

DRAFT Selectmen's Meeting Minutes

Tuesday, September 20, 2005

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

7:00P.M. Open Session

The Board met with Chairman Morrison, Selectman Sullivan, Selectman Conley, Selectman Bresnahan, Selectman Maxant.

**Agenda Item #1. Public Input**

1. Carolyn McCreary-Ms McCreary expressed her regret upon the resignation of Town Administrator Anita Scheipers acknowledging Ms. Scheipers professionalism dealing with officials, Departments, Committees and Commissions.
2. Elizabeth Bodurtha-read letter into record re changes, protocol suggestions, issues relative to conduct of Board.
3. David Bodurtha -re status of his request- grievance procedure/policy.

**Agenda Item #2. Minutes**

5-18-04 The Board with the Town Administrator's clarification from Town Counsel moved to amend the Selectmen's Minutes of 5-18-04 to add the award of Fire Station contract to Eastern General which had been erroneously omitted. Motion to approve made by Selectman Maxant and to insert above Clerk's signature language to state amended on 9-20-05, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: Selectman Maxant aye, Selectman Bresnahan aye, Selectman Sullivan aye, Chairman Morrison aye, Selectman Conley abstained 4-0 motion passes.

7-12-05 Board voted to defer minutes to next Selectmen's Agenda if time allows to discuss how minutes are to be prepared. Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Bresnahan, VOTE: Selectman Sullivan aye, Selectman Bresnahan aye, Selectman Maxant aye, Chairman Morrison aye, Selectman Conley no 4-1 motion passes.

X7-12-05 Board to defer minutes to Selectmen's Agenda if time allows. Motion made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Maxant VOTE: Selectman Sullivan aye, Selectman Maxant aye, Selectman Bresnahan aye, Chairman Morrison aye, Selectman Conley no, 4-1 motion passes.

8-9-05 Board moved to approve minutes as amended. Motion to approve made by Selectman Conley, 2<sup>nd</sup> by Selectman Bresnahan, Vote: unanimous, so moved.

X8-9-05 Board moved to defer to next Executive Session, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

8-16-05 The Board voted to defer to next Selectmen's Meeting if time allows, Motion made by Selectman Sullivan 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Sullivan aye, Selectman Maxant aye, Selectman Bresnahan aye, Chairman Morrison aye, Selectman Conley no 4-1 motion carries.

**Agenda Item #3. Public Hearing – Earth Removal Permit- Ridgeview Heights- The Board met with Steve Mullaney and Developer Rick Roper.** Selectman Conley moved the Board record the legal notice published in the Public Spirit on Sep. 7 & Sep 14, 2005 being read into the minutes, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved. Chairman Morrison asked if there were abutters present wishing to be heard, no one stepped forward. Mr. Mullaney opened the Hearing by presenting and reviewing with the Board a large scale aerial mapping of the proposed earth removal impact area-a 260 acre parcel depicting 165 building lots, 2 soccer fields, truck route, and site of new proposed water tank. Mr. Mullaney advised the Board to Sandy Pond Rd. not designated as a truck route, Ridgeview will use Littleton Rd and Snakehill Rd until new roads are built. Mr. Mullaney stated this removal process would take between 4-5 years until completion. Earth to be taken out of Town to Carlisle, MA. Selectman Sullivan commended Mr. Mullaney for most comprehensive presentation. Selectman Maxant urging developer make Snakehill Rd. intersection priority re safety issues and Selectman Bresnahan requesting monitoring of earth removal/truck reports be submitted to DPW on monthly basis due to volume of removal. Chairman Morrison echoing Selectmen Sullivan & Bresnahan's remarks and urging tree buffer remain. Chairman Morrison called for a motion. Selectman Sullivan moved the Board approve the Earth Removal Permit for Crabtree Dev.-Ridgeview Heights subdivision for the removal of 240,000cubic yards of common borrow, possible topsoil and loam tailings on plan of land dated 8-19-05 Plan #29-D-3 pursuant to MGL Chapter 40 Section 21 of the Town of Ayer By-laws Article XVIII, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

