg's recent surcharge on sludge received that is less than 4% solids.
4. **2008 Part-time Construction Inspection**-The Board approved Weston & Sampson's Agreement for a sum not to exceed \$40K for part-time construction inspection for the Ridgeview Heights Sub-division off Snake Hill Rd. detailed in a memo from Supt. Madigan dated 3-17-08. Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. Selectman Conley advising to outdated insurance certificate requesting new one be issued naming Town of Ayer as an additional insured.
5. **Headworks Loading Analysis-Wastewater Treatment Facility**-Supt. Madigan clarified the discussion held over from the Board's 3-4-08 Meeting advising to the local limits must be presented to the SIU's at a Public Hearing and approved by the Town the Public Hearing can be held at any time and the approval would be by the Sewer Commissioners suggesting the Public Hearing be held after the Spring Town Meeting along with the proposed local limits: BOD 400, TSS 400, Zinc 2.2, Copper 0.54, Phosphorus 21.
6. **Chemical Cleaning & Redevelopment Spectacle Pond Well #1.-**  
Supt. Madigan advised to sealed bids received on 3-12-08 and Town receiving four (4) bids. Supt. Madigan recommended the bid be awarded to low bidder F.C. Sullivan Drilling of Lancaster, MA in the amount of \$13,556.25. Selectman Sullivan moved the Board award the contract to F.C. Sullivan Drilling of Lancaster, MA in the amount not to exceed \$13,556.25 for the chemical cleaning & redevelopment Spectacle Pond Well #1, 2<sup>nd</sup> by Selectman Conley for discussion. Selectman Conley advising to no Pollution Liability Policy requesting Supt. Madigan request policy from F.C. Sullivan. VOTE: unanimous, so moved.
7. **Monitoring Wells**-Mr. Suhoski updated the Board to Rick Linde of the Water Dept. reporting activity beginning at the Guilford site advising to Engineer for Guilford queried him for drawing of Town utilities (water & sewer mains) in the golden triangle. Mr. Linde was advised to Guilford now going to demolish existing buildings on the site and build two small structures closer to the Willow Rd. access gate and water & sewer applications were applied for. Mr. Linde advising to when available updated plans with the new structures would be given to him. The Board requested to place two (2) more monitoring wells up gradient at the end of Nemco Way-Stony Brook Way by Vita Soy Parking Lot re water sampling. Supt. Madigan to contact Geo Insight and report back to Board re water flow direction. Selectman Conley requesting Town Counsel contact Guilford and work with Supt. Madigan to go over situation and to keep the Board of Health apprised.
8. **Stormwater Public Hearing**-Supt. Madigan advised to 2<sup>nd</sup> Public Hearing being scheduled for Saturday, April 5, 2008 at 10:00a.m. at the Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room.

**Agenda Item #6. Financial Manager/Town Accountant- Position Reclassification**-The Board revisited the reclassification discussion of 3-14-08 and 3-18-08. Selectman Conley moved the Board vote to establish a Grade 14 retro to 2-26-08, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Maxant aye, Selectman Conley aye, Chairman Luca aye, Selectman Sullivan no, Selectman McCreary no, 3-2 motion passes. Selectman Sullivan requesting Board reconsider effective date for reclassification of Financial Manager/Town Accountant referring Board to another employee recently reclassified and wishing to treat people fairly requesting July 1, 2008 effective date for reclassification. Selectman Maxant moved the Board vote to reconsider effective date of Financial Manager/Town Accountant to 7-1-08, 2<sup>nd</sup> by Selectman

Sullivan, Selectman Conley requesting Step 7 be established for 7-1-08 effective date VOTE: Selectman Conley aye, Selectman Maxant aye, Chairman Luca aye, Selectman Sullivan no, Selectman McCreary no 3-2 motion passes.

