

Selectmen's Meeting

Tuesday, June 20, 2006

Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

Present

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

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

Mary Spinner, re: exterior of Town Hall grounds.

Selectman Sullivan-amend agenda wishing to take up Agenda Item #2 after Agenda Item #7, 2nd by Selectman Luca, VOTE: 4-1, motion passes. Selectman Conley stating her displeasure advising to minutes being deferred at the last meeting still outstanding.

Selectman Conley moved the Board take up the Fy-07 Appointments to the Fin-Com and Personnel Board this evening. Selectman McCreary wishing to keep to schedule of 7-11-06 re renewals/appointments. Selectman Sullivan 2nd the motion to take up renewal/appointments to the Fin-Com and Personnel Board this evening. VOTE –unanimous, so moved.

Selectman Conley wishing to have the Board take up the Selectmen's Summer Meeting schedule under the Town Administrator's Report.

Chairman Maxant called for a motion to approve the Agenda of 6-20-06. Selectman Conley moved the Board approve the agenda of 6-20-06 as amended, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Chairman Maxant welcomed Ron Englade sitting in for State Representative Robert Hargraves' this evening re: Office Hours, and welcomed Town residents to come in to meet with Mr. Englade from 7-8pm this evening.

The Board met with Mary Spinner who updated the Selectmen to the wonderful landscaping work of John Gamblin-DPW Highway employee pruning back trees in the Memorial Garden that have overgrown/died and seeking the Board's permission to authorize the removal of trees which he has tagged for removal (died/overgrown). Selectman Sullivan requested the Board take a five minute recess to view trees to be removed in the Memorial Garden.

7:10p.m. The Board left the meeting room to step outside to the Memorial Garden.

7:15p.m. The Board returned to the table. Selectman Sullivan moved the Board authorize Mr. Gamblin through the Supt. of Public Works to remove tagged trees in the Memorial Garden, 2nd by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary no, Selectman Luca aye, Selectman Conley aye, Chairman Maxant not voting 3-1-1 motion carries. James Fay requested the removal of trees also be run by the Memorial Garden Committee.

Selectman Conley requested the status of the Roof contractor re Town Hall landscaping situation. Mr. Suhoski updated the Board to their discussion on 5-25... if SOM had not satisfactorily completed the repairs to the Town Hall lawn by 6-16-06 the Town would hire a local landscaper. Selectman Conley moved the Board authorize Mary Spinner and the Town Administrator work together to hire a local contractor to repair the Town Hall lawn and charge SOM 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #3. Supt. Madigan's Report-the Board met with Supt. Michael Madigan

1. Grove Pond Wellhead Development (Tata & Howard Presentation)

Supt. Madigan requested Susan Honeywell and Jack O'Connell join him at the table to review with the Board Tata & Howards status report dated 6-20-06 re development of new source of water supply. Mr. O'Connell advised to project ongoing for several years (2001) at a cost of \$150K. Mr. O'Connell reviewed with the Board tasks completed under the above contract: summarized all previous test well work, installed

test wells at Grove Pond including test well 4-02, completed fracture trace analysis of bedrock, identified two sites for test well work-denied access by both property owners, investigated existing private well off Bligh St., prepared report on results of all above including recommendations and cost estimates, prepared report on adequacy of existing water supply in Ayer-which projected future water supply deficit, prepared water supply capital plan-which recommended installing replacement wells at all four existing wells, presented results to Selectmen, cost of this work \$56,500. Selectman Sullivan moved the Board vote to accept Tata & Howards request to close out their Agreement dated 8-12-01 for development of a new groundwater supply at Grove Pond, 2nd by Selectman McCreary, VOTE: unanimous, so moved. Selectman Sullivan also moved the Board approve Tata & Howards Grove Pond Well #3 Engineering proposal for a sum not to exceed \$152,400.00 outlined in Supt. Madigan's Memo dated 6-7-06, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Selectman Conley requested Mr. O'Connell in future not estimate cost in phases but prepare cost of entire project. This information to be placed in writing for the Board by Tata & Howard.

2. **Contract Award Correction (guardrail installation)** Supt. Madigan advised the Board to his error in awarding the guardrail installation for three locations in Town being awarded to Bartlett Consolidated of Plymouth, MA which should have been awarded to DeLucca Fence Co. of Methuen, MA for the sum not to exceed \$18,522.00. Selectman McCreary moved the Board re-award the Guardrail Contract to Delucca Fence Co. of Methuen, MA for the sum not to exceed \$18,522.00, 2nd by Selectman Luca, VOTE: unanimous, so moved.

3. **Reserve Fund Transfer-DPW Reserve Fund transfer Requests**

1. **1. General Fund-** Street Lighting-\$3,500.00-due to unexpected increase in utility rates and repair and/or replacement of light poles. Selectman Sullivan moved the Board approve Street Lighting Reserve Fund Transfer in the amount of \$3,500.00 and submit to the Finance Com. for their approval, 2nd by Selectman Conley, VOTE: unanimous, so moved.
2. **2. General Fund-Fuel-**\$19,500.00-due to unexpected increase in fuel costs and servicing/repair of fuel pumps. Selectman Sullivan moved the Board approve the Fuel Reserve Fund Request in the amount of \$19,500.00, and submit to Fin-com for their approval, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Selectman Sullivan moved the Board authorize the Chairman's signature on the Reserve Fund Transfers, 2nd by Selectman Luca, VOTE: unanimous, so moved.

3. **3. License Agreement (Crabtree Water Booster Station)**

Postponed to next Selectmen's Meeting (7-11-06)

4. **4. Water/Sewer Permits-**

E. Main Street- The Board approved Water/Sewer Permit for Lot 3B at 93A E. Main Street, Ayer, MA for a two (2) bedroom one (1) inch service and authorize the Chairman's Signature. Motion to approve made by Selectman Sullivan, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Autumn Ridge- The Board approved water & sewer permits for Unit 701-1" service, Unit 702-1" service, Unit 703-1" service, Unit 704-1" service, Unit 705-1" service, Unit 706-1" service, Unit 707-1" service, Unit 708-1" service and building 700-4" fire line, and authorize the Chairman's signature. Motion made by Selectman Sullivan 2nd by Selectman Conley, VOTE: unanimous, so moved.

Supt. Madigan departed with defending himself re comments made at the last Selectmen's Meeting re the Board having to light fire under his feet to get him going being unfair, felt he was doing his job to the best of his ability/time. Selectmen Sullivan spoke to Supt. Madigan's performance and thanked him for all his effort on behalf of Board.

Agenda Item #4. **Personnel Board-Appointments**

Due to lateness of discussion the Board was made of aware of Carol Duff having to leave meeting. Mr. Suhoski updated the Board to Carol Duff being designated by the Fin-Com Chair James Stephen to serve as their representative for a one-year appointment (July 1 2006-June 30, 2007). Motion to approve made by Selectman McCreary, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Mr. Suhoski announced Chief Richard Rizzo requesting to be re-appointed as the employees representative to the Personnel Board for a three year term (July 1, 2006-June 30, 2009). Motion to approve made by Selectman Luca, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Mr. Suhoski advised the Board with the two new appointments there were still three (3) open slots on the Personnel Board. Mr. Suhoski updated the Board to six (6) candidates submitting letters of interest to serve on this Board: Charles Jones-former Selectmen, William Oelfke, former Planning Board member, James Fay-Former Selectman, and residents, Dennis Curran, Hector Creamer and Louis Marino. The Board interviewed each of the candidates regarding their background/interest and reasoning why they wished to be appointed to the Personnel Board.

Selectman Sullivan moved the Board appoint Charles Jones to the Personnel Board for a two year appointment (July 1, 2006 to June 30, 2008), 2nd by Selectman Luca VOTE: unanimous, so moved.

Selectman Luca moved the Board appoint William Oelfke to the one year appointment (July 1, 2006 to June 30, 2007), VOTE: unanimous, so moved.

Selectman Sullivan moved the Board appoint James Fay to the two year appointment (July 1, 2006 to June 30, 2008) 2nd by Selectman Luca, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca aye, Selectman Conley no, Chairman Maxant no, 3-2 motion passes. The encouraged the remaining candidates to stay interested in Town Government and look into other Town Committees/Commissions/Boards with vacancies.

Finance Committee Appointment-Mr. Suhoski advised the Board to Larry Keenan submitting a letter of interest to serve on the Finance Committee and the Fin-Com meeting and recommending his appointment to the Committee. Mr. Keenan reviewed with the Board his background/interest and reasoning re his request to serve on the Fin-Com. Selectman Luca moved the Board appoint Larry Keenan to the Fin-Com , 2nd by Selectman Conley, VOTE unanimous, so moved.

9:05p.m. Selectman Sullivan left meeting for previous engagement.

9:05 the Board called a five minute recess.

9:10p.m. Board re-entered Open Session

Agenda Item #5. Town Administrator's Report-The Board met with Shaun Suhoski

- 1. Former Employee Court payment request**-Mr. Suhoski updated the Board to recommendation of Chief Rizzo to not make payment to a former department employee for claimed court time in correspondence dated 12-6-05. Mr. Suhoski referred the Board to employee's retirement agreement stating the actual cite from the agreement is confidential and Mr. Suhoski redacted that language from the Chief's Memorandum dated 6-16-06. Mr. Suhoski stated if the Board convened an Executive Session the Board could review the Agreement. Mr. Suhoski again stated based upon the Chief's report and his review he strongly recommended the Board deny the claim of the former employee. Selectman Conley moved the Board postpone the discussion until Board convenes an Executive Session to review retirement agreement and decides what they are doing, 2nd by Selectman Luca VOTE: Selectman Conley aye, Selectman Luca aye, Selectman McCreary no, Chairman Maxant no voting, 2-1-1- motion fails.
- 2. Lien Subordination**-Mr. Suhoski presented lien subordination submitted by Susan Provencher, Program Manager for 86 Pleasant Street, Ayer, MA recommending the Board approve subordination of the Town's lien conditioned upon a new mortgage not to exceed \$175K. Selectman McCreary moved the Board approve the Lien Subordination as stated above, 2nd by Selectman Conley, VOTE: unanimous, so moved.
- 3. OCED Rehab Specialist Contract Amendment**-Mr. Suhoski presented Susan Provencher's request to move \$6,400 from the construction line of the Fy-05 Grant to the Administrative line so that the Office of Community & Economic Development can increase the amount of our contract with the Rehab Specialist-Donald Bucchianeri due to a number of housing units contracted (6) ending up to completing 12 to 13 units due to a number of units were emergency cases and the average cost per unit lower than expected the office completed 12-13 more units by the end of the grant. Selectman Conley moved the Board approve and authorize the Chairman's signature to the Amendment of the Agreement between the Town of Ayer and Donald Bucchianeri changing the amount of the contract from the original \$10,800.00 to

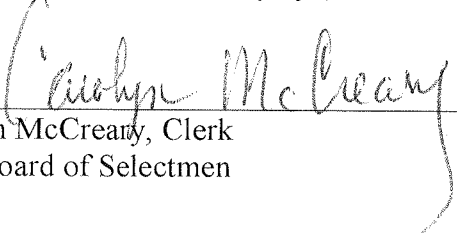
\$17,200.00 per memo from Susan Provencher dated 6-12-06, 2nd by Selectman Luca, VOTE: unanimous, so moved.

4. **Fire Station Right-of-Way**-Mr. Suhoski updated the Board to his research re legal fees and survey cost associated with historic right-of-way between W. Main St. and the abutting twelve foot lot of F&P Willows Trust. Mr. Suhoski referred the Board to his memo of 6-13-06 outlining the \$1,500.00 associated cost for legal fees, recording & title confirmation at the Registry of Deeds. Mr. Suhoski also addressed cost of survey submitted by David Ross Assoc. being \$800.00. Selectman Conley moved the Board authorize to proceed with all survey work and legal work required to effectuate the transfer of a 12-foot ROW to F&P Willows Trust as described in a memo dated 6-13-06 from the Town Adminsitrator- \$1,500.00 to be paid fro legal fees and \$800.00 to be paid from the new Fire Station Building Account subject to approval of the Fire Station Building Committee, 2nd by Selectman McCreary, VOTE: unanimous, so moved.
5. **Draft Fy-07 Appointments**-The Board took the appointments under advisement to 7-11-06.
6. **Fy-07 Wage Rate**-The Board approved the Fy-07 Wage Rates as submitted by the Town Accountant-Lisa Gabree pending receipt of satisfactory performance reviews. Motion made by Selectman McCreary, 2nd by Selectman Conley, VOTE unanimous, so moved.
7. Mr. Suhoski advised to local company (David Ross Assoc.) seeking letter of recommendation for local company seeking to do work with company constructing building on Devens (Bristol Meyers). The Board deferred this request to Planning Board who does more work with local company than Selectmen.

Agenda Item #6- MADev Zoning Change Request- The Board scheduled a Public Information Meeting re DDEB for 7-12-06 at 7pm at the Ayer Town Hall re additional public information session on the Devens Disposition process and MOU with stakeholders. Mr. Suhoki also advised to Harvard holding their meeting on 7-11-06 and Shirley holding their meetings on June 27, 2006 and July 18, 2006 all at 7pm and encouraging residents of Ayer to attend any or all of these educational meetings.

Agenda Item #7. Selectmen's Questions/New Business

1. Mr. Suhoski advised to Town Clerk's Office electing to allow employees to take vacation day on 7-3-06. Memo sent around to Town Hall Departments re what offices will be open and closed due to employees taking vacation day on 3rd of July 2006. Mr. Suhoski advised the board to majority of office electing to take vacation day only offices open will be Town Accountant and Treasurers Office due to payroll. The Board approved of Town Hall to be closed on Monday July 3, 2006 and employees to charge a vacation day. Town Hall to be posted closed on July 3rd & 4th, 2006.
2. The Board approved the Fy-07 Technical Assistance Grant (TAG) proposed by Selectman McCreary. Motion to approve made by Selectman Luca 2nd by Selectman McCreary VOTE: unanimous, so moved.
3. The Board set their Summer Meeting Schedule for July & August 2006.
July 11, 2006 Open Session, July 18, 2006 Executive Session and July 25, 2006 Open Session.
August 1, 2006 Open Session, August 15, 2006 Executive Session and August 22, 2006 Open Session.
10:00p.m. Selectman McCreary moved the Board enter into Executive Session pursuant to MGL Chapter 38 Section 23B exemption #3 Union contracts to adjourn from Executive Session for the sole purpose of entering Open Session to adjourn the meeting, 2nd by Selectman Luca, VOTE: Selectman McCreary aye, Selectman Luca aye, Selectman Conley aye, Chairman Maxant aye, unanimous, so moved.



Carolyn McCreary, Clerk
Ayer Board of Selectmen

DATE: 