

Selectmen's Meeting

Tuesday, August 22, 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 Sullivan, Member	Absent –vacation
Shaun Suhoski, Town Administrator	X
Janet Lewis, Secretary	X

Agenda Item #1. Public Input-

Selectman McCreary-Requested to move up the Conservation Commission's Reserve Fund Transfer from Town Administrator's Report under Conservation Commission appointments, this put into the form of a motion, 2nd by Selectman Conley, VOTE: unanimous, so moved.

Selectman Conley taking this opportunity to thank the Ayer Fire Dept. and Council on Aging for the wonderful dinner and entertainment last Tuesday, 8-15-06, at the Ayer Town Hall fantastic time had by seniors.

Chairman Maxant-reminding residents to Wednesday's DDEB Work Shop re Devens Disposition encouraging residents to attend re how we got where we are and MADev's past history. Chairman Maxant advising residents to packets of information available at the Town Hall re Devens Disposition.

Agenda Item #2. Payment to Former Town Employee Announcement –Chairman Maxant announced the Board's decision after meeting in Executive Session last Tuesday evening (8-15-06) re court payment request being approved by Board of Selectmen. The amount of payment to be determined by Town Treasurer based upon employee's retirement agreement. Minutes of this meeting to be made available to public from Selectmen's Office excluding Confidential Retirement Agreement documents.

Chairman Maxant advised to the Board being ahead of schedule and went off the posted agenda due to the Agenda #3. being a Public Hearing scheduled for 7:15p.m. The Board took up Agenda Item #4. Police Chief-Sergeant's appointment.

Agenda Item #4. Police Chief-Sergeant's Appointment-The Board met with Chief Rizzo. Chief Rizzo introduced Patrolman John MacDonald. Chief Rizzo updated the Board to recent hiring of two (2) officers brought the department up to full strength. Chief Rizzo advised to Chris Moore-(Sgt.) resigning in March requesting the Board promote Patrolman John MacDonald to this vacant position contingent upon his successful psychological examination. Chief Rizzo advised to John being a 2nd generation police officer for the Town his father Dennis MacDonald was also a Sgt. in the Ayer Police Dept. retiring in 87. The Board congratulated John and moved to approve Chief Rizzo's recommendation to appoint Patrolman John MacDonald to Sergeant contingent upon his successful psychological examination. Motion to approve made by Selectman Conley who took this opportunity to praise Mr. MacDonald re his helpful, polite and attentive attitude with residents, feeling appointment long overdue, 2nd by Selectman McCreary VOTE: unanimous, so moved.

The Board met with Paul Bresnahan re Devens Disposition Update-the Board accommodating Mr. Bresnahan by taking this matter up earlier than scheduled later in the evening under the Town Administrator's Report.

Mr. Bresnahan presented to the Board the proposed language for the pending state ballot submission to the Secretary of State during the week of September 4th and the subsequent submission for the Special Town Meeting Warrant. Mr. Bresnahan advised to language developed as a result of the DDEB sub-committee meeting with House and Senate Counsel representatives and Secretary of State representatives on August 21st. Mr. Bresnahan advised to the ballot question being non-binding and language requiring the approval of the Board of Selectmen. (see attached ballot question) Selectman Conley urging the Board not take action this evening citing great deal of controversy/disagreement referencing Atty. Scott Harshbarger's letter. Chairman Maxant adding ballot language is non-binding and called for vote: Selectman Luca moved the Board approve the ballot question language as submitted by Mr. Bresnahan, 2nd by Selectman McCreary, VOTE: Selectman Luca aye, Selectman McCreary aye, Selectman Conley no, Chairman Maxant aye, 3-1 motion passes.

Agenda Item #3 Public Hearing-Earth Removal Permit-D&J Construction, Inc.-Willow Rd., Ayer,MA

The Board met with David _____ of D&J Construction. Chairman Maxant opened the Public Hearing by requesting the Clerk read the Legal Notice into the record. Selectman McCreary read the Legal Notice published in the Lowell sun for 8-11-06 and Nashoba Publications 8-18-06. The Board reviewed with petitioner history of site, soil (clay)/amount to be removed, hours of operation, traffic route to be used, Site Plan & Conservation Commission compliance. After a short discussion with the petitioner the operational plan was reviewed and agreed upon with the Board. Selectman Conley moved the Board approve the Earth Removal permit contingent upon the following restrictions: D&J. Construction Inc.

