

**Draft** Selectmen's Meeting  
Tuesday, July 25, 2006  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session	Present
Frank F. Maxant, Chairman	X
Pauline Conley, Vice-Chairman	X
Carolyn McCreary, clerk	X
Gary J. Luca, Member	X
Cornelius F. Sullivan, Member	X
Shaun Suhoski, Town Administrator	X
Janet Lewis, Secretary	X

**Agenda Item #1.-Public Input**-Chairman Maxant requested if there was anyone present wishing to speak under Public Input.

**Leslie Tyler-Parking Garage/Devens issues**-Selectmen not listening to voters

**Mary Spinner-Reserve Fund**-urging Town Dept's to get their Reserve Fund Requests in for 2006 the Town Accountant is closing the books and Memo sent out by accountant advising Departments.

**Carolyn McCreary-Sandy Pond Weed clean-up** Selectman McCreary announced an organization meeting to discuss hand pulling of weeds from Sandy Pond. The meeting will be held on Thursday evening (7-27-06) at 7pm under the auspice of the Conservation Commission and she encourages residents participation.

**Selectman Conley-Agenda Item #9 moved up to Agenda Item #7.** Selectman Conley advising to item #7 to be withdrawn by her. Motion to approve Agenda Item #9 being moved up to Agenda Item #7 made by Selectman Conley 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

Chairman Maxant called for a motion to approve the agenda as amended. Selectman McCreary moved the Board approve the Agenda of 7-25-06 as amended, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Agenda item #2.-Minutes X6-20-06**-Minutes amended to reflect 10:45 departure time from meeting by Chairman Maxant requested by Selectman Conley. Motion to approve the amended X6-20-06 Minutes made by Selectman McCreary, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

Chairman Maxant welcomed Boys Scout Troop #2 Scoutmaster Robert Hammond to the meeting along with Eagle Scouts: Kurt Gilbert and Derek Kelson. Chairman Maxant read into the record a Certificate of Appreciation presented to Kurt Gilbert for his Eagle Project restoring the garden at the Veteran's Hospital in Bedford, MA and a Certificate of Recognition presented to Derek Kelson for painting/repairing Hallways at the Page/Hilltop School. The Board congratulated the Scouts and wished them well with future endeavors.

**Agenda Item #3. Fire Chief re: Reserve Fund Transfer and 3% salary increase for on-call Firefighters/EMT's.**

- 1. Reserve Fund Transfer**-The Board approved Chief Fillebrown's Reserve Fund Request in the amount of \$13,282.04 (increase of \$113.04 from original request submitted on 7-7-06) to Ambulance Service Account 64220/53000 and Ambulance Supplies 64220/54000. Motion to approve made by Selectman Luca, 2<sup>nd</sup> by Selectman Conley VOTE: unanimous, so moved. The Board requested the Capital Request Committee look at process re Enterprise Fund/Reserve Fund Transfers.
- 2. On-call Fire-fighters/EMT 3% wage increase request**-The Board moved to approve a 2% salary increase for the on-call Firefighters/EMT's. to maintain equity with other non-union personnel (who received a two percent (2%) increase along with possible effect to ongoing Collective Bargaining negotiations). Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Conley, VOTE: Selectman Sullivan aye, Selectman Conley aye, Selectman Luca aye, Chairman Maxant aye, Selectman McCreary no 4-1 motion passes
- 3. Fire Chief Closing date for applications**-Town Administrator Shaun Suhoski advised the Board to memorandum from Chief Rochon and Screening Committee recommending the selectmen adopt a

