

Board of Selectmen's Meeting
Tuesday, May 29, 2007
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

Present

Pauline Conley, Chairman	X
Gary J. Luca, Vice-Chair	X
Carolyn McCreary, Clerk	X
Frank F. Maxant, Member	X
Cornelius F. Sullivan	<i>Entered meeting at 8:25p.m.</i>
Shaun Suhoski, Town Administrator	X
Janet Lewis, Secretary	X

7:00p.m. Public Input-Chairman Conley requested if there was anyone present who wished to meet with the Board under Public Interest. No one stepped forward. Chairman Conley announced that Charles Jones, Chairman of the Personnel Board would not be present this evening and that Agenda Item #4. would be taken up under the Town Administrator's Report.

Chairman Conley called for a motion to accept the Agenda as amended. Selectman Luca moved the Board approve the amended Agenda of 5-29-07, 2nd by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #1. Recognition of Maura Feller-The Board welcomed Ms. Feller to the table and presented her with a Certificate of Recognition recognizing Ms. Feller as the Town of Ayer's honoree for the "Community Unsung Heroine" presented by the MA Commission on the Status of Women. Chairman Conley read into the record the Selectmen's award and congratulated Ms. Feller upon this distinguished nomination for her leadership as President of the Ayer Educational Foundation.

Agenda Item #2. Denis Callahan, Town Treasurer-Borrowing in Anticipation (BAN)-The Board met with Mr. Callahan re: \$1,691,073.00 Bond Anticipation Note dated 6-1-07 payable May 30, 2008 re rollover of \$1,150,600 of May 2006 Borrow Articles less Rescind Articles at 3.93% interest. Selectman Maxant moved the Board vote to approve the BAN as requested and presented signature by Mr. Callahan, and authorize the Board's signatures 2nd by Selectman Luca, VOTE: unanimous, so moved.

Due to being ahead of schedule the Board took up Agenda Item #4. Chairman Conley opened the discussion by advising the Board was in receipt of the resignation of James Fay from the Personnel Board. The Board moved to accept Mr. Fay's resignation with regrets and urged citizens to step forward to contribute their time and service to the community advising to this resignation being the second on this Board and Board now having two vacant positions. Selectman Maxant taking a few minutes to elaborate on the work of the Personnel Board being very important and serves a very important function, again appealing to citizens to step forward.

Agenda Item #3. Earth Removal Renewal Permit-Crabtree Development/Ridge View Heights-Chairman Conley opened the Hearing by requesting the Legal Notice be read into the record. Selectman McCreary read the Legal Notice which ran in the Nashoba Publications the weeks of May 4, & 11 and again on the 18th which announced the rescheduled hearing date. Present for the discussion Steve Mullaney of S. J. Mullaney Engineering, Inc., of Leominster, MA. Chairman Conley requested if there were abutters present no one stepped forward. The Board requested if there were any changes to the Earth Removal Permit issued in November 2006, Mr. Mullaney responded no changes to the permit. Mr. Mullaney advised the Board to delay in re-application due to housing slump and Crabtree Development delaying plans on the project. Mr. Mullaney updated the Board to Phase I of project start up in August 2007, Phase II in March 2009 and Phase III in March 2010 with the water tank construction to take place in Phase II 2009. The Board reviewed the prior conditions with Mr. Mullaney: flyers to be sent out to Old School House Condominiums-Westford Rd. and Sandy Pond Road condominiums advising residents to preconstruction start-up, truck route 2A-East, quantity the same 240,000 cubic yards of material, time-frame of removal Monday through Saturday 7:00a.m. to 5:00p.m. No problems reported by the Superintendent of Public Works. Chairman Conley called for a motion, Selectman Luca moved the Board of Selectmen approve Earth Removal Permit #03-07 dated 5-29-07 for six (6) months expiring on November 29, 2007, 2nd by Selectmen McCreary, VOTE: unanimous, so moved.

