

Ayer Board of Selectmen Meeting
Ayer Town Hall – October 10, 2006 @ 7:00 p.m.

DRAFT

Draft Minutes – Open Session

Present: Frank Maxant, Chairman; Pauline Conley, Vice Chairman; Carolyn McCreary, Clerk; Cornelius Sullivan, Member; Gary Luca, Member. Staff: Shaun Suhoski, Town Administrator.

Open Session called to order at 7:00 p.m. by Chairman Maxant.

Chairman Maxant requested the Board consider awarding the bids for rock salt. Selectman Conley requested the Board take up approval of minutes for prior Executive Session meetings. Selectman McCreary requested the Board appoint its designee to the screening committee for the Planning and Development Director position.

MOTION: Selectman McCreary moved the Board amend the agenda to take up the above items. Second: Selectman Sullivan. VOTE: Unanimous. So moved.

Executive Session Minutes (Coulter matter). MOTION: Selectman Conley moved the Board authorize release of the Executive Session minutes from the “Coulter” hearing. Second: Chairman Maxant. Board discussion resulted in a friendly amendment to include redaction of confidential materials and to make public release “subject to review of the Board of Selectmen.” VOTE: Selectman McCreary – aye, Chairman Maxant – aye, Selectman Conley – aye, Selectman Luca – aye. Selectman Sullivan not voting, stating he was not present at subject meeting. So moved.

Mr. Suhoski stating he will forward draft minutes to Board for review.

Executive Session Minutes (Fire Chief contract negotiations). MOTION: Selectman Conley moved the Board “close” the Executive Session re: fire chief contract negotiations and authorize release of the minutes from same. Second: Chairman Maxant. Mr. Suhoski noted he was not present for at least one of the sessions and that minutes may not be immediately available. Discussion yielded friendly amendment that the Board release the “draft Executive Session minutes of the Fire Chief negotiations subject to review of the Board.” VOTE: Selectman Sullivan – nay, Selectman McCreary – nay, Chairman Maxant – aye, Selectman Conley – aye, Selectman Luca – aye. So moved.

Mr. Suhoski stating he will prepare and forward draft minutes to Board for their review.

Planning and Development Director Screening Committee. MOTION: Selectman McCreary moved the Board name Shaun Suhoski as its voting designee to the screening committee. Second: Selectman Sullivan. There was general discussion about whether a selectman should sit on the committee or not, and that Mr. Suhoski was already a non-voting member of the group. Selectman Luca expressing interest in serving on committee. VOTE: Selectman Sullivan – aye, Selectman McCreary – aye, Chairman Maxant – nay, Selectman Conley – nay, Selectman Luca – nay. Motion failed.

MOTION: Selectman Conley moved the Board appoint Selectman McCreary as its designee to the Planning and Development Director screening committee. Second: Selectman Sullivan. VOTE: Unanimous. So moved.

Rock Salt, Solar and Pre-mix Bid Award. MOTION: Selectman Conley moved the Board accept the bid of Eastern Salt Company, of Chelmsford, for an amount not-to-exceed \$44.20 per ton of rock salt, Solar and pre-mix as further described in DPW Supt. Michael Madigan's memorandum dated October 6, 2006. Second: Selectman Sullivan. VOTE: Unanimous. So moved.

Selectman Conley queried resident Mark Coulter, who was present in the audience, whether he wanted to present information to the Board. Chairman Maxant noting the appearance was under "public input."

Public Input – Mark Coulter. Mr. Coulter advised the Board of his concerns over having letters of complaint "ignored" by the Town. He said that if the Board does ignore his complaints it "will bring litigation." Mr. Coulter advising that he does not want to file litigation and that he is looking for action from the Board.

Mr. Suhoski questioned whether Mr. Coulter's allegations were in fact ignored, and advised of a telephone conversation between Mr. Suhoski and Mr. Coulter during which the Town's position was explained.

Mr. Coulter stated he would provide additional copies of his complaints to new board members and said a response "would be perfect."

The Board then considered the Executive Session items, Mr. Suhoski apprising the Board of Labor Counsel's written opinion that a union grievance is considered an extension of the collective bargaining process and that Executive Session is recommended. He distributed Labor Counsel's opinion and other relevant information.

MOTION: After extensive discussion over the items and nature of the proposed Executive Session, Selectman McCreary moved that the Board adjourn from Open Session to enter Executive Session under MGL c. 39, sec. 23B (Exemption #3) for the purpose of discussing collective bargaining negotiations and collective bargaining strategy, and to return to Open Session for the sole purpose of adjournment. Second: Selectman Sullivan. ROLL CALL VOTE: Selectman Sullivan – aye, Selectman McCreary – aye, Selectman Conley – aye, Selectman Luca – aye, Chairman Maxant – aye. So moved.

The Board entered Executive Session at 7:43 p.m.

The Board returned to Open Session following adjournment from Executive Session at 9:07 p.m.

Selectman Sullivan moved to adjourn. Second: Selectman McCreary. VOTE: Unanimous. So moved.

Meeting adjourned at 9:07 p.m.

