

Selectmen's Meeting  
Tuesday, August 1, 2006  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

**Present**

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

**Agenda Item #1.-Public Input:** Chairman Maxant requested if there was anyone present wishing to meet with the Board:

1. Selectman Conley moved to take up Agenda Item 8-Fy-07 Appointments before Agenda Item #7 Town Administrator's Report, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved
2. Mary Spinner-Ms. Spinner updated the Board to Town withholding contingency funds (\$27K) from SOM roof contractor re work completed re roof, only outstanding issue remains with the grounds/lawn not satisfactorily completed and requesting to hold back portion of funds estimated at \$3,500.00 to have original landscaper bring back the lawn to match original landscaping. Selectman Conley made a motion later withdrawn to have Ms. Spinner contact Pinard Landscaping (original lawn contractor) to arrange for them to repair lawn damaged by roofing contractor in an amount not to exceed \$3,500.00. After a short discussion the Board agreed to have Ms. Spinner contact Sanderson to conduct final inspection and Selectmen to take this matter up again on 8-15-06.

**Agenda Item #2. Fy-06 CDBG Grant Award Recognition-**The Board met with Susan Provencher who read into the record a statement re the Office of Community & Development. Ms Provencher stated even though Mr. Suhoski has been the Town Administrator for the past six months he is still in charge of the OCED Office handling all the OCED issues, Devens Disposition, train station and parking related issues related to the train station. Ms. Provencher stated no one has been brought on to replace Shaun in his old position and he is actually doing both jobs for the past six months. Ms. Provencher advised the Board to Shaun being greatly involved with this latest grant application and its successful award. Ms. Provencher stated having worked with Shaun he is the first person to hand out praises for others and at this time she would like to thank him for all his hard work and involvement with this award adding the Town of Ayer should be very aware of Shaun's dedication to the Town and its residents. A round of applause was conducted for Mr. Suhoski.

**Agenda Item #3. Minutes**

- 7-14-06 Minutes-Special Meeting-**Selectman Conley stated her concerns re the Board not approving Legislation language-nor discussed. Selectman Conley requesting Chairman Maxant explain his hand written notes on minutes which was later requested to be incorporated in to the minutes of 7-14-06. Selectman McCreary moved the Board approve the minutes as amended 2<sup>nd</sup> by Selectman Conley, VOTE: Selectman Conley no, Selectman Luca recused himself, Selectman McCreary aye Chairman Maxant aye, 1 recused. 1 no, 2 aye motion passes 2-1-1.
- 7-18-06 Executive Session-**Selectman McCreary moved the Board approve the amended minutes 2<sup>nd</sup> by Selectman Conley for discussion. Selectman Conley expressed her concern re motion going into Executive Session language be included. Selectman Conley requested to number Fire-fighters spreadsheet so they coincide with attached spreadsheet, 2<sup>nd</sup> by Selectman Luca VOTE: unanimous, so moved.
- 7-26-06 Special Meeting-COA** Selectman McCreary moved to accept the minutes of 7-26-06, 2<sup>nd</sup> by Selectman Conley for discussion requesting no to include last sentence, re EOCD Grant Award due to sole

purpose of meeting to address the Council on Aging Van Driver emergency not EOCD Grant Award. Selectman McCreary stated minutes must reflect what happened. Selectman McCreary moved to leave the minutes as reflected in book, 2<sup>nd</sup> by Selectman Luca, VOTE: Selectman McCreary aye, Selectman Conley no, Selectman Luca aye, Chairman Maxant aye. 3-1, motion passes.

**Agenda Item #4 Fire Chief-KVA Contract amendments & Interim Fire Chief-** The Board met with Fire Chief Paul Fillebrown.

