

**Selectmen's Meeting**  
**Tuesday, July 11, 2006**  
**Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA**

**Open Session**

**Present and Attending**

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

Chairman Maxant opened the meeting by announcing Representative Hargraves Aid –Ron Englade, present this evening to conduct Office Hours for Representative Hargraves from 7-8pm at the Town Hall urging citizens with questions or concerns to come down to meet with Mr. Englade.

Chairman Maxant introduced Douglas Becker-APAC Coordinator who was present this evening to discuss with the Board complaints from residents re poor meeting audio and advising the Board to APAC having state of the Art equipment and requested the Board be sure to speak into microphones and place microphones close to them.

**Public Input:** Chairman Maxant requested if there was anyone present wishing to meet with the Board:

1. **4<sup>th</sup> of July Committee-**Selectman Conley congratulated the Committee on an outstanding event from parade, entertainment/vendors on 1<sup>st</sup> of July to rescheduling fireworks due to unfavorable weather conditions to the 8<sup>th</sup> with a spectacular fireworks display .... again with food and entertainment.. Selectman Conley requested a round of applause in appreciation be conducted.
- 2. **Sandy Pond Beach-** Selectman Conley commended Park Commissioners re the Sandy Pond beach transformation/renovations which was completed over the 4<sup>th</sup> of July weekend and now open to residents. Selectmen Conley advising to project funded at cost of approximately \$200K through grant funding at zero tax dollars to residents.
3. **Town of Ayer resident Martha Craft nominated as Ambassador to represent Town of Ayer at “Celebration on the Hill 2006” in Washington D.C. Sept. 19-20, 2006- that will engage members of Congress to restore programs and research funding in the fight against Cancer.** Selectman Conley took this time to recognize and commend Ms Craft for all her past/current participation in the fight against cancer programs such as the Relay for Life Program and other civic fundraising activities.
4. The Board added Agenda Item 6A to agenda of 7-11-06 re Dept. of Conservation & Recreation-land conveyance-rail trail  
 Selectman Conley moved the Board approve the Agenda of 7-11-06 as amended, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**Agenda Item #2. Chairman Maxant-re Chairman's Remarks .-** Meeting interaction by Board members. Chairman Maxant elaborated on Selectmen's interaction with each other re various issues that come before the Board stating sometime individual board members become vocally passionate about an issue and there should be no need to apologize. Role of the Board member is to listen and try to understand each other.

**Agenda Item #3. Beer & Wine License-210 West Main Street, Chung Ge Market**

The Board met with Mun Hee Park of 210 West Main Street re 6-22-06 ABCC Approval of her Beer & Wine Package Store License. Selectman Sullivan recused himself from the discussion. Ms Park stated she was before the Board to request a reduced waiver of \$1,500.00 fee due to license being approved in December 05 by Selectmen and original application submitted in November 2005.

Selectman Conley advised to delay no fault of the Board of Selectmen's-delay caused by applicant's attorney due to unavailability to meet with Board until Dec. 05 and with the ABCC for taking so long to process application. The Board requested hours of operation-Ms. Park advised 10am-8:30p.m. Monday through Saturday and 12:00 noon to 8:30p.m. on Sunday. The Board declined waiver of reduced fee. Fee to remain at \$1,500.00.

**Agenda Item #4. Fire Chief Search Screening Committee-**The Board welcomed to the meeting Ayer Fire Chief Paul Fillebrown and Chief Richard Rochon of the Town of Westford Fire Department re the role and composition for the Fire Chief Screening Committee. Mr. Suhsoki advised to vote of Board of 6-6-06 to establish a committee consisting of three sitting Fire Chiefs from similar departments, Police Chief Richard Rizzo and three open slots to be designated by Board of Selectmen. Mr. Suhsoki presented the names of sitting Fire Chief's from Acton & Ashburnham recommended by Chief Rochon to be placed on Screening Committee due to being comparable communities i.e. call firefighters, size of department, etc. Selectman Conley moved the Board appoint Ayer Police Chief Richard Rizzo, Deputy Chief Kevin Lyons of the Acton Fire Dept. and Fire Chief Paul Zbikowski of the Ashburnham Fire Dept. to serve on the Ayer Fire Chief Screening Committee, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved. Chief Rochon distributed Scoring and Questions formats to the Board he utilized successfully in other Towns serving on Search Committees; and reviewed with the Board questions/scoring process/evaluation of candidates re: budget, equipment. Planning, organizations/development and customer service qualities to be used by Search Committee. Mr. Suhsoki introduced the candidates present vying for the three at large seats on the Committee. Present for discussion re their background, reasoning for wishing to participate on Committee, and what attributes they could bring to committee were: Richard Ressijac-33 year Ayer call Fire-fighter, Christopher Prehl-Acton Police Officer-Ayer resident, Joseph Scunziano-State Police Sgt. and Ayer resident, Jeffrey Mayes-EPS photographer and Ayer resident, Mary Spinner-Town resident actively involved in Town Government, Richard Carabba, Ayer resident employed at Job Corps, and Maureen Parlon, Ayer resident actively involved in community. Mr. Suhsoki announced Lisa White withdrawing her letter of interest. The Board interviewed all the remaining candidates and individually voted for their 3 choices of the above candidates. Mr. Suhsoki tallied the vote and announced the three candidates to serve on the Fire Chief Screening Committee being: Mary Spinner, Joseph Scunziano and Christopher Prehl. The Board thanked all for their interest welcoming candidates not chosen to consider volunteering to serve on other Town Departments, Boards, Commissions and Committees. The Board also took this opportunity to thank every one for volunteering their time to assist the Town in selecting its next Fire Chief. Selectman Conley cautioning those chosen to serve on the Committee to process being highly confidential-no disclosures.