END OF 10/10/06 OPEN SESSION MINUTES.

Selectmen's Meeting
Tuesday, October 17, 2006
Ayer Town Hall, 1st Floor meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session

Present

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

Agenda Item #1. Public Input: Chairman Maxant welcomed Representative Robert Hargraves to the meeting and announced his Office Hours this evening from 7-8pm welcoming residents to come in to meet with Representative Hargraves re assistance or concerns.

Agenda Item #2. State Election Warrant – The Board signed the State November 7, 2006 Election Warrants and Ballot Questions(3) submitted by Ann Callahan, Town Clerk.

Agenda Item #3. Public Hearing –Common Victualler's License-Hochard Ent. D/B/A Subway

The Board met with Donald Hochard of Ashby, MA seeking a Common Victualler's License for 63 Main Street, Ayer, MA. Chairman Maxant requested the Legal Notice be read into the record by the Clerk. Selectman McCreary read the legal notice into the record published the weeks of October 6&13, 2006 in the Nashoba Publications Newspaper. Mr. Hochard advised the Board to his opening a Subway Restaurant at the former Roux's site on 63 Main Street and meeting with Nashoba Board's of Health and the Ayer Board of Health re approvals of both Board's re meeting codes and compliance issues. Mr. Hochard stated his wife has seventeen (17) years in the food service business and Subway requiring both he and his wife taking a seven (7) week course re operation/health related issues. Selectman Conley moved the Board approve the Common Victualler's License for Hochard Ent. D/B/A Subway at 63 Main Street, Ayer, MA, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #4. Building Commissioner-Appointment of Asst. Building Inspector-The Board met with Gabe Vellante, Building Commissioner who introduced to the Board Mark Dupell of Pepperell, MA. Mr. Vellante reviewed with the Board his running a newspaper ad re the Asst. Building Inspector's position and receiving 7 qualified applications of which he interviewed three candidates. Mr. Vellante recommended the appointment of Mark Dupell to fill the Asst. Building Commissioners position at the rate of \$15.00 per hour on an as needed basis. Mr. Vellante advised the Board to Mr. Dupell currently the Building inspector in Tyngsboro and certified by the Com. of MA as a Building Commissioner and holding a MA Construction Supervisors License. Mr. Vellante advised to Mr. Dupell to conduct inspections on Fridays and on an as needed basis which would increase the hours of his office to Fridays re inspections. Selectman McCreary moved the Board vote to appoint Mark Dupell to the Asst. Building Inspectors position at the rate of \$15.00/per hour on an as needed basis per the recommendation of the Building Commissioner, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Agenda Item #5. Community Development Office-Waiver Request-The Board met with Susan Provencher, Program Manager who was before the Board to request a single case waiver for a seven unit (three buildings) rental unit owned by low/moderate income residents. Ms. Provencher advised the Board to Program guidelines normally calling for a 50% deferred payment loan with a 5-year recapture lien but the owners combination of income and medical bills greatly affects their ability to fund this project. Ms. Provencher advising the Board to the Board of Health ordering owner/s to bring property into compliance in regards to lead paint. Scope of work includes de-leading one unit (in which a one year old lives) de-leading the exterior of the building in which this unit is located. Ms Provencher recommended the approval of a partial case waiver (25%) as program guidelines allow and a 2nd waiver of the additional funds (25%) being requested and funded through program

income and secured as a permanent lien allowing the town to recapture this 25% funding through program come if and when the properties is sold regardless when this takes place. Selectman Conley moved the Board approve 25% of funding to come from CDBG Grant, 2nd by Selectman McCreary, VOTE: unanimous, so moved. Selectman Conley moved the Board approve 25% of funding to come from Program Income this funding to be recaptured when property is sold regardless of when this takes place, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #6-Devens Matters-The Board met with Paul Bresnahan and Harry Zane re the Devens Bilateral Agreement and the Special Town Meeting. Mr. Bresnahan reviewed with the Board the most recent revision to the draft agreement between the Town and MADEV which would bind the state agency to its commitments under the 6-28-06 MOU and proposed legislation should Town Meeting and election questions on Scenario 2B be voted favorably by five of the six stakeholders. Ms. Bresnahan advised to Kopelman & Paige being Town Counsel to both Ayer & Shirley and remitting a Disclosure to be executed in order for the firm to continue providing services re the proposed agreement with Shirley also signing similar disclosure. Mr. Bresnahan urging the Board of Selectmen to sign the disclosure to allow a more substantive review of the agreement. Selectman Conley requested the Board to hold off until next Tuesday's Town Meeting to see if 2B passes. Selectman McCreary urging the Board to sign being that the document is legally binding. Selectman Conley moved the Board postpone discussion until after 10-24-06 Town Meeting, 2nd by Selectman Luca for discussion. Selectman Luca requesting the Board sign document contingent upon Town Counsel's concurrence that document is legally binding which he placed in the form of a friendly amendment. VOTE: Selectman Conley no, Chairman Maxant no, Selectman McCreary aye, Selectman Luca aye, 2-2 motion fails. Selectman Conley again repeating her original motion as document is a work in progress and to wait until after Town Meeting on the 24th and final document is ready for approval, no 2nd to motion. Selectman McCreary moved the Board accept Kopelman & Pages disclosure documentation re the bilateral agreement as stated above, 2nd by Selectman Conley, VOTE: unanimous, so moved.