1. **KVA-Chief** Fillebrown advised the Board to the four (4) remaining issues handicap ramp, drainage problems, snow guards-installation and the property transfers/final & survey. Selectman Conley moved the Board approve the final extension with KVA -Amendment #9 extending KVA's contract to 8-31-06 in the amount no to exceed \$5K, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
2. **Barille Corp**-Dry Well installations. Chief Fillebrown updated the Board to drainage problem and need to install couple of dry wells to disburse the water better at the new Fire Station-to help with wash out. Selectman Conley moved the Board approve addendum 16 & 17 for three (3) dry wells to be installed by Barille Corp at a cost not to exceed \$4,719.08 to include credits of \$1200.00 and \$250.00, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.
3. The Board met with Chief Fillebrown re his pending retirement and filling gap until a new Fire Chief is hired. Mr. Suhoski updated the Board to Chief Fillebrown offering to stay on as Interim under stipend agreement. Selectman Luca requesting alternatives, cost, duration, and to explore all options. Chief Fillebrown recommended the Board not consider anyone currently employed at Fire Station be considered Interim advising it would create problems especially for those applying for Chief's position requesting to keep everyone on equal playing field. Selectman Conley wishing to defer discussion until Board has something before them to review, and to schedule separate meeting with a member of Board of Selectmen and Town Administrator to meet with Chief to explore proposal for full Board's review. Selectman Conley volunteered Selectman Luca be the Board's designee to meet with the Chief and Town Administrator re the Interim Chief's position. The Board scheduled a meeting for 8-8-06 to meet with Chief Fillebrown to discuss the proposed Interim Fire Chief's position. Timeliness of meetings prompted by the Chief's benefits ending at the end of the month. On another note Selectman Conley reminded all to the New Fire Station's dedication and Open House this Sunday, August 6<sup>th</sup>.

**Agenda item #5. Supt. Madigan's Report-**

1. **DPW Appointments**-The Board met with Supt. Madigan and Rick Linde-Union Steward, re DPW staffing re-alignment presented to the Board on 7-25-06. Supt. Madigan advised to three job descriptions being posted on 7-27-06 DPW employees canvassed and only one employee showing interest in each of the three job postings. The Board entertained a brief discussion re Mr. Schwartz being a non-union member per the DPW-Collective Bargaining Agreement even though he pays Union dues during a 12-month mandatory probationary period.

**John Gamelin-** Selectman Conley moved the Board appoint John Gamelin to the Meter Reader's position for the DPW -Water Department effective 8-3-06 with a six (6) month trial period per Supt. Madigan's recommendation stated in a memo dated 7-28-06, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

**David Nelson-**Selectman Conley moved the Board appoint David Nelson to the position of full-time Equipment Operator for the DPW-Highway Department effective 8-3-06 with a six (6) month trial period per Supt. Madigan's recommendation so stated in a memo dated 7-28-06, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

**Derek Schwartz-**Selectman Conley moved the Board appoint Derek Schwartz to the position of full-time utility person to the DPW Highway Dept effective 8-3-06 with a six (6) month probationary period and eligible to join Unionn8-16-06, 2<sup>nd</sup> by Selectman McCreary VOTE: Selectman Conley aye, Selectman McCreary nom Selectman Luca no, Chairman Maxant no 3-1 motin fails. Selectman McCreary moved the Board appoint Derek Schwartz to the position of full time Utility Person to the DPW-Highway Dept. effective 8-3-06 as a non-union member during a twelve (12) month Probationary Period and contingent Mr. Schwartz obtains a CDL -A drivers license

within six (6) months of appointment being a non-union member during the twelve (12) month probationary period per Supt. Madigan's recommendation so stated in a Memo dated 7-28-06, 2<sup>nd</sup> by Selectman Luca VOTE: Selectman McCreary aye, Selectman Luca aye, Selectman Conley no, Chairman Maxant aye. 3-1 motion passes. The Board congratulated all upon their appointments and wished them all good luck.