Agenda Item #5. Report on Cambridge/Pearl Street Fence-(rounding easement)

Present for the discussion David Bodurtha. The Board reviewed with Mr. Bodurtha DPW Supt. Madigan's Memo dated 5-25-07 after site inspection conducted with Building /Zoning Officer-Gabe Vellante and ZBA memo dated 5-24-07. Chairman Conley read in to the record Supt. Madigan's 5-25-07 memo whereas Supt. Madigan updated the Board to fencing at Cambridge & Pearl Streets filed with Building Commissioner on 4-5-05 with stipulation fence was not to obstruct sight line on street for vehicles. Fence drops from height of six feet to four feet and then slopes down to three feet well short of the corner. Mr. Bodurtha stated documents filed with mortgage i.e. Sub-Ordination Agreement restrictions reflect only 3 foot sight line and motorists need to be careful at 4' end of area. Selectman Maxant advising to plan on record depicted site line across the street and granting of property-corner curve line not disturbed. The Board requested Mr. Bodurtha meet with Supt. Madigan and Gabe Vellante re site visit to ensure Mr. Bodurtha to area fence not effecting site lines around the corner. Supt. Madigan advising the corner of Cambridge & Pearl Streets has been greatly improved with the removal of the old structure & hedges, the open grass area by the corner, installation of stop sign and widening of Cambridge Street. Selectman McCreary requesting restrictions in documents be enforced.

Agenda Item #6. Planning & Development-the Board met with Susan Provencher, Program Manager

1. **Fy-05 Grant Amendment-**The Board approved the budget revision for the Fy-05 Community Development Fund I (CDF) Grant seeking to transfer \$25K from Line 5C downtown construction to 5A Additional delivery-downtown design and to adjust the number of facades and signs to be completed the Budget Revision does not represent more than 10% of the approved budget. Motion to approve made by Selectman McCreary, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
2. **Downtown Architects Contracts-** The Board approved the Contract extension with Mangel Architects originally contracted for \$20K amended to include \$8K from Program Income and before the Board this evening for additional \$2K for the total contract amount not to exceed \$30K for Mangel Architects. Motion to approve made by Selectman Luca, 2nd by Selectman Maxant, VOTE: unanimous, so moved.
3. **CDBG Authorization-**The Board approved the removal of Timothy Hansen's name as the authorization agent to access CDBG/GMS applications and place Susan Provencher's name as the Town's authorized Agent due to Mr. Hansen's departure. Motion made by Selectman McCreary, 2nd by Selectman Maxant VOTE: unanimous, so moved.

Agenda Item #6. Supt. Madigan's Report-The Board met with Michael Madigan**Redevelopment of Spectacle Pond Well #2.**

Supt. Madigan presented the Board finalized D.L. Maher-Boart Longyear Company Division contracts previously voted and approved by the Board on 1-23-07 for the Development of Spectacle Pond Well #2. for the Board's signatures.

Back-up Sludge Services-Supt. Madigan presented the Board the **adjusted** rates contracts re back-up wastewater sludge services approved by the Board on May 1, 2007.

Liquid Sludge Hauling to Fitchburg	from \$286.97	to \$292.07	per load
Liquid Sludge Hauling to other facility	\$704.39	\$716.95	" "
Disposal of Sludge at other facility	\$412.20	\$419.55	per dry ton

New MA DEP Sewer Regulations-Supt. Madigan requested approval for HTA Engineering Services Agreement to update the Town's regulations and permit procedures incorporating DEP's new regulations in the amount not to exceed \$7,500.00. Motion to approve made by Selectman Luca, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

MOU Grove Pond Zone 1 –Informational Update. Supt. Madigan updated the Board to the Town and MA Army National Guard mutually signed a MOU in December 2006 to protect the Grove Pond Wells within the MA Dept. of Environmental Protection (MADEP) approved zone 1 land area. Supt. Madigan advised to MADEP is requiring further restricted activities with the Zone 1 area. to include sand and gravel mining, road salt/deicing material storage, underground storage tanks and concrete crushing operations. Supt. Madigan advised the Board to Tata & Howard & DEP coming out Friday, 6-1-07 to review and short schedule should result. Permit applications will be filed for all three wells at the same time in June 2007.

