

**Selectmen's Meeting**  
**Tuesday, November 14, 2006**  
**Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA**

**7:00p.m. Open Session**

**Present**

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

**Public Input**

1. Manny Velez, Veteran's Agent-Request for unpaid leave January 1, 2007-March 31, 2007-Mr. Velez submitted a written request to the Board for a medical leave of absence from January 1, 2007 to March 31, 2007. Mr. Velez advising the Board to his procuring the Town of Shirley's Veteran's Agent during his absence. The Board to take this request up at the next Selectmen's Meeting scheduled to 11-28-06. Selectman Conley requesting if Mr. Velez will have his Fy-08 Budget ready prior to leave, Mr. Velez responded he will submit his Fy-08 budget to the Town Administrator by Xmas 06.
2. Carolyn McCreary-CPIC-Selectman McCreary updated the Board to the CPIC establishing a Task Force re Downtown Parking to address train station/parking. Selectman McCrary advising residents to contact Selectmen's secretary-Janet Lewis if interested in serving on this Task Force. The Board approved of Ms. Lewis to compile list of volunteers to this Task Force.
3. Gary Luca-Tri-Board-Selectman Luca updated the residents to Tri-Board being formed (Selectman, Fin-Com and School Committee) to address the School's potential Fy-07 deficit of \$600-\$700K and dropping that deficit to approximately \$315K. Selectman Luca updated the Board to Tri-Board voting to investigate forming a regional school district with the Town of Shirley. Tri-Board looking a strengthening both districts. Selectman Conley stating the Town of Ayer currently has a contract with the Town of Shirley to educate Middle and High-School students. Selectman Luca responding that arrangement would be made more permanent. Selectman Luca stating this was just an update and he was not looking for any action by the Board. Selectman Sullivan looking at sliming down budgets on town-side i.e. reducing over-time.
4. Shaun Suhoski-Parking Garage location-Town Administrator advising the Board to Mr. & Mrs. Schwartz being invited to attend this evening's meeting re discussion re Sandy Pond Rd. site for commuter parking garage and advised to illness in their family and rescheduling discussion for the Board's 11-28-06 meeting.
5. Frank Maxant-Public Officials/employee recognition-Chairman Maxant took this opportunity to congratulate and applaud the efforts of Town Clerk/Tax Collector Ann Callahan upon her recent re-certification. Chairman Maxant announced the Town's recent funding by the State in excess of \$109K in Community Preservation Funds. Congratulating the Town on the 1% match of Town taxes. Chairman Maxant congratulated the Recycling Committee on their successful award of \$796.00 in recycling products/bins, etc. congratulating Laurie Sabol for her efforts.

**Agenda Item #1. Conservation Commission-Weed Control Contract**-Town Administrator Shaun Suhoski requested the Board's indulgence to go off the posted agenda to take up the Conservation Commission Weed Control Contract-Mr. Sushoki advising to Bill Daniels present this evening with children in the room. The Board met with Bill Daniels, Chairman of the Conservation Commission. Mr. Daniels advised to the Conservation Commission meeting last night and signing the contract with Aquatic Control Technologies (ACT). Mr. Daniels reviewed with the Board the contract amendment extending the treatment of Flanagan's Pond to Spring 2008 for same price. Selectman Conley moved the Board approve contract

with Aquatic Control Technologies in the amount of \$26,600.00 for the period of March 2007 through March 2008 less the amount of \$7,900.00 for down payment of materials reducing amount to \$18,700.00, 2<sup>ND</sup> by Selectman Luca, VOTE: unanimous, so moved.

**Agenda Item #2. Fire Chief-Change Order #10-KVAssociates-**The Board met with Fire Chief Robert Pedrazzi and Wellman Parker. Chief Pedrazzi advised to Change Order #10 being for project oversight by KVA through November 2006 in the amount of \$3K. Selectman Sullivan moved the Board approve Change Order #10 in the amount of \$3K to KVAssociates, 2<sup>nd</sup> by Selectman Conley., VOTE: unanimous, so moved. Selectman Conley requested the status of recovery of funds from the General Contractor and insurance from Ms. Yi's property. Selectman Sullivan requested Lee Keller prepare of punch list of items remaining for the Board's 11-28-06 meeting, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved. Selectman Conley questioning if 11-30-06 extension sufficient re Change Order. On another issue Selectman Conley thanked Chief Pedrazzi for keeping the Board informed to status of E. Main St. dam –Chief Pedrazzi responding repair work coordinated with DPW.

