

## Selectmen's Meeting

August 7, 2007

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

Meeting recorded by AYERPAC made part of meeting minutes-CD available for viewing by written request to Town Administrator or by purchase from AYERPAC directly.

### Present

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

### 7:00p.m. Open Meeting -Chairman Luca called the meeting to order

Town Administrator Shaun Suhoski announced the arrival of the 2006 Annual Town Report and invited Chuck Horgan-retired Town Moderator and Paul Fillebrown Sr.-former Fire Chief the 2006 dedication recipients, to step forward. Mr. Suhoski presented the first two copies of the 2006 Annual Town Report to Mr. Horgan and Mr. Fillebrown. The Board congratulated and thanked both gentlemen for their many years of dedicated service to the Town.

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

1. **David Bodurtha** member of the Communication Committee announced the Inaugural Cardboard Race fundraiser sponsored by the Greenway Com. at Sandy Pond Beach on 8-25-07 starting at 9:00a.m. cost \$15.00 per entry. Mr. Bodurtha ran through the requirements, course and rules with the Board. On another matter Mr. Bodurtha advised the Board to the Committee coming before the Board in the near future, **recommending a reduction in the # of ConCom members from 7 to 5 and** having received a new appointment request from Eric Marshall wishing to serve on this Committee.
2. **Julie Corenzwit** -Shepley's Hill Landfill-Ms Corenzwit met with the Board on behalf of PACE requesting the Board place political pressure on the Department of Defense for creating delays/obstacles re the remediation of the landfill's dissolved arsenic plume extending north from the landfill under Molumco Rd. and past West Main Street. Ms. Corenzwit stated the Army is responsible for the remediation but annual inspections show the same deficiencies year after year because the Army is not maintaining the landfill as required nor complying with State Solid Waste regulations. Selectman McCreary suggested the Board have PACE and DEP formalize what we are looking for-have a real plan ready. Selectman McCreary suggested this be brought forward at the next Selectmen's Meeting and invite DEP and PACE to this meeting. Mr. Suhoski to follow up with ~~DEP questioning why DOA feels they don't need to follow State Regulations and where process is breaking down.~~ **RAB/Bob Simeone and then contact state reps/DEP for assistance as needed.**

Chairman Luca called for a motion to approve the Agenda. Selectman McCreary moved the Board approve the Agenda as amended, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

3. **Minutes**-The revised minutes of 6-19-07 were approved by the Board. Selectman Sullivan moved to approve the Minutes of 6-19-07, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved. Selectman Conley requested assurances re \$6K funds approved at Town Meeting for a Recording Secretary being returned to Free Cash from the Fy-08 appropriation advising to \$6K being placed in the Selectmen's budget for Fy-07 & Fy-08 for a Recording Secretary questioning and being assured the appropriation was returned to Free Cash for Fy-07 as well.
4. **Council on Aging Director Karin Swannfeldt**-Update re Van Driver's positions-present for the discussion Sister Paula McCrea President of the Council on Aging's Board of Trustees. Ms. Swannfeldt reviewed with the Board **her 8-2-07 memo and** timeline of events taken place since the July 10<sup>th</sup> meeting with the Board of Selectmen. Ms Swannfeldt advised the Board to MART requiring returning employee to be recertified,

retrained and pass DOT medical physical due to employee being out so long placed him as a new employee to which the returning employee must pass all training, recertification, and physical in order to return to work. Ms

BOSMIN8-7-07

Swanfeldt stated for the record she and the Board of Trustees were not happy, or doing this in good conscience knowing the physical requirements of the position re her clients safety, but following process to reinstate employee in good faith and staff (present van drivers) have been notified of the possible schedule changes ahead of them. Selectman Conley reviewed with the Board the original job description advertised seven (7) years ago which called for an interim P-T position and presently now a 30 hour position. Selectman Maxant, spoke to Board of Trustees charged with overseeing department and Board should take their recommendation. Chairman Luca agreeing **that** Trustees **should** decide returning employee's status as an at will position and use as standby if Council is comfortable/agreeable with. Former Van Driver Marianne Boullette spoke to physical requirements of position advising to herself unable to meet requirements of position due to a broken knee. Selectman Sullivan moved the Board direct the Council on Aging **and its** Director to employ three (3) drivers to benefit senior citizens of the Town of Ayer one of which shall be the employee returning to work, no 2<sup>nd</sup> to the motion. Selectman Conley moved the Board **acknowledge the authority of** the Council on Aging to operate **in accordance with** the Town of Ayer By-laws as written Article XXII. Selectman Conley **read the** By-law into record calling the Board's attention to Section #3. last sentence " The Council shall appoint such clerks; and other employees as it requires", 2<sup>nd</sup> by Selectman Maxant to amend "allow" to state "acknowledge" the Council on Aging to operate under Chapter XXII of the Town of Ayer Bylaws-Section 3, VOTE: Selectman Conley aye, Selectman Maxant aye, Selectman McCreary aye, Chairman Luca aye, Selectman Sullivan no, 4-1 motion passes.