Supt. Madigan to request Tata & Howard submit revised schedule-but advised the Board to once application is filed it could take up to three years for approval.

Selectman McCreary took this opportunity to advise Supt. Madigan to Town Hall utilizing recycling bins in Town Hall offices re paper and seeking his assurance to DPW picking up this recycling bin at Town Hall and dispose of properly at recycling area at Transfer Station. Supt. Madigan agreeing to have DPW pick up and dispose of paper in proper bin at Transfer Station.

Agenda Item #8. Settlement Payment for Dr. Hack-Payment authorized-matter resolved.

Agenda Item #9. JBOS- Chairman Conley opened the discussion by advising the Board to negotiations re the future of Devens continuing with the JBOS and seek citizen input re creation of Town of Devens which she opposed because she did not want housing located on North Post urging residents to contact the Selectmen's Office re their interests. Selectman Maxant suggested the Town return to criteria adopted for Devens in 1993 which envisioned industrial development at Devens which would help the tax base of host towns. Selectman McCreary arguing that would go against Town Meeting vote residents voted they like the idea of a new Town of Devens. Selectman Maxant agreed the Board should consider all options such as scenario Ayer takes back land currently in Harvard advising the Board to his conversations with professional planner familiar with Devens re report on development potential on Devens re dollars & cents how much it is worth to the community advising this report to be available in a few weeks. Chairman Conley wrapped up the discussion by stating need is to get some ideas ready to bring back to the JBOS..

Agenda #10 Town Administrator's Report-taken out of order

8:25p.m. Selectman Sullivan entered meeting.

3 **MA Action re Proposed Cable Licensing Changes**- sitting in for the discussion Doug Becker, Vice-president of APAC(Ayer Public Access Channel)Town Administrator advised the Board to the Mass Municipal Association urging local municipalities to attend the June 5, 2007 Hearing at the State House re Verizon's Legislation to preempt local government's ability to negotiate the licensing of new and incumbent cable providers. Mr. Suhoski advising to this legislation undermining the town's consumer competition and advising to MMA requesting the Town take three quick action requests : 1. sign & submit letter inviting Verizon to file a franchise application in Ayer-Verizon claims the communities don't want competition. 2. E-mail the MMA to sign up to attend and testify against the Verizon Legislation at the June 5, 2007 Public Hearing at the State House, and 3. E-mail the MMA to request an electronic copy of the Cable Franchising Campaign kit. Mr. Suhoski advised to Verizon pouring unprecedented resources into their lobbying effort in MA and other states as they seek to cut cities and towns out of the franchising process altogether. Selectman Maxant advised the Board to his plans on attending the Public Hearing and requesting to speak. Selectman McCreary moved the Board follow MMA's request and take the three actions as suggested in their 5-10-07 letter on behalf of the Town of Ayer, and to approve Selectman Maxant to speak on behalf of the Board of Selectmen at the Public Hearing on 6-5-07 at the State House re Verizon's Legislation^{2nd} by Selectman Luca, VOTE: unanimous, so moved. The Board requested Mr. Suhoski contract the Town's State Reps and have them place Selectman Maxant on the schedule/list of speakers.

Town Administrator's Goals & Objectives-The Board placed the Town Administrator's Contract on the Selectmen's Agenda for 6-19-07 and requested the Town's personnel Policy be reviewed to include edits of previous Personnel Board. Mr. Suhoski requested the Board review and get his evaluations in as soon as possible for him to consolidate prior to the 19th. Selectman McCreary requesting electronic version be emailed to her.

Selectmen's goals & objectives Chairman Conley suggested the Board consider meet in a retreat fashion to review goals & objectives of the Board. This casual atmosphere, without cameras, was recommended by Town of Harvard's TA during training at the MMA Conference. Mr. Suhoski suggesting the Board use his Goals & Objectives as a starting point and he would compile all documents for the Board

Water/Sewer permits-nothing before the Board

Fy-08 Appointments- Mr. Suhoski advised the Board to Memo going out to all Department Heads and responses coming in, information to be presented to Board at their 6-19-07 meeting. The Board requested APAC & media receive copies of all vacancies to advertise. Selectman Maxant urging the Board not scrutinize appointments but recognize citizens for their invaluable assistance to the Town.