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closing date for applications. Selectman Conley moved the Board vote to formally close applications for the Fire Chief's position on 8-14-06, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.. The Board moved to notify all newspapers/media the original classified was placed in. Motion made by Selectman Conley, 2<sup>nd</sup> by Selectman Luca, VOTE: Selectman Conley aye, Selectman Luca aye, Chairman Maxant no, Selectman Sullivan no, Selectman McCreary no, 3-2 motion fails. Selectman Sullivan moved not to place the ad again in the Boston Globe, 2<sup>nd</sup> by Selectman McCreary VOTE: Selectman Sullivan, Selectman McCreary aye, Chairman Maxant aye, Selectman Conley no, Selectman Luca no, 3-2 motion passes. 3-2 motion carries. Mr. Suhoski advised the Board to the Committee recommendations/concerns: Town Administrator being the single point of contact for the Committee, Screening Com. Mtgs. are Wednesday mornings at 8am at the Town Hall, salary not high enough to attract candidates, and any proposed questions to the candidate by the Selectmen to be submitted as soon as possible. Mr. Suhoski also reminded the Board to considering appointing an interim/acting Fire Chief and that Chief Fillebrown is amenable to remaining as a paid consultant (0 benefits) if requested.

**Agenda Item #4. Office of Community & Economic Development**-The Board met with Sue Provencher

1. **American Dream Down-payment Initiative**-Ms. Provencher updated the Board to Montachusett Enterprise Center Inc.'s initiative funded by the Dept. of Hous. & Community Dev. (DHCD) offering up to \$10K in assistance to 1<sup>st</sup> time home owners who are low-moderate income. Ms. Provencher requested the Board authorize a letter of support signed by the Chair re the Town's intention to participate in the Program. Selectman Sullivan moved the Board approve the letter of support dated 7-25-06 to participate in the American Dream Initiative as provided by Ms. Provencher to the Dept. of Hous. & Com. Dev. And authorize the Chairs signature 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved. Chairman Maxant requesting Ms. Provencher change the" word will to may "on the letter.
2. **Fy03 HDSP Grant-Spaulling Building Final Report**-Ms. Provencher advised to the project concluded and the close out report completed and ready for the Board's approval. Total Project funded by grant \$852,245.00. Selectman McCreary moved the Board approve the Fy-03 HDSP Spaulding Building Close-out Report for Grant #5557 submitted by Susan Provencher, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved. Selectman Conley requested breakdown of funding/expenses be submitted to her. Ms. Provencher advised to funding breakdown part and parcel to grant application, and would submit itemized application.
3. **Lien subordinations**-Ms. Provencher presented two Lien Subordination Requests:
  1. **Case #04-276** - Selectman Sullivan moved the Board vote to approve the lien subordination for Case #04-276 conditioned upon an equity loan not to exceed \$16K, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
  2. **Case #03-257-E** - Selectman Sullivan moved the Board vote to approve the lien subordination for Case #04-276 conditioned upon a mortgage not to exceed \$267,800.00, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

**Agenda Item #5. Chief Rizzo-Patrolmen Appointments**

Chief Rizzo introduced his two (2) candidates for the vacant patrolmen's positions (replacing David Hoffman & Christopher Moore). Kellie Ann Barhight of Quincy, MA and Kristin Harrison of Boxborough, MA. The Chief gave the Board a brief background re both candidates.

**Kellie Barhight**-Police Officer at Salem State College since 2004, part-time Deputy Sheriff Washington \* County Sheriffs Dept. in Montpelier VT. And a full-time police officer for the Randolph Police Dept. Ms. Barhight has a Bachelor degree in Criminal Justice and State Certified in Sexual Assault Investigation, CPR & First-Aid, OUI and PBT.

**Kristin Harrison**-Police Officer at Boston College, Special Police Office for Aquinnah, MA Police Dept., Oak Bluff MA Police Officer, N.Y. State Community Services Officer for Syracuse NY Police Dept. Ms. Harrison has a Bachelor degree in Criminal Justice working towards her Masters in administration, State certified in Sexual Assault Investigation, Club Drug Recognition for First Responders.