1. Removal of no more than 84K cubic yards of till from Willow Rd. Site
2. Hours of operation M-F 7:00a.m. to 6:00p.m. Saturday: 9:00a.m. to 4:00p.m., no excavation on Sunday.
3. Trucks to leave Willow Rd. site via Willow Rd./2A-110 not to come through downtown Ayer unless absolutely necessary.
4. All work to be done in concert with site plan and conservation commission findings. 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #5. Traffic signs-the Board met with Chief Rizzo

1. **Pearl St. & Cambridge Street**-Selectman Conley advised to this item –traffic signage prompted by Town residents due to dangerous conditions. Selectman Conley updated the Board to Site Plan for development (former property of Chandler Machine) depicting two (2) stop signs. Selectman Conley acknowledged encounter herself at this same area which forced her off the road by vehicle coming around corner onto Pearl St. Selectman Conley advising to Pearl St. always having Stop Sign on corner of Pearl St. questioning why it came down. Chief Rizzo advised the Board to Selectman having the power re the placement of Stop Signs and he agreed regulating traffic on Pearl Street would make a safer intersection. Chief Rizzo stated to date there have been no accidents at this intersection. Selectman Luca moved the Board place a stop sign at the same location previously sited 2nd by Selectman McCreary, VOTE: unanimous, so moved.
2. **Markham Circle**-Selectman Conley advised to residents complaints about tractor-trailers entering street and looping around Markham Circle and for safety of residents/children requesting to erect a sign –“No thru Traffic”. Chief Rizzo advising to neighborhood problem, he would look at more seriously if residents petitioned Board and agreed signage alerting truckers to not enter would certainly stop the trucks from entering. Selectman Luca moved the Board erect a “No Thru Traffic” sign at the entrance of Markham Circle, 2nd by Selectman Conley, VOTE: unanimous, so moved.

3. Agenda Item #6. Board of Health –The Board met with Marilyn McMillan

1. Guilford-Ms McMillan reviewed with the Board the Ayer Board of Health’s role re response to spill. Chairman Maxant questioning if what has been done adequate and progress to date. Ms. McMillan advised to meeting with Nick Child’s of DEP at site of diesel spill and spill being estimated at 1700/gal. Spill occurred Monday, August 14th and Town’s notification to spill on Wednesday, August 16th and told to spill estimated at 9/gal of diesel. DEP sent site evaluators out and reported it was much more than 9/gal. Ms McMillan stated the biggest concern of the Board being Grove Ponds Wells located ½ mile from spill site and Devens Wells even closer. Ms. McMillan commended Ayer Fire Dept. on fast response time, and DPW turning off wells immediately, advising to which are still off line. LSP’s to do clean up along with five (5) monitoring wells being installed earlier today at site for samples of ground water of which results should/will be in by end of the week. Selectman McCreary asking if DEP would be drilling down to groundwater or aquifer? and if DEP would fill in or cap monitoring wells. Ms McMillan stated only to groundwater and wells to be capped for future monitoring purposes. Ms McMillan advising to DEP sending over strike force re investigation and fine. Ms. McMillan to follow clean-up with Nick Childs who suggested the Board advise DEP as to how they object/feel to late notification of spill and degree of spill suggesting this be put in the form of a letter to DEP holding Guilford’s feet to the fire. The Board suggested the Board of Health prepare letter for the Board’s review /endorsement along with the DPW to continue submitting daily reports from Rick Linde, Foreman of the Water Dept. The Board expressed their concerns re

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Spectacle Pond Wells running 24-7 since spill and possible mechanical problems resulting. Ms McMillan stated DEP calls shots as to when Grove Pond Wells can safely be turned back on and wanting insurances spill never got into groundwater/ and is not present in wells. On another matter the Board reviewed the methane leak at Shepley Hill reported by Fire Dept. on 8-17-06. Ms. McMillan advised to methane natural occurrence of decomposition of Landfill, and Lyn Walsh of DEP acting on precautionary measures notified the Ayer Fire Dept., Board of Health, Town Administrator, and PACE of leak and advised to DEP and Ayer Fire Dept. going door to door on Sculley Rd. checking methane build up in basements, to which nothing was found. DEP to follow up with Fed. Gov. re continued monitoring- keeping the Ayer Fire Dept. informed. The Board shared informational letter from BRAC with Ms. McMillan re Shepley Hill Methane level. The Board thanked Ms McMillan for update and for coming in to meet with the Board.

Agenda Item #8. Fy-07 Appointments-

Communications Committee-No appointments at this time from Chair, David Bodurtha

Conservation Commission-The Board met with George Bacon-Conservation Commission Member. Mr. Bacon advised the Board to Commissions recommendation of Takashi Tada of Nashua St. and Susan Tordella of Hedgeway St., Ayer, MA to fill the 3year and 2 year appointments. Gerald Wood of Groton School Rd. was present and requesting to be considered for appointment as well. The Board met with Susan Tordella re a brief background re her interest to be appointed to the Conservation Com. Ms. Tordella stated she was a new resident of Ayer and an employee for Metro-West Car Pool which encourages environmental conservation. The Board also met with Takashi Tada who stated he was a two year resident of Ayer and currently employed by an Environmental Co. in Boxborough and prior to that was employed by BRAC and very familiar with environmental issues facing the Town having served as liason to the Towns for the RAB advisory board. Mr. Wood stated he is a 55/year resident of Town and very aware of problems facing the Town and environmental damage already done. His main goal is protecting the future of the Town of Ayer. Selectman McCreary moved the Board accept the Conservation Commissions recommendation and appoint Susan Tordella and Takashi Tada to the ConCom, 2nd by Selectman Maxant, VOTE: Selectman McCreary aye, Chairman Maxant aye, Selectman Conley no, Selectman Luca no, 2-2 motion fails. Selectman Conley moved the Board appoint Takashi Tada to a one year position on the ConCom. Selectman Luca moved the Board appoint Gerald Wood to the ConCom 2nd by Selectman Conley, VOTE: Selectman Luca aye, Selectman Conley aye, Selectman McCreary no, Chairman Maxant no 2-2 motion fails. Selectman Conley moved the Board appoint Takashi Tada to the three year position(7-1-06 to 6-30-09) on the ConCom, 2nd by Selectman Luca, VOTE: unanimous, so moved.

Conservation Com. Reserve Fund Transfer-The Board after a short financial discussion with David Bodurtha requested Mr. Bodurtha furnish the Fin-Com with Back-up information re funding request and resubmit back to the Board of Selectmen for approval, VOTE: Selectman Luca aye, Selectman Conley aye, Selectman McCreary no feeling Mr. Bodurtha's explanation was satisfactory, Chairman Maxant abstaining 2-1 motion carries.

Capital Planning -no show. Denis Curran not present.

Council on Aging-The Board met with Karin Swanfeldt Director

1. MART Drivers Part-Time Appointments -Ms. Swanfeldt introduced to the Board Verna Hughes, Town of Ayer resident and helper at the Center and Karin Collins-school bus driver w/CDL License. Ms. Swanfeldt requested the Board appoint Ms. Hughes and Ms. Collins to the part-time MART bus drivers for 2-3 days a week during Clark Paige's absence subject to MART Certification. Selectman Conley moved to appoint Ms. Hughes and Ms. Collins part-time MART drivers effective 8-22-06 to 6-30-07, subject to MART Certification 2nd by Selectman McCreary VOTE: unanimous, so moved.
2. Board of Directors Appointment-Ms. Swanfeldt introduced Sister Paula McRea who stated her interest to be considered to the Council on Aging Directors. Selectman Conley moved the Board appoint Sister Paula McRea to the Council on Aging Board of Directors, 2nd by Selectman

McCreary, VOTE: unanimous, so moved. The Board took this opportunity to thank all for volunteering their services to the Town.

Agenda Item #7. Supt. Madigan's Report

1. **Balch Pond Dam-Safety Inspection**-Supt. Madigan advised the Balch Pond Dam completed today complying with DCR requirements. No Board action required.
2. **Utility Installation Inspection**-Easy Street-12/13 houses-\$1.50 per ft. rate or 2,840' consisting of 1,105' water, 815' sewer and 920' roads =\$4,260
Selectman Conley requesting clarification of \$1.50/per ft charge as apposed to \$1.25 ft charge represented in Sewer Use Regulations. Supt. Madigan to report back re fee payment by Kanniard Homes.
3. **Spectacle Pond Replacement Well #1 Contract**-Supt. Madigan reminded Board to contracts on counter in Selectmen's Office re their signatures required on contract awarded on 7-25-06 to Dankris Builders.

4. Water/Sewer Permits

Lot 2A Pine Ridge Drive- 1" water/sewer service for 4B/R home. Selectman Conley moved to approve, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Lot 108B Webster Avenue- 1" water/sewer service 4B/R home. Selectman Luca moved to approve 2nd by Selectman Conley, VOTE: unanimous, so moved.

Supt. Madigan reported to paving projects completed: West Main St.-area of new fire station and Groton & Harvard Rd. placement of large rocks in place of guard rail installation.

Selectman Conley offering her assistance re Snow Plowing Contracts –start review early and have in place prior to winter season re liability policy amendments. Copies of snow plowing contracts to be requested from Littleton, Shirley, Groton etc. Selectman Conley and Supt. Madigan to meet after Labor Day, Mr. Suhoski to schedule meeting.

Agenda Item #9. Town Administrator's Report-The Board met with Shaun Suhoski

1. Planning & Development Director's Job Posting-Mr. Suhoski updated the Board to Personnel Board rating position at Grade 11- \$49K to \$64K. Selectman Conley moved the Board approve Job Posting and advertise in Boston Globe, Lowell Sun and Nashoba Publications as soon as possible, 2nd by Selectman McCreary, VOTE: unanimous, so moved. Funding to come from Selectmen's Budget.
2. DCR Rail Trail Legislation-Mr. Suhoski updated the Board to Legislation being approved by Governor on 8-9-06. The Board requested Mr. Suhoski contract Mo Khan at MRPC re accessing public funding. Selectman Conley questioning whether Town Meeting approval of DCR conveyance required before design can begin.
3. Devens Disposition Update-MOU color coded documentation-The Board requested MADev provide the color coded documentation as emailed. Selectmen's Office to pursue.
4. Mr. Suhoski appraised the Board to status of Town Hall Roof Repair and balance due to SOM, recommending the Board release all funding except a \$1K retainage for repair of lawns. Motion to approve recommendation of Town Administrator and release all funds except \$1K retainage made by Selectman Conley 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #10 Selectmen's Questions/New Business

Selectman Conley:

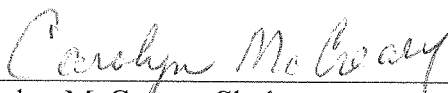
1. Town Administrator's vacation dates revised.
2. Fire Chief job description reminder to finish and send to Personnel Board.
3. Asst. Building Inspector's Position-two (2) candidates to come before Board in September
4. Conservation Commission- No Associate Member allowed under statute; request to ConCom to explain and correct. MACC and DEP information stating associate members allowable to be submitted to Selectman Conley. Mr. Bodurtha stated the Commission re-visited the designation and now consider the individual in question an "unpaid consultant". Mr. Bodurtha advising the Weed Control Program was assigned to this unpaid consultant.

Selectman McCreary-updated the Board to Weed Pull at Sandy Pond pull on Saturday 8-19-06 advising to nine (9) people filled huge dump truck-Park Dept. Director Jeff Thomas was present along with five (5) teenagers and water being lowered helped weed pull a lot.

Selectman Luca-announced School Committee vacancy encouraging residents to apply and advising to candidates must be registered voters. Selectman Luca announced the can drive by ACP and again encouraging residents participation to drop off cans at Gary's Farm Stand.

Selectman Conley-reminded residents to Communications Committee without quorum and urging residents to send in letters of interest. Committee responsible for WEB Page, newsletter.

9:35p.m. Selectman Luca moved the Board adjourn the meeting, 2nd by Selectman Conley, VOTE: unanimous, so moved.



Carolyn McCreary, Clerk
AYER BOARD OF SELECTMEN

DATE: _____