The Board requested the presentation by the DDEB be restricted to 15min and also allow proponents if wishing, of the STOP FADS Group present their statements as well. The Board also requested two microphones be set up to allow people to line up to speak rather than run microphones around floor.

Agenda Item #7. Selectman Luca- DOR/Financial Management Review by Division of Local Services

Selectman Luca reviewed with the Board copies of the Town's past financial review by the MA Dept. of Revenue's Municipal Data Management & Technical Assistance Bureau conducted in 1988 and copies of recent studies conducted in Lenox and Paxton and requesting the Board pursue and support this financial review. Selectman McCreary thanking Selectman Luca for bring this matter before the Board and supporting this financial review which would encourage local boards and committees working together. Selectman Conley placed this Financial Review by DOR of the Town's operations in the form of a motion, 2nd by Selectman Luca, VOTE: unanimous. Town Administrator requested to contact Mr. Kinglsey @DOR to formally request audit review be conducted as expeditiously as possible and to contact Town Accountant & School Dept and advise to audit/financial review to be conducted.

Agenda Item #8. Town Administrator's Report-The Board met with Shaun Suhoski

1. Motions-Mr. Suhoski reviewed with the Board the 10-24-06 Special Town Meeting Articles and motions. Selectman Luca moved the Board approve Article I. bills from prior years as presented, 2nd by Selectmen McCreary, VOTE: unanimous, so moved. Mr. Suhoski advising to Town Counsel's approval of motions being in proper format. Mr. Sushoski ran through the remaining two articles to be presented Conveyance of land-Com. of MA re Parking garage and advised to Planning Board setting back Article 3 for Spring Town Meeting.
2. The Board approved Supt. Madigan's winter sand quotes submitted to the Board in a memo dated 10-11-06 to be awarded to Central MA Sand & Gravel for the quote of \$8.79/cubic yard representing a 5% increase over last year. Motion to approve made by Selectman Conley and 2nd by Selectman McCreary, VOTE: unanimous, so moved.

3. The Board approved Nashoba Valley Medical Centers water and sewer permits for 200 Groton Rd for a 6" Fire service and a 2" domestic service. Motion made by Selectman Conley, 2nd by Selectman Luca. VOTE: unanimous, so moved.
4. Mr. Suhoski announced the Com. of MA 2006 Smart Growth Award application re nominations for awards due in on 11-1-06 and suggesting the Town submit an application for the Spaulding Building, Page Moore Building, Chandler Place, Fire Station under Brownfield's and Rail Trail. Selectman McCreary moved the Board allow the Town Administrator to work with Tim Hansen to prepare an application using the best strategy to encompass as many of the abovementioned projects qualifying for consideration under Smart Growth and once completed and approved by Board to authorize the Chairman's signature on the application, 2nd by Selectman Luca, VOTE: unanimous, so moved.
5. Mr. Suhoski reminded the Board to Executive Session scheduled for 10-25-06 re Contract Negotiations and litigation. Mr. Suhoski requested the Board take up minutes prior to going into Executive Session.

Agenda Item #9. Selectmen's Questions/New Business

Selectman McCreary-advised the Board to her being out of state from 10-30-06 to 11-5-06 re business. Chairman Maxant advised to resident informing him to number of no parking signs along Forest St. requesting the Board members to look into legality.

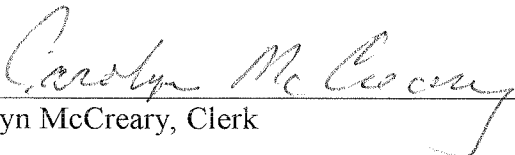
Chairman Maxant also advised the Board to residents again alerting the Board to trucks turning off 495 and traveling along Rt 2 onto Sandy Pond Rd. looking for Willow Rd and making U-turns at beach. Chairman Maxant requesting a sign be placed in front of old Sandy Pond School House with arrow depicting turn onto Westford Rd./earmarking Industrial Park ahead. Selectman McCreary reminding the Board to Sandy Pond School House Assoc. owning property and seek their approval and DPW's recommendation prior to placement of sign.

Selectman Luca reminding residents to Sidewalk Sale on Saturday 10-21-06 from 10-2p.m. urging residents to shop downtown Ayer-merchants and volunteer groups to be participating. Selectman Luca also advising to Homecoming Parade on the 21st at 11:00am.

Mr. Suhoski advising the Board to State Election on 11-7-06 and suggesting the Board consider meeting on 11-14-06 and 11-28-06 to avoid the holidays. (Veterans Day/Thanksgiving)

9:00p.m. Selectman Conley moved the Board adjourn the meeting 2nd by Selectman Luca, VOTE: unanimous, so moved.

9:00p.m. Meeting adjourned.

 _____ Date: _____
Carolyn McCreary, Clerk