**Agenda Item #5. Karin Swanfeldt-COA-Meals on Wheels –CANCELLED-(taken off Agenda)**

**Agenda Item #6. Supt. Madigan's Report-**

1. **Sewer abatement request-25 Main Street, Ayer, MA-**The Board after a lengthy discussion moved to abate the sewer abatement recommended by Supt. Madigan for 25 Main Street. Discussion focused on 1. water usage used to power wash building/where did they hook up to 2. no water in building presently 3. building vacant with no operating toilets 4. water draining-brook/storm drain. Selectman Conley moved the Board abate ½ of the billing (\$544.64) 2<sup>nd</sup> by Selectman Luca, VOTE: Selectman Conley aye, Selectman Luca aye, Selectman Sullivan no, Selectman McCreary no, Chairman Maxant no-motion fails 2-3. Selectman Sullivan moved the Board vote to approve Supt. Madigan's recommendation as stated on Memo dated 6-27-06 to approve a sewer abatement for 25 Main Street. On Acct. # 2100068000, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Conley no, Selectman Luca no, Chairman Maxant aye, motion passes 3-2.
2. **Sewer System Extension Application-R.D.Kanniard Homes-Easy Street**  
Selectman Conley moved the Board approve the Sewer System Extension Application for R.D. Kanniard Homes for Easy Street Development per Supt. Madigan's recommendation so stated on a Memo dated 6-26-06 and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.
3. **License Agreement-Crabtree Water Booster Station-Robert Hicks, Inc.**  
Selectman Sullivan moved the Board approve the Crabtree Water Booster Station and the

installation of a fire pump in a new below grade station constructed adjacent to the existing booster station per Supt. Madigan's memo dated 6-8-06 per the meeting held on 5-18-06 at the DPW to discuss these stations, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved. Selectman Conley wishing the record to reflect no homeowners association required for this project. Selectman Conley referenced the Planning Board's memo of 5-10-06 questioning if Selectmen should have Planning Board approval of site plan or at least input to allow work to be done.

#### **4. Fuel Bids:**

**#2 Heating Fuel**-Selectman Sullivan moved the Board award the #2 Heating Fuel contract to Dennis K. Burke, Inc. for the bid award of \$.1492 gallon over the Boston Tank Car, per Supt. Madigan's recommendation stated in a Memo dated 6-27-06<sup>2nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

**Super Unleaded Gasoline**-Selectman Sullivan moved the Board award the Super Unleaded Gasoline to Dennis K. Burke, Inc. for the bid award of \$0.0222 per gallon over the Boston Tank Car, Per Supt. Madigan's recommendation stated in a Memo dated 6-27-06, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**Ultra-low Sulpher Diesel Fuel**-Selectman McCreary moved the Board award the U ultra-low Sulpher Diesel Fuel contract to C.W. Fuels, Inc. for the bid award of \$0.0290, per Supt. Madigan's recommendation dated 6-27-06, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

On a related matter Selectman Conley suggested Fuel Bids be developed into budget discussions per her earlier discussion with Supt. Madigan re consumption levels utilized by other Town Departments, APD&AFD. Supt. Madigan updated the board to Fin-com rejecting DPW Reserve Fund Transfer request-due to unknowns re shortfall re increase in fuel costs.

Chairman Maxant advised to complaints he received from residents due to Transfer Station stickers not sold at the Transfer Station and of his meeting with DPW staff re reasoning and updated residents to Transfer Station stickers not sold at Transfer Station due to traffic congestion/personnel issues.