MMA Training-Mr. Suhoski updated the Board to the MMA Training on 6-9-07 urging the Board to let Ms. Lewis know if they wish to attend.

MMA Action-Ms. Suhoski updated the Board to House Ways & Means Budget 6-5-07 showing taxes on utilities/infrastructure will increase levy-\$66K in new revenue.

Complaint/Rizzo/Selectman Maxant-Mr. Suhoski advising to complaint scheduled for 6-19-07 both parties to be notified.

Grievance-Mr. Suhoski advised and distributed a grievance filed against Chairman Conley by Selectmen's Office staff, advising to complaint appearing to be valid and next step is to meet with parties. The Board scheduled this action for 6-12-07.

Selectmen's Meeting Schedule June 2007-The Board set the June Selectmen's Meeting as follows: 6-12-07, 6-19-07 and 6-25-07 Tri-Board..

Miscellaneous- Chairman Conley advised the Board to concerns she had with Chairman's responsibility signing off on Time Sheets for Town Administrator specifically the week of 5-26-07 re the computation of vacation time (use of 4 hours of vacation time to make 40 hours). A heated exchange took place with the Town Administrator taking exception to what is presented on the time sheets being inaccurate, stating his signature is his word. Chairman Conley questioning the use of 10 & 4 hours of vacation use to take time off stating a day off should equal 8 hours. Mr. Suhoski stated he is a salaried employee time sheets are calculated on a 40 hour week basis. Employees are allowed to take vacation time by the hour and he used the 4 and 10 hour time blocks to round out pay periods. Selectman Sullivan arguing the Board can't expect Mr. Suhoski to work 40 hours at town hall and then expect him to attend evening meeting his position requires. Selectman Maxant stating Mr. Suhoski needs to be in the office during regular Town Hall office hours, questioning what constitutes a work week five 8 hour days or 40 hours of work.. Selectman McCreary stating the time sheets reflect Mr. Suhoski gave the taxpayers their money's worth, Selectman Maxant agreeing with Selectman McCreary, noting Mr. Sushoki could have worked 30 hours per week and not put in any vacation hours, noting there is nothing preventing that in the Town's policy adding he has been very far to the taxpayers. Selectman Luca stating he though the Board was getting their money's worth. Selectman Conley cited inaccurate time recording re last Friday stating Mr. Suhoski put down 6pm as his departure time and she came into Town Hall prior to 6pm and he was no where to be found. Mr. Sushoski again taking exception to that statement producing a time dated document proving he was at Town Hall at the time she stated he was not in the building. Selectman Sullivan moved to resolve the issue of the Chairman signing Mr. Suhoski's time sheets and called for a vote to allow the Chairman to sign the time sheet of 5-26-07, 2nd by Selectman McCreary, Vote: Selectman Sullivan aye, Selectman McCreary aye, Selectman Maxant aye, Selectman Luca aye, Selectman Conley abstaining 4-0. Mr. Suhoski questioning Selectman Conley's abstention stating if you know its false why don't you vote no. Selectman Conley changed her mind and voted in the affirmative stating she may not agree with it but can vote in collaboration with the Board. VOTE: unanimous, so moved. The Board then moved all time sheets for Mr. Suhoski come before the Board and rolled two weeks together, should the chairman be disinclined to sign 2nd by Selectman McCreary, VOTE unanimous, so -moved.

Agenda Item #11. Minutes - Tabled to next Selectmen's Meeting.

It being after 10:00p.m. the Chairman called for a motion to extend the meeting. Selectman Maxant moved the Board extend the meeting not to exceed 10:45p.m., 2nd Selectman Sullivan. Motion did not have full board's vote to extend meeting time to 10:45p.m. Motion withdrawn.

10:15p.m. Selectman Luca moved to adjourn the meeting, 2nd by Selectman Sullivan VOTE: unanimous, so moved. Meeting adjourned.