Selectman Luca moved the Board approve Chief Rizzo's recommendations and appoint Kellie Barhight and Kristin Harrison to the vacant patrolmen's position contingent upon them passing physical and psychological examinations, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

The Board took up the Out of Town Special Police Officers & Reserve Officers Appointments for Fy-07 as presented by Chief Rizzo. Selectman Sullivan moved the Board approve the Out of Town Special Police Officers (Ayer, Shirley, Groton, Littleton) denoted on a memo dated 6-13-06 from Chief Rizzo to be incorporated with the Fy-07 Annual Town Appointments for the period from 7-1-06 to 6-30-07 and the six Reserve Officers for the Town of Ayer: Kevin Feeley, Ryan Griffin, Robert Soutlanian, Jesse Goguen, Edward Nelson and John Windhol, 2<sup>nd</sup> by Selectman Conley. Selectman Conley noted Kellie Barhight being on the Groton Special out of Town Officers, the chief to decide whether or not she will stay on that list.

Chairman Maxant took this opportunity to discuss the vandalism at the Ayer Police Dept. and advising to pending criminal case presently in court charging an Ayer resident with felony malicious vandalism involving the Ayer Police Station. Chairman Maxant requesting the Chief to provide the Board with information re report/pictures-description of damages and cost to the Town of Ayer to see if the charges filed were commensurate with damages done. Selectman Sullivan stated he had faith with the police and the courts should handle the matter stating this move would set a bad precedent. Selectman Luca concurring. Selectman Sullivan further stated the Board should not be undercutting our Department Heads this opens the door for anyone to come in and ask that things be re-investigated. Selectman Sullivan moved the Board not seek further information from Chief Rizzo on this matter, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca aye, Selectman Conley aye, Chairman Maxant no, 4-1 motion passes. Moureen Parlon resident spoke to many instances/complaints re Ayer Police Department-urging Board make Chief Rizzo responsible for Department/Officers. Selectman Conley stated she was only aware of two formal complaints in last 15 months. Chairman Maxant stated resident Korey Humphreys/Dan Riley have brought complaints forward many times and spoke to pictures taken by Mr. Humphreys re damages to Police Dept. showing no damages. Mr. Humphreys submitted the Board (5) copies of cd's re pictures taken by him at Police Dept. re alleged damage done by Mr. Riley. Chief Rizzo stated all complaints against the department are handled properly.

**Agenda Item #6. Supt. Madigan's Report-The Board met with Supt. Madigan**

1. **State Revolving Fund-Water & Wastewater Projects**-Supt. Madigan updated the Board as an FYI to Tata & Howard advising not to apply for a SRF loan due to nature of future projects not qualifying for additional points. (see letter dated 7-1-06 from T&H) no Board of Selectmen's action required.
2. **Willows-Sewer Connection Request**-The Board approved Supt. Madigan's recommendation for the Willows Sub-division's sewer system connection application so stated in his memo to the Board dated 7-10-06 and authorize the Chair's signature, Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved. Supt. Madigan updated the Board to his advising DEP on 1/1/06 to the Town of Ayer not accepting responsibility of the sewer system extension within the development other than originally submitted sewer system infrastructure with the subdivision (Willows) referenced in the ZBA's Order of Conditions #13 requiring the sewer system within the development should/shall remain forever private and the Town shall have no responsibility for the operation or maintenance of the system. Specifically, this sewer system connection to serve the development will consist of the following: 1. 2,571' of 8" gravity sewer. 2. 995' of 4" force main, and 3. Sewage pumping station.
3. **Spectacle Pond Well #1 Equipment/Piping**-The Board awarded the Spectacle Pond Equipment and connection piping to Dankris Builders Corp. The low bidder funding to come from Fall 2003 Town Meeting Appropriation for the Spectacle Pond Replacement Well #1. (\$200K). Motion to approve made by Selectman Sullivan to award the bid per Supt. Madigan's recommendation so stated in a memo to the Board dated 7-20-06 to the low bidder Dankris Builders Corp. for the sum not to exceed \$126K and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

4. **Proposed DPW staffing re-alignment**-The Board met with Supt. Madigan and Richard Linde-Union Steward. Supt. Madigan updated the Board to the DPW Union re staffing-realignment proposal. Proposed and accepted by the Union for three concurrent job postings for Equipment Operator & Utility person in the Highway Division and Meter Reader for the Water Dept. This re-alignment being proposed due to DPW employees expressing interest in transferring to other departments within the DPW.  
John Gamelin- wishing to go back to Meter Reader position (current position of D. Swartz)  
Dave Nelson-wishing to move up to Equipment Operator-replacing John Gamelin  
Derek Schwartz-would move to Utility Person.  
The Union agreed that the concurrent posting of the three jobs is a one time non precedent setting situation, which would allow keeping Derek Schwartz, who was to be terminated as Meter Reader due to unsatisfactory work. Supt. Madigan advised to Mr. Schwartz if appointed to Utility Person's position will serve a One (1) year probation period as a Non-union employee and given six months to obtain a Class A CDL License. Selectman McCreary applauded Rick Linde creative solution and to get Union members on-board. Selectman Sullivan moved the Board approve Supt. Madigan's proposed staffing re-alignment presented in a memo dated 6-21-06, 2<sup>nd</sup> by Selectman McCreary, VOTE unanimous, so moved.  
Selectman Sullivan thanked Supt. Madigan for recognizing a good worker and applauded management working with union with re-alignment done at no cost to the Town of Ayer. Selectman Conley requesting if there would be an impact to the Fy-07 budget. Supt. Madigan stated no impact.
5. **Water/Sewer permits**-The Board approved a sewer application for 55 Wright Rd., Ayer, MA for a 1" water service for a three (3) bedroom home. Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

**Agenda Item #7-Markham Circle-no through traffic-Withdrawn by Selectman Conley-**

**Agenda Item #9-Fy-07 Appointments-(Agenda Item 9 taken out of order-per Public Input Request earlier by Selectman Conley)** Mr. Suhoski thanked Selectman Conley for her assistance with Fy-07 Appointments.

**Appointments 7-1-06 to 6-30-07** -Selectman Conley moved the following appointments:

Shaun Suhoski-ADA Coordinator

Peter Johnston-Auctioner- Chairman Maxant -Selectmen's Rep to Storm Water Com.

David Bodurtha-ConCom rep to Storm Water Com.

Julia Corenwitz-Citizen rep to Storm Water Com.

Selectman Luca-Selectmen's rep to School Strategic Plan-

Chairman Maxant-Selectmen's rep to JBOS

Louis Marino-APAC (Cable) pass

**\*\*Douglas Becker and Charles Commeau to APAC (Cable)Board of Directors**

**\*\*Robert Pena & Richard Gilles -Citizen reps to Capital Planning Com**

Roberta Chase Asst. Collector of Taxes-appointed by Tax Collector with Approval of BOS

**\*\*Rayellen Gilles Re-appointment and Evan Torlin appointment to Communications Com.**

John Celulli-re-appointed to Council on Aging 7-1-06 to 6-30-09

**\*\*Congetta Lind-Board moved to accept her resignation with regret. Motion by Selectmen Conley 2<sup>nd</sup> by**

**\*\*Selectman McCreary. VOTE: unanimous, so moved.**

**\*\*Sister Paula McCrae-Selectman Conley moved to appoint Sister Paul McCrea to Council on Aging, 2<sup>nd</sup> by**

**\*\* Selectman Sullivan, VOTE: unanimous, so moved.**

Harry Zane-re-appoint as Citizen rep to DDEB-

Peter Johnston-re-appoint to emergency Mgt. Deputy Dir.