#### **Agenda Item 6A-Dept. of Conservation & Recreation (DCR) re land conveyance-rail trail**

Town Administrator Shaun Suhoski read into the record a letter from DCR dated 7-7-07 re Towns proposal to develop parking at the DCR owned parking area at the Nashua River Rail Trail supporting the Town's proposal in principal but requiring parking spaces guaranteeing recreational users having at least 50 spaces free of charge as well as maintaining rail trail area. Mr. Suhoski advised to Town Counsel drafting proposed legislation for filing/ratifying before current legislative session expires at the end of the month. The Board voted to review the legislation offline and barring any issues submit it back with the week. Selectman Conley expressed her concern the public not being consulted before submitting it to legislature. Chairman Maxant feeling there will be plenty of time for the public to be involved when planning for the site takes place. Motion made by Selectman Sullivan for Town Administrator to forward electronically draft of legislation (Article 97 attached) to Board members and as soon as he hears backs from Board (at least 3 Board members/majority) re language approval of draft to forward it off to our State Legislatures and Congressman Meehan, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Chairman Maxant aye, Selectman Luca abstained and Selectman Conley no 3-1-1 motion passes.

#### **Agenda Item #7. Office of Community & Economic Development**

##### **1. Contract Amendment-Maugel Architects Downtown Sign & Façade Program Improvements**

The Board met with Timothy Hansen, Program Manager re extension of contract with Maugel Architects, Inc. to allow the Downtown Sign & Façade Program to proceed with the continuation of projects. Specifically 9 Main St., 63 Main St., 30-42 Main St. in the amount not to exceed \$8K.

Selectman Sullivan moved the Board approve the contract extension with Mangel Architect, Inc. in the amount not to exceed \$8K for the continuation of the Downtown Sign and Façade Program-funded through the CDBG Program Income, and authorize the Chairman's signature 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

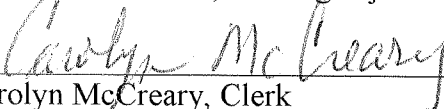
**Agenda Item #8 Town Administrator's Report-**

1. **Town Counsel Invoices**-Selectman Conley moved the Board approve Mr. Suhoski's procedure outlined in a Memo dated 7-7-07 to the Board re tracking Town Counsel's legal invoices on a monthly basis by subject matter by and approved by Departments, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
2. **No Parking Request**-Nashoba Valley Town House Condominiums-Selectman Sullivan moved the Board approve Mr. Suhoski's recommendation stated on a memo dated 7-7-07 re the placement of three no parking signs in the area between Markham Circle and the Carlton Circle Rotary as designated on diagram submitted by Condominium Association dated 6-22-06 along with the recommendations of the Ayer Police Chief and Supt. of Public Works, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.
3. Selectman Conley requesting if Markham Circle is a public or private road and possibility of placement of "no through traffic signs" being erected, due to safety concerns re children.

**4. Devens Disposition MOU Execution/Chairman Maxant's signature statement**

Mr. Suhoski brought the issue of Chairman Maxant's signature statement before the Board due to Selectman Sullivan's taking exception to that action stating it was an embarrassment to the Town by altering the document by doing so. Chairman Maxant stated his statement would not modify the documents content and no public policy should silence public officials advising the Board throughout history signing statements do not change documents referring to President George Bush regularly includes comments. Selectman Sullivan again rebutting this by stating the five lines of communication was never approved by the Board. Selectman Luca stating he understood his passion on the issue but a simple non-signature would have the same result. Selectman Conley stated she wrote "not signing" but would now place a line through her signature to imply that she wanted to make sure her nonsupport of the MOU was clear and that she was not absent by leaving space blank. Selectman McCreary stated her concerns re vote of Board being depicted as not being unified. Selectman Luca moved the Board produce another draft of the MOU signature page without editorial comments, 2<sup>nd</sup> by Selectman Sullivan, VOTE: Selectman Sullivan aye, Selectman Luca aye, Selectman McCreary aye, Selectman Conley aye, Chairman Maxant no, 4-1 motion carries. Chairman Maxant when questioned again if he would refrain from writing another signature statement stated he would weigh his responsibilities to the Board verses the Public.

10:15p.m. Selectman Sullivan moved the Board adjourn, 2<sup>nd</sup> by Selectman Luca. Selectman Conley requesting to continue meeting. Selectman Sullivan voted against motion to extend meeting, which must be unanimous, meeting adjourned.

  
Carolyn McCreary, Clerk

-DATE:

