

Selectmen's Meeting

January 9, 2007

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

**Present**

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

**Agenda Item #1. Public Input-**Chairman Maxant requested if there was anyone present wishing to meet with the Board under Public Input, no one stepped forward.

**Selectman Conley** moved the Board go off the posted 1-9-07 Agenda and take up Agenda Item #4 JBoS matter after Agenda Item #6 Town Administrator's Report.

**Selectman McCreary** took this opportunity to remind Ayer residents to the Parking Task Force Meeting scheduled for 1-16-07 @ 6pm at the Ayer Town Hall-2<sup>nd</sup> Floor Great Hall. Selectman Conley requesting meeting be set back to 6:30p.m. to allow her attendance. Selectman McCreary stated future meeting taken under consideration re beginning later in the evening. Selectman Conley encouraging APAC be contacted to video meeting for Ayer residents. Chairman Maxant also inviting residents opposed to facility to attend and work toward solution.

Chairman Maxant requested a moment of silence be observed in memory of Ronnie Pemberton –DPW employee who passed away after a long illness on Saturday, January 31, 2006.

**Agenda Item #2. Christopher Ryan-Planning & Development Director**

Mr. Suhoski advised the Board to Mr. Ryan unavailable for tonight's meeting due to meeting conflict but would be available for the Board's next meeting scheduled for 1-23-07. Mr. Suhoski reviewed with the Board the half-year UDAG contribution to fund this position. Mr. Suhoski advised to equipment line item depicting \$1,500.00 increase due to need of new computer necessary for GIS/graphic programs. Mr. Suhoski ran through the UDAG Fy-07 half year salary budget or \$29,420.00 +/- (\$58,840.00) divided again for a net salary from UDAG of \$14,710.00. Selectman Sullivan moved the Board approve the Fy-07 half-year budget in the amount of \$14,710.00 proposed by Mr. Suhoski in a memo dated 1-5-07, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

**Agenda Item #3. Office of Community & Development-**The Board met with Timothy Hansen, Program Manager who updated the Board to RFP for the **Downtown Façade/Sign Program contracts** for design services publicly advertised in local papers and the Central Register and the Town receiving three proposals. Mr. Hansen advised to all three (3) RFP's meeting programs minimum requirements of which two firms were rated highly advantageous those being the Cecil Group and Mangel Architects. Mr. Hansen recommending both firms be selected for the design/architect contracts for the sign and façade improvement program with the total amount of any combined contracts (notices to proceed) not exceeding \$25K. Selectman Luca moved the Board approve the Cecil Group of Boston, MA and Mangel Architects Inc. of Harvard, MA as the eligible design/architectural service contractors for the Town of Ayer's Sign and Façade Improvement Program, with the total aggregate compensation paid to the firms not to exceed \$25K, 2<sup>nd</sup> by Selectman Sullivan for discussion. Selectman Sullivan commented on the unique opportunity to work with two highly skilled contractors both offering unique styles and both having worked for the Town in different capacities over the years and wishing to ensure that each contractor is made aware they may receive different contract amounts per project. Chairman Maxant called for a vote: VOTE: unanimous, so moved.

**Lien Subordination-**Mr. Hansen presented a Lien Subordination Request for Case #96-164 for 38 Bligh St., Ayer, MA. Mr. Hansen advised to home owner seeking to obtain a home equity loan to help with home

improvements. Selectman Sullivan moved the Board approve subordination of the Town's lien conditioned upon a home equity loan not to exceed \$10K, 2<sup>nd</sup> by Selectman Conley VOTE: unanimous, so moved.

**Agenda Item #5. Supt. Madigan's Report**-The Board met with Supt. Madigan. Supt. Madigan acknowledged and recognized valued DPW employee Ronnie Pemberton, who passed away on 12-31-06.