**Agenda Item #7. Town Administrator's Report**-The Board met with Shaun Suhoski

1. **Town Administrator's Goals & Objectives**-Selectman Conley advising to Work-Shop not recorded. On 4-1-08. Selectman Conley reviewed with Mr. Suhoski her concerns. Per contract Mr. Suhoski's hours being 9:00a.m to 5:00p.m.-Mr. Suhoski agreeing to being more visible. Selectman Conley addressing Executive Session minutes being 18 months behind and need to be kept current. Mr. Suhoski agreeing to as of 7-1-08 to keeping Minutes current. Selectman Conley moved to add Executive Session minutes under Item #6, 2<sup>nd</sup> by Chairman Luca.. Mr. Suhoski in defense stated he works by priority every day always with a new priority each day, piles on his desk reflect work and advising to funds presently in Selectmen's budget for additional support staff to help out on specific projects .e. Town Report, etc., only so much a person can do. Selectmen Sullivan and McCreary stated their appreciation of Mr. Suhoski's work effort keeping all the balls in the air. Mr. Suhoski reminded the Board to his Personal Services Agreement expiring on 6-30-08 requesting to negotiate the provisions of the Agreement.
2. **Armed Forces Reserve Center Complex (BRAC 05) at he US Army Garrison, Ayer (Fort Devens) MA.** Mr. Suhoski presented his letter on behalf of the Board to Spence Smith -Louis Berger Group, Inc. re the public comment period concerning the draft finding of No significant Impact & Environmental Assessment runs through 4-19-08 re assessment indicates that a negligible adverse impact may be associated with respect to both surface & groundwater quality and that a minor adverse impact may be associated with increased traffic. The proposed \$70 million project included construction of three major facilities with ancillary structures totaling 280,000 sq. ft. on approximately 57 acres of land off Barnum Rd. A total of 789 +/- military vehicles and 642 personnel working at the facility. Mr. Suhoski advising to project site is immediately proximate to the Town of Ayer's Grove Pond Wells which serves as the Town's primary municipal water supply advising to portions of the site fall within the Zone I buffer zone for the wells and the entirety of the projected development falls within the Zone II aquifer for this water supply. Mr. Suhoski presented to the Board his recommendations re assurances of these vital resources, i.e. comply with applicable federal, State & local standards associated with the aquifer, wellhead zones, wetlands and recharge areas. Comply with applicable By-laws of the Town of Ayer re aquifer & wetlands, enter into written agreement with DOA to ensure adequate protection of the Town's drinking water. Lastly Mr. Suhoski requested hard copies of the EA, draft FNSI and associated documents (3) for distribution to local permitting authorities. The Board requested PACE (Rich Dorothy) the Ayer Board of Health be contacted re comment and to request a ninety (90) day extension from DOA for review & comment on the documents by the Town.
3. **Water & Sewer Permits**-15 Quail Run, 55 Fox Run and 26 Fox Run (1" water service) -Crabtree Development and 20 Howard St. Lot 7 (Twin Valley Homes 1 " water service) Selectman Sullivan moved the Board approve the above water permits, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
4. **Selectmen's representative to 43D Committee.** The Board moved to accept Selectman McCreary's request to be the Board's delegate to the 43D Committee. Motion to approve made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
5. **CDBG Lien Sub-Ordination Request**-Selectman Sullivan moved the Board vote to approve the Lien Subordination Request for Case # 04-281 recommended by Susan Provencher, Program Manager in the amount not to exceed \$146K with condition on memo dated 3-25-08 to be incorporated into approval, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
6. **Proposed Fy-09 Omnibus Budget \$22,068,161**-Mr. Suhoski briefed the Board to his draft omnibus budget overview for Fy-09 representing \$447,874 in cuts to department requests and reflecting \$148K from Stabilization and a 2% COLA.

Mr. Suhoski also presented and reviewed with the Board the Fin-Com's Capital spending recommendation for Fy-09 including latest Town Accountant's additional items totaling \$1,954,958. (i.e. Central Ave. Pump Station, etc.). Ms Spinner urging the Board's consideration of a one time only Capital Debt Exclusion re funding the School's computer line item of \$175K advising home owners tax bill increasing only by \$73.00 for 2009 stating with technology today the computers would be outdated in short period of time and way before borrowing term ended. Selectman Sullivan stated he is not being in favor of taxing home owners more. The Board reminded all to Public Hearing on the Fy-09 Budget tomorrow evening 4-2-08 at 7pm at the Ayer Town Hall.

Dan Sherman –Facilities Supervisor discussion held off until 4- 2-08 @ 6:45pm prior to Fy-09 Budget Public Hearing.

Selectmen's Fy-09 Budget-Mr. Suhoski requesting the Board keep the \$4K under Clerical support to assist him with projects, vacation assistance for secretary etc. and \$500 in office supplies. Selectman Sullivan recommending the Board set example by cutting \$4,500 in their own budget is sympathetic to Town Administrator but can't justify when holding line with other departments. Selectman McCreary adding line item not increased from Fy08 and not used but now there is clear evidence showing need to keep in Fy-09 Budget. Selectman Conley moved the Board vote to approve the Fin-Com's recommendation of \$157,944 reducing the clerical support line item #51400 by \$5K and supplies line item #51401 by \$500, 2<sup>nd</sup> by Selectman Sullivan VOTE: Selectman Conley aye, Selectman Sullivan aye, Chairman Luca aye, Selectman McCreary no, Selectman Maxant no. 3-2 motion passes.

**Agenda Item #8. Selectmen's Questions/New Business-**

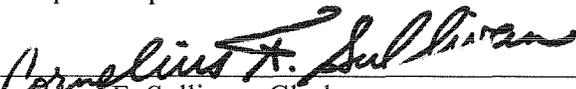
Selectman Sullivan

- Longevity eliminated re new hires/eliminate totally
- Budget Work Session –Policy Town Administrator & Fin-Com re Capital Reserve Funds/Enterprise
- Compensation Plan beyond grid look into eliminating
- Mary Spinner also recommending over-time and compensation time be looked into re Part-time employees should only be paid to employees after 40 hour week is worked.

Selectman Conley requesting report from Town Administrator & Dan Sherman re electric contract, energy audit for all Town buildings at no cost to Town.

10:27p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b, Exemption #3 with respect to litigation and Collective Bargaining to adjourn from Executive Session to re-enter into Open Session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Conley , VOTE: Selectman Sullivan aye, Selectman Conley aye, Selectman McCreary aye, Selectman Maxant aye, Chairman Luca aye, unanimous, so moved.

10:27p.m. Open Session concluded.

  
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Cornelius F. Sullivan, Clerk

Date: \_\_\_\_\_

5-6-08

AYER BOARD OF SELECTMEN