**Agenda Item #3. Public Hearing-Earth Removal Permit Renewal-Crabtree Dev. Corp. Ridgeview Heights Sub-Division/Snakehill & Littleton Rds.** The Board met with Steve Mullaney of S.J. Mullaney Eng. Inc. Chairman Maxant opened the Hearing by requesting the Clerk read into the record the Legal Notice. Selectman McCreary read the legal notice which ran in the Nashoba Publications the weeks of Nov. 3&10, 2006. Mr. Mullaney ran through with the Board the five year project encompassing four (4) phases of project. The Board aired their concerns re: dust control measures to be taken by developer, traffic, hours of operation, noise control measures, truck count re earth removal. Mr. Mullaney to work with Police Dept. re police details-temporary closure of road, water tank- part of Phase II (2<sup>nd</sup> tank) start up by the end of 2008- early 2009. Selectman Conley moved the Board approve the Earth Renewal Permit for Crabtree Dev. Corp for the Ridgeview Heights Sub-Division from 7:00am to 5:00p.m. Monday-Saturday and all other contingencies to remain on renewal permit-(type of material, quantity, truck route), for the period of 11-14-06 to 11-14-07 2<sup>nd</sup> by Selectman Sullivan. Selectman Sullivan requested Board place amendment on license requesting residents of School House Condominiums and Sandy Pond Condominiums be notified in writing of preconstruction work start up, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca aye, Chairman Maxant aye, Selectman Conley no, 4-1 motion passes.

**8:15p.m.** Selectman Sullivan moved the Board close the Public Hearing, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

**Agenda Item # 4. Community Development Office-The Board met with Tim Hansen, Program Manager.** Mr. Hansen presented the following action item for the Board's approval:

1. **Fy -03 HDSP Grant Close-out-**Selectman Conley moved the Board approve the Fy-03 HDSP Grant #5557 Close out Agreement as requested in a Memo dated 11-6-06 and recommended by Timothy Hansen Program Manager, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
2. **Contract Award-DHCD-Small Cities Program-**Mr. Hansen presented the Request for Proposals recommendation of award for Consulting Services for Housing Rehabilitation services for the Town's Housing Rehab Program to Bucchianeri Mngt. Services in the amount not to exceed \$31K the fee based upon the projected goal of rehabilitating 19 housing units, work to be completed by 12-31-07. Motion to approve above recommendation of Timothy Hansen made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved. Selectman Conley moved the Board authorize the Chairman's signature on the Fy-03 HDSP Small Cities Grant, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.
3. **Contract Award-Lead Paint Testing-**The Board approved the recommendation of Mr. Hansen for the award of the DHCD Lead Paint Testing Services to Caulfield Environmental Services in the amount not to exceed \$12K. Motion to approve and authorize the Chairman's signature made by Selectman Sullivan 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
4. **Lien Subordination Request-20 High Street, Ayer, MA** –Mr. Hansen presented the Board a Lien Subordination Request from Susan Provencher, Program Manager Housing & Community Dev. For 20 High Street, Ayer, MA. Selectman Sullivan moved the Board approve the Subordination of the Town's

Lien conditioned upon a home equity loan not to exceed \$10K as recommended in a memo dated 11-6-06 by Susan Provencher for 20 High Street, Ayer, MA and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved. Selectman Conley requesting the Case # be included in future Lien Subordinations and to attach the lien to the minutes of 11-14-06.

**Agenda Item #5. Devens Enterprise Commission-**Mr. Suhoski announced the cancellation of this item due to DEC Commissioners unavailability and rescheduled for the Selectmen's 11-28-06 meeting.