**2. Hoyle Tanner & Associates-Evaluation of the Stoney Brook Pumping Station**

Supt. Madigan updated the Board to increases to Town water and wastewater capacities by Vitasoy USA and Epic Ent. effect upon Stoney Brook Pumping Station. Supt. Madigan advised to a mutual agreement made with Vitasoy & Epic to need of an engineering evaluation for upgrades/improvements to the pumping station being necessary. Vitasoy agreed to pay up to \$5K to have a study done. HTA prepared a contract for the evaluation of the pump station not to exceed \$4,500.00. Supt. Madigan recommended the Board award the Stoney Brook Pumping Station Evaluation contract to HTA for the sum not to exceed \$4,500.00. Motion to approve Supt. Madigan's recommendation so stated in a memo dated 7-28-06 made by Selectman Conley, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**3. Hoyle Tanner & Associates-Central Ave. Pumping Station Upgrade-Supt. Madigan presented HTA's Central Ave. Pumping Station Design Upgrades contract to the Board advising to funding for the upgrades approved at the Spring 2006 Annual Town Meeting (\$100K). Supt. Madigan requested the Board approve HTA's contract for the design upgrades to the Central Ave. Pumping Station for the sum not to exceed \$93,500.00. Selectman McCreary moved the Board approve Supt. Madigan's recommendation so stated in a memo dated 7-28-06, to award the Central Ave. Pumping Station Upgrades to HTA in the amount not to exceed \$93,500.00 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.**

**4. Water/Sewer Permits**

The Board approved Water and Sewer Permits for 191 Groton Rd. recommended by Supt. Madigan. Motion to approve made by Selectman Conley, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved. The Board approved Water & Sewer Permits for N.E. Hydro-Nemco Way for fire-line recommended by Supt. Madigan. Motion made by Selectman McCreary, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

**Agenda Item # 6. Former Town Employee-court payment request**

The Board agreed to schedule a meeting with employee to meet with the Selectmen to resolve issue for August 15, 2006. The Board to extend invitation re his option to meet in Open or Executive Session. If employee does not attend the Board to hold meeting in Executive Session.

**Agenda item #8 Fy-07 Appointments- taken out of order per vote of Board earlier**

Town Administrator clarified the MRPC and MART appointments for the Board.

**MART-Advisory Board** customarily the Chair is the Advisory Board's representative --on 7-25-06 the Board ratified the Town Administrator as the designee for the MART-Advisory Board.

**MRPC**-The Town has two (2) representatives: one from the Planning Board-designated by the Planning Board (Pat Walsh) and one designated by the Board of Selectmen (Timothy Hansen)

**JOINT TRANSPORTATION (MJTC)** The Town has two (2) representatives one appointee by the Planning Board (Jim Lucchesi) and one by the Board of Selectmen (presently vacant use to be Paul Bresnahan).

**REGIONAL ECON.DEV. (CEDs)** the Town has two appointees of the Board of Selectmen currently the Town Administrator and prior to Shaun former Town Counsel Robert Gardner. Mr. Sushoski advised that when the new Planning & Development Director is appointed this as well as the MRPC posts may be designated to him/her.

**The Board to take up Conservation Commission Appointments, Communication Committee Appointments, and Zoning Board of Appeals appointments on 8-22-06. Letters to be submitted to all applicants to be present on the 22<sup>nd</sup>.**

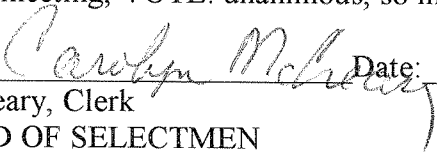
**Agenda Item #7. Town Administrator's Report-**