Wellman Parker-re-appoint Emergency Mgt. Director-

Larry Cole-re-appoint Deputy Fire Chief

**\*\*Wellman Parker, Donald Wallace, William Adamson, Arthur Boisseau, Arthur Pedrazzi, James Pinard Sr.**

**\*\* Sean Murphy re-appt. to Fire Station Building Committee 7-1-06 to 12-31-06**

**\*\*Mary Spinner, Robert Pena, George Bacon, John Conway to Fire Station Re-Use Com.**

Julia Alekman, re-appoint to Historical Com-6-30-06/7-1-09

Francis Callahan-reappoint to Industrial Finance Com 7-1-07 to 6-30-11

Shaun Suhoski-re-appoint as Selectmen's rep to MART Advisory Board, MBTA Advisory Board, MRPC Representative 6-30-06/7-1-07

Patricia Walsh reappointed as Planning Board rep to MRPC

Tim Hansen reappointed Selectman alternate 1 to MRPC

\*\*Mr. Lucchesi entered Selectmen's Meeting and restated his reappointment by Planning Board to this

\*\*position-Mr. Lucchesi expressed his extreme displeasure being passed upon by Selectmen on other matters as well.

Janet Lewis-Parking Ticket Clerk-

Robert Friedrich-re-appointed to Plumb/Gas Inspector

James Bakum-reappointed assistant Plumb/Gas Inspector

Charles Lewis-reappointment to Registrar of Voter

Eric Aaltonen reappointment as Sealer of Weights/Measures

Wellman Parker-reappointment Wiring Inspector

Philip Horgan reappointment Asst. Wiring Inspector

\*\*Selectman Sullivan moved to reappoint Kopelman & Paige Town Counsel from 7-1-06 to 6-30-07 Vote

Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca aye, Selectman Conley aye, Chairman Maxant no. 4-1- motion passes.

Appointments to all above from 7-1-06 to 6-30-07 except elsewhere stated 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

#### **Agenda Item #8 Town Administrator's Report**

1. Mr. Suhoski distributed and reviewed with the Board Elizabeth Hughes, Chairman of the Planning Board comments and suggestions requested to be incorporated into the Planning & Development Director's Job Description. The Board requested Mr. Suhoski contact the Chairman of the Planning Board and request to jointly meet with the Planning Board at their next meeting on 8-3-06 to discuss the job description and to merge Ms. Hughes comments into the new Job Description for both Board's discussion on the 3<sup>rd</sup>.

2. Mr. Suhoski updated the Board to Senate assigning Docket #SD2737 to Legislation re Rail Trail Parking Lot

and metes and bounds being formatted and submitted in the morning to State reps.

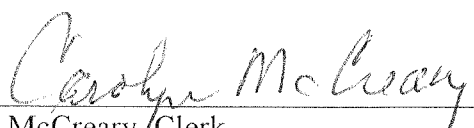
10:00p.m. Selectman Luca moved the Board extend Open Session until 10:15p.m., 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

3. **TIP-2007-2010 (Transportation Improvement Program)** Mr. Suhoski distributed the Board draft letter to Montachusett Metropolitan Planning Organization letter requesting to keep the Town of Ayer's \$3.15 million Parking Facility as a High Priority Project under Category I.C Federal Aid non-target projects. Selectman Sullivan moved the Board approve the letter to Monachusett Metropolitan Planning Organization, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Conley no, Selectman Luca recused himself, and Chairman Maxant aye, 3-1-1 motion passes.

4. **Minutes of 6-20-06 Executive Session**-Selectman McCreary moved the Board approve the amended minutes reflecting Chairman Maxant's departure time of 10:45p.m. being incorporated into the Executive Session 6-20-06 minutes, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

5. **Town Counsel Point of Contract**-Mr. Suhoski requested the Board direction re Selectman Conley requesting Town Counsel's presence this evening without the full Board's knowledge. Mr. Suhoski advising to need for single point of contact. No action taken.

10:15p.m. Selectman Sullivan moved the Board adjourn the meeting, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

  
Carolyn McCreary, Clerk

DATE: Aug 1, 2006