**Wastewater Treatment Plant Attendant position**-Supt. Madigan stated he was before the Board this evening re filling the vacant Wastewater Treatment Plant Attendant position. Supt. Madigan introduced Walter Wood of Groton, MA. to the Board. Supt. Madigan advised to position advertised in house and in local newspapers advising to the receipt of 18 applications for the position received of which six (6) applicants were interviewed. Supt. Madigan reviewed with the Board Mr. Woods general construction and mechanical repair knowledge and experience advising the Board to references checks also favorable and recommended the appointment of Mr. Wood to the vacant Wastewater Treatment Plant Attendant position contingent upon satisfactory pre-employment physical, DOT drug test, and receipt of satisfactory results of drug testing taken within last two years, and obtaining a hoisting (Class A) license within six (6) months of employment. Selectman Sullivan moved the Board appoint Mr. Wood to the WWT Plant Attendant's position as recommended by Supt. Madigan in a Memo dated 1-2-07, 2<sup>nd</sup> by Selectman Luca for discussion. Selectman Luca reviewed with Supt. Madigan Budgetary issues re training required/class time/other requirements i.e. snow removal. Chairman Maxant elaborating on safety/environmental expectations of position. Chairman Maxant called for a vote, VOTE: unanimous, so moved. The Board congratulated Mr. Wood upon his appointment.

**Guilford**-Selectman Conley requested a copy of the Groundwater Table/Flow Report done by Tata & Howard in August of 2002 questioning if this report was out dated and needing to be updated and if so what the associated cost would be. Supt. Madigan to review and report back to the Board. Selectman Conley suggested a joint meeting be scheduled in the near future with the Board of Selectmen, Board of Health, DPW Supt. Selectman Sullivan suggested Susan Hunnewell of Tata & Howard also be contacted to attend.

**Agenda Item #6. Town Administrator's Report**

1. **Special Town Meeting**-Mr. Suhoski presented and reviewed with the Board the Draft Special Town Meeting Warrant advising to more definitive numbers to be inserted in Articles #5, 6, 7, and 8. Selectman Conley expressing her concern re not having exact numbers from school and Town Accountant re Collective bargaining. Selectman Conley expressed her dismay with the latest figures coming in from School Department reflecting \$20K discrepancy and Circuit Breaker funding frozen due to late filing of report. Selectman Conley moving the Board approve the Draft Special Town Meeting Warrant in concept stating exact numbers will be known by 23<sup>rd</sup> Selectmen's Meeting. Selectman Sullivan objecting and requesting to approve the draft warrant as presented and insert the language "**a sum of money**" and amend with correct figure/s on the floor. Chairman Maxant also suggesting to place text on warrant advising to numbers reflected on warrant being the best available numbers at time of signing and amend on floor. Mr. Suhoski advising to more definitive figures being finalized this evening re Collective Bargaining under Executive Session. Selectman McCreary suggesting including in warrant mailing the School's prior years line item depicting sacrifice/s taken by School officials. Selectman Luca against advocating for one department and requesting School abide by same practice as other departments via hand-outs @ Town Meeting for public consumption stick to facts and figures on warrant only. Selectman Conley concurring citing law restricts public funds be used to advocate. Selectman Conley requesting draft warrant Articles 5&7 include percentages re collective bargaining contracts from Fy-06, Fy-07, Fy-08 depicting increases in wages broken out separately in ea fiscal year. Selectman McCreary moved the Board approve the Draft Special Town Meeting Warrant as presented by the Town Administrator, Town Administrator to insert finalized dollar figures for Articles 5,6,7 & 8 if possible prior to warrant going out for printing and mailing to residents, 2<sup>nd</sup> Selectman Sullivan, VOTE: unanimous, so moved. Selectman McCreary suggested the Board consider holding meeting on Saturday the 10<sup>th</sup> instead of Monday the 12<sup>th</sup>. A short discussion was held re competing with sporting programs at school on Saturday Mornings. Selectman McCreary moved the Board amend the date on the Special Town Meeting Warrant Draft to Saturday, February 10<sup>th</sup>, 2007 at 10:00a.m., 2<sup>nd</sup> by Selectman Luca, VOTE: Selectman McCreary aye, Selectman Luca aye, Selectman Conley aye, Selectman Sullivan no, Chairman Maxant abstained. VOTE: 3-1-0 motion passes.