1. **Planning & Development Director Update-**Mr. Suhoski advised to joint meeting scheduled for August 3, 2006 at 7pm at the Town Hall with the Planning Board re merging the Job Description prepared by Mr. Suhoski with Planning Board Chair Elizabeth Hughes recommendations, which has been done and circulated.
2. **Rail Trail-**Mr. Suhoski advised that the legislation had passed in both the House & Senate and waiting the Governor's action.
3. **Town Counsel Policy-**Mr. Suhoski advised to multiple points of contact creating confusion for Town Counsel as to he responds to. Mr. Suhoski suggesting the Board re-affirm longstanding practice that questions or invitations to town Counsel not come from individual Selectmen but be presented through the Town Administrator. Mr. Suhoski stating he will be happy to arrange Town Counsel's attendance whenever the Board requests him to do so.
4. **Town Administrator Performance Evaluation-**Mr. Suhoski advised the Board to his annual evaluation due which is conducted by the Board by June 1<sup>st</sup> in ea fiscal year according to mutually agreed performance measures. Mr. Suhoski advised to evaluation forms in their books-Goals & Objectives to be set and submitted to the Board for the Boards 2<sup>nd</sup> meeting in August.
5. **Reserve Fund Transfers-The Board approved the following Reserve Fund Transfers:**  
**Town Counsel Line Item 001-01151-\$8,105.07** Motion to approve and authorize the Chairman's signature made by Selectman Conley, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.  
**Management Support Line Item # 001-01154-\$1,500.00** Motion to approve made by Selectman Conley and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.  
**Parking Tickets Line Item # 001-01148-\$38.52** Motion to approve made by Selectman Conley and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.
6. **Devens Disposition-**The Board met with Paul Bresnahan who updated the Board to revised schedule re Public Hearing in the Town of Ayer being scheduled for 8-23-06 at 7pm at the Ayer Town Hall and the 2<sup>nd</sup> draft of the documents will be released by the DDEB on 8-8-06. Mr. Bresnahan reviewed with the Board the Disposition Package which contains the Join Report 15-25 pages, Joint Study 10-30 pages, Reuse Plan-revision of the 1994 Reuse Plan document to reflect changes, Zoning by-laws-revised, and the draft legislation reflecting all elements of the MOU to be enacted into law plus ancillary materials.. Mr. Suhoski presented the Board revised MOU signature pages for the Board's signature advising to document due on 6-8-06. Selectman McCreary moved the Board go forward and resign the signature pages without the Chairman's signature statement, 2<sup>nd</sup> by Selectman Luca. Chairman Maxant requesting where the Board has authorization to silence one of their members. Selectman McCreary stating again to move forward, Selectman Luca also feeling discussion has been rehashed long enough and the Chair has expressed his opinion. Chairman Maxant called for a VOTE: Selectman Luca aye, Selectman McCreary aye, Selectman Conley no, Chairman Maxant no 2-2, motion fails.

**Agenda Item #9 Selectmen's Questions/New Business**

1. **Fall Town Meeting Warrant opened-**Mr. Suhoski advised the Board to Fall Town Meeting to be held on October 23, 2006, and requested the Board officially open the warrant for article submission by Town Departments, Boards, Committees, Commissions and residents and close the Fall Town Meeting on September 15, 2006. Selectman Luca moved the Board open the Fall Town Meeting Warrant August 1, 2006 and to notify all Town Departments and advertise the Warrant open/Closing dates with media, cable as well and close the Warrant on September 15, 2006, 2<sup>nd</sup> by Selectman Conley VOTE: unanimous, so moved.
2. **Super Town Meeting-**Tuesday. October 24, 2006 at 7pm at the Ayer High School Washington St., Ayer, MA. Re MOU Legislation drafted into law re Scenario 2B.
3. **Pearl St./Cambridge St. intersection -**Selectman Conley advising to discussion with Planning Board re site plan approval depicting a stop sign at this intersection and requesting one be placed there as soon as possible due to dangerous intersection having almost been involved in an accident there this week.

**9:42p.m.** Selectman McCreary moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 to discuss strategy in preparation for negotiations with non-union personnel and to discuss strategy with respect to collective bargaining and litigation, to adjourn from this Executive Session to reenter in Open Session for the sole purpose of adjourning the meeting, VOTE: unanimous, so moved.

 Date: \_\_\_\_\_  
Carolyn McCreary, Clerk  
AYER BOARD OF SELECTMEN