## **BOSMIN9-20-05/PG.2**

**Agenda Item #4. Public Hearing-Street Renaming (cont)** Ms Scheipers opened the continuation of the 8-2-05 Street Renaming Public Hearing. Ms. Scheipers advised the Board to Mountain Ave. and Mountainview Rd. not being recommended for renaming. Ms. Scheipers advising to Fire Chief and Building Commissioner confirming their recommendation to change the name of Groton Shirley Rd. due to safety and 9-1-1 medical confusion. Ms. Scheipers reviewed with the Board recommended names presented for the Board's consideration: Pheasant Farm Rd. and James Brook Way. Ms. Scheipers advising to more confusion associated with a new development for Pheasant Farm Rd. and recommended the Historical Commissions suggestion of James Brook Way which reflects the local landmark. Selectman Bresnahan moved the Board approve James Brook Way for the renaming of Groton Shirley Rd. and to notify the residents of the renaming of the street re comment, public hearing to be continued for a month-11-15-05 Selectmen's Meeting, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

**Agenda Item #5. Laying out of Road-Shelly Lane**-The Board met with Brian Milisci of Whitman and Bingham LLC on behalf of Jim Passios re the October 24, 2005 Fall Town Meeting Warrant Article #12 re the Board of Selectmen Laying out the road-meets and bounds Shelly Lane (off of Third Street, Ayer, MA ). Selectman Conley moved to approve/adopt the laying out of Shelly Lane, as presented and described in the Fall Town Meeting Warrant 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #6. Laying out of Winterberry Lane**-The Board met with Janet and John Giamo re the October 24, 2005 Fall Town Meeting Warrant Article #13. re the Board of Selectmen laying out the road-meets and bounds of Winterberry Lane (off of Westford Rd.-Mulberry Circle/Hybus Ayer, MA) Selectman Conley moved to approve/adopt the laying out of Winterberry Lane as presented and described in the Fall Town Meeting Warrant, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #7. Interim Town Administrator**-The Board met with Edward McCann of Scituate, MA. Mr. McCann reviewed with the Board his past experience working for the Town in 2001 as Interim Town Administrator prior to the hiring of Ms Scheipers and his proposal before the Board this evening for Interim Administrative Services due to Ms Scheipers resignation and upcoming departure. Selectman Sullivan moved to approve Mr. McCann's proposed contract dated 9-20-05 detailing the conditions of his employment i.e duties, term September 26, 2005 through two weeks after the hiring of Ms Scheipers replacement, unless extended through mutual agreement, resignation and termination, indemnification, compensation: \$500.00/day for three (3) days a week (Monday-Wednesday) which is preferred but Mr. McCann to be flexible should need be additional day-to be compensated, changing day, travel-not to exceed two (2) round trips per week at 140 miles per round trip at the Town's mileage rate of (\$0.45) per mile, on the days McCann will stay over-night (Monday and Tuesday) the Board agreed to pay a nightly hotel stipend of \$75.00per night, not to exceed \$150.00, Selectman Maxant requesting Mr. McCann utilize local hotel/motel establishments-Mr. McCann stated he would if they met his standards i.e. neatness/cleanliness/safety & security, 2<sup>nd</sup> by Selectman Maxant, Vote: unanimous, so moved.

The Chair Selectman Morrison took this opportunity to distribute for review with the Board criteria she had put together re Search Committee recommendations. (see attached) Chairman Morrison ran through her proposal with the Board for a Search Committee to consist of seven (7) people to be made up of citizens, businesses, Town Officials including School, Department Heads. To advertise via tonight's meeting for letters of interest from the community for one week for letters to be received, the Board to review the letters.

### **Agenda Item #8. Fire Station-Barr Change Order #6.**

The Board met with Fire Chief Paul Fillebrown and Lee Keller, KVA Assoc. re Change Order #6 for the New Fire Station. Mr. Keller updated the Board to status of station advising to station 74% complete and hopeful to a 11/15/05 substantially complete date. The Board reviewed the C.O. being necessary due to design flaws/omissions in architects renderings which have caused delays, time lost on the project and suggested to negotiate with architect at later date. Selectman Sullivan stating the Board will pay under protest, preserve right under protest when the project is completed. The Board moved to approve Change Order #6, in the amount of \$47,182.14 dated 9-8-05 listing 7 items (see attached) Selectman Conley moved to approve, and authorize the Chairman's signature 2<sup>nd</sup> by Selectman Maxant, Vote unanimous, so moved. Michael Patterson, resident stated his observations re project stating that he felt the contractor was not working up to speed citing site work/dry wall not done and safety issues on property i.e. valuable equipment left unattended/people on property.