Chairman Maxant took this opportunity to congratulate the Housing Authority for their successful \$3 Million dollar award of Funding for the Rehabilitation of the Pleasant Street School for elderly housing.

Mr. Suhoski also took this opportunity to congratulate Susan Provencher and Tim Hansen for the successful audit of the Town's Fy03 CBBG Grant #5485 administration.

**Agenda Item #6. Supt. Madigan's Report-**The Board met with Supt. Michael Madigan

1. **Water Loss Prevention Grant Application-** Selectman Sullivan moved the Board approve the Water Loss Prevention Grant Application submitted in a memo from Supt. Madigan dated 11-9-06 for five (5) tasks recommended by Supt. Madigan to include the following: water audit, water conservation plan, service meter replacement plan, reporting and supplies in the amount of \$35,500.00 and authorize the Town's 25% match (\$9K) of which would come from \$5K meter replacement line item and \$4K from DPW supplies line item and authorize Supt. Madigan's signature on behalf of Town on grant application, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved. (copy of application to be kept with 11-14-06 minutes).
2. **Snow Plowing Contracts-**Selectman Sullivan moved the Board approve the four private snow plowers referenced in a memo dated 11-9-06 from Supt. Madigan, 2<sup>nd</sup> by Selectman Conley, vote unanimous so moved. (copy of memo be kept with minutes of 11-14-06)
3. **Water/Sewer Permits-**The Board approved the Water/Sewer Permits for the following:  
8 Vernon St.- Sewer permit, Sandy Pond III-Ranger Dev. For 9 Mountain Laurel, 21 Mountain Lauren and 29 Mountain Laurel-1" water/sewer service, Water/Sewer, 46 Groton School Rd. Motion made by Selectman Sullivan and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

Selectman Conley on another issue requested status of Guilford situation -this matter not taken up postponed for later in the evening under Executive Session. Selectman Conley requesting the Board take up letter from Div. of Fisheries under the Town Administrator's Report.

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

1. **Selectmen's Holiday Meeting Dates-**The Board approved of Mr. Suhoski's proposed meeting dates for the remainder of November 2006 and months of December 2006 & January 2007 due to Thanksgiving, Christmas and New Year holidays. The Board to meet: November 28, 2006, December 5<sup>th</sup> & 19<sup>th</sup>, January 9<sup>th</sup> & 23<sup>rd</sup> 2007.
2. **Planning & Development Director Interviews-**The Board requested to meet with the Planning Board on 11-28-06 re appointment process and to schedule interviews with the two (2) finalist for either Monday, Dec. 4, 2006 or Tuesday, December 5, 2006 (Selectmen's Meeting). Selectman Sullivan airing his concern re appointment authority/process.
3. **Winter Parking Ban-**Mr. Suhoski submitted the Police Chief's recommendation re the 2006-2007 Winter Parking Ban to go into effect 11-15-06 at midnight and continue through April 15, 2007, no parking of motor vehicles on Town Streets during this period to assist the DPW with snow plowing the Ayer Police Dept. charged with enforcing the Winter Parking Ban.
4. **JBOS-DDEB Process-**The Board approved the signing of the continuation of funding authorized under House #5304 for the Devens Steering Committee-Disposition of Devens in the Towns of Ayer, Harvard and Shirley in the amount of \$106,156.00 from the Com of MA Dept. of Business & Technology. Chairman Maxant requesting to step down as signing authority requesting the Vice-Chair Pauline Conley sign on behalf of the Board of Selectmen. Motion to approve made by Selectman Luca, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

Chairman Maxant opened discussion re staying with the Joint Boards of Selectmen re continuing discussion on debating the bases future including MADev., Devens residents and perhaps the town's Planning Boards and consider changing the name to Join Boards of Planning and Selectmen (JBOPS). Selectman Sullivan voiced his opposition stating he supported Scenario 2B produced by the executive board, questioning what the purpose of this new group would be, stating Ayer already took a vote. Selectman Sullivan stated all though Scenario 2B lost at Ayer & Harvard's Town Meetings it passed in Shirley and Ayer at the polls on Nov. 7. The Board debated the issue and decided to wait for a formal letter from the DDEB and requested to meet with a representative from the DDEB for the Selectmen's Meeting on 11-28-06.

Selectman Conley brought to the Board's attention recent correspondence involving MADev re a protected species habitat in both the MacPherson Rd. corridor and North Post Airfield which could effect the extent of the agreements being reached with MADev under 2B being attained.

5. **Rail Trail Parking Lot**-Mr. Suhoski requested the Board's intent re allocating the Town's Federal Grant award of \$3.5 million dollars into a fund administered by Montachusett Regional Transit Authority to improve commuter rail parking (300-350 space parking garage). Mr. Suhoski reinserted again to the Board the Swartz family being unable to meet with the Board this evening re an alternative site suggestion but would be placed on the Board's upcoming agenda for 11-28-06. Selectman Sullivan stated his concern and objection to another delay stating the Board has been sitting on these funds for two years. The Board entered into a debate re town approval for the garage and Selectmen's Conley's comments re an additional \$3 million more needed along with additional land along Park St needed if garage is to be less than three (3) stories requesting Mr. Khan respond where that money is going to come from. Selectman Conley questioning if Mr. Khan could spend that money, if transferred without approval from the Town? Urging the Board wait another 14 days before approving the transfer. Selectman Sullivan moved the Board transfer the \$3.5 million dollars of Federal Grand funding to an account administered by Montachusett Regional Transit Authority, 2<sup>nd</sup> by Selectman McCreary, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Conley no, Selectman Luca abstained, Chairman Maxant aye, 3-1-1 motion passes.
6. Selectman Sullivan moved the Board approve the Ayer Arts Council Grant Award for Fy-07 in the amount of \$12K and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
7. The Board approved the Autumn Ridge LIP units with JTE Realty Mortgage Agreement dated 10-13-06 motion to approve made by Selectman McCreary, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

The Board awaited Superior Officer's Rep re Executive Session arrival prior to voting to enter into Executive Session-upon the arrival of Sgt. Edmunds the Board voted to enter into Executive Session.

10:30p.m.

Selectmen McCreary moved to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 re Collective Bargaining with the Superior Officers, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

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

# Memo

TO: Lisa Gabree, Town Accountant  
FR: Shaun A. Suhoski, Town Administrator *SAW*  
DT: November 17, 2006  
RE: Payment of Invoice for Aquatic Control Technology

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Lisa,

The Board of Selectmen on Tuesday night endorsed the attached amendment to the Conservation Commission's contract with Aquatic Control Technology for a weed treatment program in the Town.

The amendment essentially extends the period of performance. The Board also voted to pay the attached invoice in the amount of \$18,700 to bind the contractor to current pricing for the herbicide. You will note an invoice and certificate of insurance that evidences the purchase of the herbicide Sonar and that it is covered for all risk including fire while in storage. The Town is named as the certificate holder.

If you have any further questions concerning the contract, or the invoice, you should call the Chairman of the Conservation Commission directly.

Thank you.

cc: Board of Selectmen  
Conservation Commission

*INLET - BOS WANTED THE AMB. ATTACHED TO MTB. MINUTES. TX RJ*

# Invoice

Aquatic Control Technology, Inc.  
11 John Road  
Sutton, MA 01590-2509

Voice: 508-865-1000  
Fax: 508-865-1220



Mr. Shaun Suhoski, Town Admin.  
Board of Selectmen  
Town Hall, One Main St.  
Ayer, MA 01432

Waterbody Name	State
Flannagans Pond	MA

**Invoice Date**

Oct 25, 2006

**Job #**

C-06403-1

**Invoice #**

10851

**PO #**

## Professional Services

RE: Deposit payment for chemical purchase to be used in the 2007 Aquatic  
Management Program

\$18,700.00

OK per  
BOS 11/14/06  
83

Subtotal  
Sales Tax

\$18,700.00

**Total Amount Due**

**\$18,700.00**

**THANK YOU!**

Payment due upon receipt. Please include invoice # on check. Remit to

**AQUATIC CONTROL TECHNOLOGY, INC. - 11 JOHN RD. - SUTTON, MA 01590**

## CONDITIONS

This Company binds the kind(s) of insurance stipulated on the reverse side. The Insurance is subject to the terms, conditions and limitations of the policy(ies) in current use by the Company.

This binder may be cancelled by the Insured by surrender of this binder or by written notice to the Company stating when cancellation will be effective. This binder may be cancelled by the Company by notice to the Insured in accordance with the policy conditions. This binder is cancelled when replaced by a policy. If this binder is not replaced by a policy, the Company is entitled to charge a premium for the binder according to the Rules and Rates in use by the Company.

### Applicable in California

When this form is used to provide insurance in the amount of one million dollars (\$1,000,000) or more, the title of the form is changed from "Insurance Binder" to "Cover Note".

### Applicable in Delaware

The mortgagee or Obligee of any mortgage or other instrument given for the purpose of creating a lien on real property shall accept as evidence of insurance a written binder issued by an authorized insurer or its agent if the binder includes or is accompanied by: the name and address of the borrower; the name and address of the lender as loss payee; a description of the insured real property; a provision that the binder may not be canceled within the term of the binder unless the lender and the insured borrower receive written notice of the cancellation at least ten (10) days prior to the cancellation; except in the case of a renewal of a policy subsequent to the closing of the loan, a paid receipt of the full amount of the applicable premium, and the amount of insurance coverage.

Chapter 21 Title 25 Paragraph 2119

### Applicable in Florida

Except for Auto Insurance coverage, no notice of cancellation or nonrenewal of a binder is required unless the duration of the binder exceeds 60 days. For auto insurance, the insurer must give 5 days prior notice, unless the binder is replaced by a policy or another binder in the same company.

### Applicable in Nevada

Any person who refuses to accept a binder which provides coverage of less than \$1,000,000.00 when proof is required: (A) Shall be fined not more than \$500.00, and (B) is liable to the party presenting the binder as proof of insurance for actual damages sustained therefrom.

## CONDITIONS

This Company binds the kind(s) of insurance stipulated on the reverse side. The Insurance is subject to the terms, conditions and limitations of the policy(ies) in current use by the Company.

This binder may be cancelled by the Insured by surrender of this binder or by written notice to the Company stating when cancellation will be effective. This binder may be cancelled by the Company by notice to the Insured in accordance with the policy conditions. This binder is cancelled when replaced by a policy. If this binder is not replaced by a policy, the Company is entitled to charge a premium for the binder according to the Rules and Rates in use by the Company.

### Applicable in California

When this form is used to provide insurance in the amount of one million dollars (\$1,000,000) or more, the title of the form is changed from "Insurance Binder" to "Cover Note".

### Applicable in Delaware

The mortgagee or Obligee of any mortgage or other instrument given for the purpose of creating a lien on real property shall accept as evidence of insurance a written binder issued by an authorized insurer or its agent if the binder includes or is accompanied by: the name and address of the borrower; the name and address of the lender as loss payee; a description of the insured real property; a provision that the binder may not be canceled within the term of the binder unless the lender and the insured borrower receive written notice of the cancellation at least ten (10) days prior to the cancellation; except in the case of a renewal of a policy subsequent to the closing of the loan, a paid receipt of the full amount of the applicable premium, and the amount of insurance coverage.

Chapter 21 Title 25 Paragraph 2119

### Applicable in Florida

Except for Auto Insurance coverage, no notice of cancellation or nonrenewal of a binder is required unless the duration of the binder exceeds 60 days. For auto insurance, the insurer must give 5 days prior notice, unless the binder is replaced by a policy or another binder in the same company.

### Applicable in Nevada

Any person who refuses to accept a binder which provides coverage of less than \$1,000,000.00 when proof is required: (A) Shall be fined not more than \$500.00, and (B) is liable to the party presenting the binder as proof of insurance for actual damages sustained therefrom.



**SPECIAL CONDITIONS/OTHER COVERAGES (Cont. from page 1)**

RE: 21 gallons of Sonar \$34,000, All risk including fire coverage.