The Board closed the February 10, 2007 Special Town Meeting Warrant. Motion to close made by Selectman Sullivan, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca aye, Selectman Conley no, Chairman Maxant aye. 4-1- motion passes.

2. **2007 Annual Town Meeting Calendar-** Town Administrator reviewed the calendar with the Board highlighting the Board's Budgetary review meeting and Public Hearing and advising the Board to separate night calendared for Public Hearing which in the past was part of Selectmen's Meeting Agenda. Mr. Suhoski recommended the Board open the Annual (Spring) Town Meeting Warrant for Articles. Selectman Sullivan moved the Board open the Annual Town Meeting, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.
3. **Fees/Licenses-** Town Administrator brought to the Board's attention recommendation by Fin-Com that Board look into increasing fees i.e. licenses, permit-building etc. to help with Fy-08 Budget Selectman Luca advising to Town Audit addressing fees other services.
4. **Town Report-** Town Administrator advised the Board to the RFP for the 2006 Town Report Bid out with closing date/Bid Opening on 1-26-07 at 4:00p.m. Town Administrator reminding the Board to think about the 2006 cover & dedication and submit their recommendations into the Selectmen's Office.

**Agenda Item #4-** JBoS Meeting-invitation to MA officials-Chairman Maxant reminding everyone to JBoS Meeting scheduled for Wednesday, January 24, 2007 at 7:00p.m. at the Ayer Town Hall 2<sup>nd</sup> floor Great Hall. Re regional discussion on the future purpose and role of the JBoS in the continuing Devens development. Chairman Maxant advising to representatives Ayer, Harvard and Shirley along with elected Devens residents representative meeting on the 24<sup>th</sup> to share information and viewpoints. Selectman Luca moved the Board send out letters inviting Gov. Patrick Deval, Senator Resor and Representative Hargraves to this meeting along with Agenda's, 2<sup>nd</sup> by Selectman Conley, VOTE: Selectman Luca aye, Selectman Conley aye, Selectman McCreary no, Chairman Maxant aye, Selectman Sullivan no, 3-2 motion passes.

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

**Selectman Luca-**Selectman Luca presented the Board a letter requesting the Board direct the School Committee to conduct an internal audit by an outside/independent contractor due to outstanding financial issues. Selectman Sullivan stated his opposition to this letter being improper and creating ill will and disintegrating all the good generated by the schools these past few months suggesting Selectman Luca attend upcoming School Committee Meeting and make that request in person or wait until next Tri-Board Meeting on 22<sup>nd</sup>. Town Administrator advising to School part of Town's annual audit. Selectman Luca stating Town audit is not an internal audit (larger scale). Selectman Luca read his letter into record. The Board requested the first sentence in third paragraph be deleted and letter have a full Board signature block included on the letter. Selectman Luca to correct and email new letter to Town Administrator for Board's signatures. Chairman Maxant called for a motion to approve the letter being sent to the School Committee. Selectman Luca moved the Board approve the amended letter for an independent audit to be conducted no later than March 1, 2007 by outside contractor, request letter be sent to the School Committee via his email to the Town Administrator 2<sup>nd</sup> by Selectman Conley, VOTE: Selectman Conley aye, Selectman Luca aye, Chairman Maxant aye, Selectman Sullivan no, Selectman McCreary no 3-2 motion carries.

**Selectman McCreary-**advised the Board to her being unavailable 1-27-07 she will be on vacation.

**Selectman McCreary** moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 re Collective Bargaining & Litigation, to adjourn from Executive Session back into Open Session for the sole purpose of adjourning the meeting 2<sup>nd</sup> by Selectman Conley, VOTE: Selectman McCreary aye, Selectman Conley aye, Selectman Sullivan aye, Selectman Luca aye, Chairman Maxant aye, VOTE: unanimous, so moved.

9:20p.m. Open Session ended.

Date: \_\_\_\_\_

Carolyn McCreary, Clerk