**Agenda Item #9. Supt. Madigan's Report**-The Board met with Mike Madigan

1. Sewer System Extension Application-Patriots Estates Sub-division off Sandy Pond Rd. thirteen (13) four (4) bedroom homes/approximately 5,720gpd of wastewater/823' of 8" gravity sewer-Sandy Pond Investment Trust-Edward Cornellier Trustee. Selectman Sullivan moved the Board approve the permit as recommended by Supt. Madigan in a memo dated 9-13-05 and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.
2. Water & Sewer permits-The Board approved the following water & sewer permits  
33-34 Mountain Laurel-Pondview III. Selectman Sullivan moved the Board approve water & sewer permits for 33-34 Mountain Laurel as submitted and recommended by Supt. Madigan and authorize the Chairs signature, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
3. Autumn Ridge-Selectman Sullivan moved the Board authorize water/sewer permits for 401, 402, 403, 404, 405, 406, 407, 408 and 401-408- 8 unit dwelling recommended by Supt. Madigan, 2<sup>nd</sup> by Selectman Bresnahan, and authorize the Chairman's signature, VOTE: unanimous, so moved.

Supt. Madigan took this opportunity to thank Ms. Scheipers for her support and assistance over the past four years and wishing her well with her new position. Mr. Madigan presented Ms Scheipers a farewell gift.

**Agenda Item #10. October 24, 2005 Fall Town Meeting Warrant final review.** Ms. Scheipers reviewed with the Board the finalized warrant articles: The Board made the following amendments:

Placed CPA Petitioned articles at the end of the warrant with other petitioned articles-Now Article #'s 18 & 19. Removed from Article #13-Veterans Monument per Town Acct. Lisa Gabree and remove transfer to free cash and insert close articles reserve for borrow. The Board re-opened the Warrant to include the Planning Board's Kingsbury litigation in the amount of \$50K transfer from stabilization or other source of funds to the legal service account. Motion made by Selectman Sullivan to re-open warrant 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved. Selectman Sullivan moved the Board close the October 24, 2005 Fall Town Meeting Warrant as amended, 2<sup>nd</sup> by Selectman Bresnahan, VOTE unanimous, so moved.

10:10p.m. Selectman Conley moved to extend the Selectmen's Meeting for thirty minutes, no 2<sup>nd</sup>.

Selectman Bresnahan moved the Board extend the meeting by fifteen minutes, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

Selectman Conley requested if Ms. Gabree requested Open or Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #2 Ms. Gabree stated she wished Open Session. The Board met with Lisa Gabree Town Accountant. Selectman Sullivan stated it was his recommendation to have Ms. Gabree on Agenda re Ms. Gabree's public statement re Town Counsel required to have a contract if expenditures were over \$5K and of Ms Gabree being in error and issue raised that the review of contracts is an essential part of the Town Accountant's position and she should be aware legalities of procurement/accountability and required to attend procurement class/seminar. Ms. Gabree stated she is not Procurement Officer but would not object to attending refresher class on procurement and that all the Board had to do was ask her instead of sending her a letter requesting an Executive Session. Selectman Bresnahan moved the letter dated 9-9-05 sent to Lisa Gabree was not mean to be disciplinary and remove letter from record, 2<sup>nd</sup> by Selectman Conley, VOTE: Selectman Conley aye, Selectman Bresnahan aye, Selectman Maxant aye, Chairman Morrison aye, Selectman Sullivan no 4-1-motin passes.

**Agenda Item #11 Town Administrator's Report .**

Ms Scheipers requested Town Counsel David Jenkins be retained re Contract Negotiations re Patrolmen, Dspatchers, Firefighters to maintain consistent and timely dialogue, contracts very difficult/detailed. Town would benefit having Mr. Jenkins negotiating ongoing discussions with Unions in absence of Ms. Scheipers. Selectman Bresnahan moved the Board have Town Counsel David Jenkins be retained to oversee contract negotiations per Ms. Scheipers recommendation, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

Chairman Morrison & Selectman Conley took a few minutes before closing the meeting to express their thanks to Ms. Scheipers for the past four years and wished her well with her new position in the Town of Lincoln.

10:35p.m. Selectman Conley moved to adjourn the meeting, 2<sup>nd</sup> by Selectman Sullivan VOTE unanimous.