#### 5. Town Accountant-Lisa Gabree-

- **Reserve Fund Transfers:**

1. Computer Support- Selectman Conley moved the Board approve the Reserve Fund Transfer in the amount not to exceed \$861.44 to line item 01136-53041 dated 7-23-07 as recommended by the Town Accountant, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
2. Fire Dept-Ambulance-Selectman Sullivan moved the Board approve the Reserve Fund Transfer in the amount not to exceed \$1,278.10 to line item 64420 as recommended by the Fire Chief, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.
3. **Independent Audit Services Contract**-Ms. Gabree reviewed quotes for the Town's Financial Audit for Fy-07 through Fy-09 recommending the Board award to Giusti, Hingston & Co. based upon the price and previous experience over the past fifteen years. Motion to approve made by Selectman Conley to award the Town's Financial Audit Services to Giusti, Hingston & Co. as Follows: Fy-07 \$27K, Fy-08 \$29,500.00, Fy-09 \$29,500.00, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

#### 4. Finance Team-Response to DOR Audit

Ms Gabree stated Town of Ayer has a very strong Finance Team in place and that suggestions given by DOR were known and ready to be put in place, none of which were critical. Ms Gabree suggested the Board meet with whole team. The Board requested this meeting take place prior to the next Selectmen's Meeting. Date and time to be developed.

#### 5. Agenda Item# 6. Chief Rizzo, re: Information Technology Stipend and Change of Hours Request-2 Hour Parking-The Board met with Chief Rizzo.

- Information Technology Stipend-Chief Rizzo updated the Board to this \$2K stipend for Lt. Murray is for his Information Technology (computer) work in the department which saves the department a lot of money loading & replacing software/hardware. Chief Rizzo advising to request approved by the Selectmen & Fin-com and at Town Meeting and urged the Board's approval of this payment to Lt. Murray. Selectman Conley advising Board to DOR requiring stipend not to be given in advance and requesting Board receive DOR's recommendation/clarification. Selectman Sullivan moved to approve stipend 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

- Washington Street-2 Hour Parking –Change of Hours Request-Chief Rizzo informed the Board to his receipt & review of Mr. Moore’s request-Chief Rizzo reviewed his memo dated 7-19-07 with the Board

### **BOS8-7-07/PG.3**

recommending the Board approve of Mr. Moore’s request to extend the hours of the two hour parking restriction on Washington St. to 9:00p.m. to ensure parking for downtown businesses supported by the Downtown Business Alliance. Selectman McCreary moved to approve the Chief’s recommendation, 2<sup>nd</sup> by Selectman Conley, Chairman Luca stated his concern re safety issue for the Fire Dept. (tight space-and violation of law parking so close to corner) VOTE: Selectman McCreary aye, Selectman Coley aye, Selectman Maxant aye, Selectman Sullivan aye, Chairman Luca no 4-1- motion passes.

#### **Agenda Item #5. Supt. Madigan’s Report-The Board met with Michael Madigan**

- **Solid Waste Dept. Foreman Appt.** Supt. Madigan introduced James O’Blenes of Gardner,MA and reviewed with the Board Mr. O’Blenes background and qualifications to fill the Solid Waste Foreman’s position. Selectman Conley moved the Board vote to appoint Mr. O’Blenes to the Solid Waste Dept. Foreman’s position contingent upon his satisfactory completion of pre-employment physical and drug testing. Mr. O’Blenes rate of pay to be \$18.8408 per hour and subject to a twelve month probationary period, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
- **Storm Water Committee**-Selectman Sullivan moved the Board vote to appoint the seven member committee designated and recommended by Supt. Madigan per his memo dated 7-25-07 for three year positions-expiring of 6-30-10, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Conley aye, Chairman Luca aye, Selectman Maxant abstained 4-0-1. Appointed: Peter Johnston-Planning Board, David Bodurtha-ConCom, Frank Maxant-Selectmen, Laurie Sabol-Recycling, Rayellen Gilles-Communications Com., Susan Tordella- private citizen and Supt. Madigan.
- **Bid Award-Aluminum Liquid Transport Trailer**-Selectman Sullivan moved the Board vote to award the bid for the 2008 Aluminum Liquid Transport Trailer to Tri Tank Corp. of Syracuse, NY for the bid award not to exceed \$47,392.00, funding to come from Town Meeting approval of funds 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.
- **Sanitary Monitoring Landfill Servicing-Not in Board’s packets**-Groundwater & Surface Monitoring Services. Selectman Sullivan moved the Board vote to approve two (2) contracts one for STL Lab not to exceed \$36,614.00 for groundwater testing and one for Tata & Howard for monitoring in the amount of \$21K for next three years, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Maxant aye, Selectman Conley no, Chairman Luca no 3-2 motion carries.
- **Guardrail Installation Contract**-Supt. Madigan recommended the award for guardrail installation (100 feet) for Shirley St. (near culvert) be awarded to Total Highway Services for the amount not to exceed \$11K funded by Chapter 90 reimbursements, Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.
- **Grinding Services**-Selectman Sullivan moved the Board award the Grinding Services Contract to Wicklaw for the amount not to exceed \$13,500.00, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Chairman Luca aye, Selectman Maxant no vote, Selectman Conley no, VOTE: 3-1-1 Selectman Conley questioning liability limit requirements re contracts **suggesting** the Board establish policy of \$1 Million General Liability minimum and agenda for next Selectmen’s Meeting.
- **Upper Flannigan’s Dam Inspection**-The Board requested Supt. Madigan request an extension to Report due in by 9-28-07 and research ownership, transfer of land (6 acres) to Town to ensure conveyance actually occurred.

Selectman Conley on another issue requested status of Balch Pond Dam.

**Agenda Item #6. Town Administrator Goals & Objectives-** Chairman Luca opened the discussion by advising Board to preparing a spread sheet which was distributed to Board members. Each Member of the Board gave their individual evaluations and recommendations of Mr. Sushoski’s performance. Selectman

McCreary moved the Board give Mr. Sushoski an overall rating of "Above Standard-4", 2<sup>nd</sup> by Selectman Sullivan. VOTE: Selectman Sullivan aye, Selectman McCreary aye, Chairman Luca aye, Selectman Conley no, Selectman Maxant not voting **3-1-1** motion passes.

BOSMIN8-7-07/Pg. 4

**10:15p.m.** Selectman Sullivan moved the Board adjourn from Open Session into Executive Session pursuant to MGL Chapter 39 S23B Exemption #3 Selectman Maxant advising Board to Historical Commission Chairman present-George Bacon re Grant Award motion to adjourn set back for further business.

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

Selectman Conley moved the Board vote to open the Fall Town Meeting Warrant, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

Selectman Conley announced the departure of Nashoba Publications reporter Nathan Lamb advising Board to this being his last meeting, the Board thanked Mr. Lamb for his service to the Town and wished him well upon his move to Vermont.

The Board met with George Bacon re \$15K Historical Properties Grant Survey between the Town and MA Historical Com. Selectman Sullivan moved the Board vote to approve the Grant and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Maxant VOTE: unanimous, so moved.

Water & Sewer Permit-Selectman Conley moved the Board vote to approve a water & sewer permit for 37 E. Main Street, Ayer, MA and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

Selectman Sullivan moved the Board vote to approve Grant -American Dream and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

Selectman Conley requested information re dispelling rumors re missing money at the Ayer Police Dept. from Chief Rizzo, Chief Rizzo not commenting.

10:40p.m. Selectman Sullivan moved the Board vote to adjourn from Open Session into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 & 5, 2<sup>nd</sup> by Selectman Maxant, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Coley aye, Selectman Maxant aye, Chairman Luca aye, unanimous so moved.



DATE: \_\_\_\_\_

