

Selectmen's Meeting
Tuesday, August 15, 2006
Ayer Town Hall, 1st Floor Meeting Room, Main Street, Ayer, MA

7:30p.m. Open Session

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

Public Input:

Chairman Maxant requested if there was anyone present wishing to meet/speak with the Board.

Selectman Conley: 4 items

1. Guilford Spill
2. Town Hall Roof Repair-SOM Contract
3. Email concerns re Town Administrator Performance Evaluation
4. Citizens for Harvard's Future (CFHF), -Selectman Conley reported a Harvard citizens group retaining services of Atty. Harshbarger re DDEB zoning changes
5. Selectman McCreary re: Sandy Pond clean-up
6. Janet Lewis-St. Mary's One Day Beer & Wine License-Lawn Party September 8&9, 2006.

The Board to take up the Agenda Item re former Town employee, re court payment request after the above agenda amendments.

Selectman McCreary-advised to citizens group meeting on Saturday, August 19, 2006 at 12:00 noon at the Sandy Pond beach to conduct weed pulling in the pond. Selectman McCreary encouraged residents participation. Selectman McCreary advised to Sandy Pond Maintenance Association being formed to conduct maintenance for a healthy Sandy Pond.

Selectman Conley:

1. Diesel Spill on the Guilford Rail Property-8-8-06 @ 21:00 hours. Present for the discussion Supt. Michael Madigan and Water Department Foreman Richard Linde. Selectman Conley requested information re notification process re diesel spill in the upper rail yard in the Right-of-Way close to the Grove Pond Wells. DEP reporting the spill was on the edge of Zone II Wells/Town's water supply system. Selectman Conley invited Mary Spinner member of the Ayer Board of Health to the table, Ms Spinner stated her great displeasure and being totally reprehensive able that the Board of Health was just notified of the spill, requesting better communication. Rick Linde, advised to being on site all day Wednesday and updated the Board to DEP putting in monitoring wells at spill site. Supt. Madigan advised to Grove Pond Wells being requested by DEP not to be operated until ground water analyses from spill site are available, stating since the spill Grove Pond Wells have been used only sparingly and only when the Spectacle Pond well are being backwashed and until further notice from DEP Grove Pond Wells will not be used unless a fire situation occurs. Selectman Conley requesting more information re notification. Mr. Linde advised to DEP receiving call and notifying Fire Dept. on 8-19-06 to a possible spill at the upper rail yard the Fire Chief then investigated on 8-11-06 and spoke with Guilford rep. and advised to 300 yards of material removed. Supt. Madigan stated this was his first encounter re spill on this nature no procedure in place re notification. Supt. Madigan feeling everything under control DEP on site installing monitoring wells, soil covered for removal. Selectman Conley again stating her dismay re process, spill happened on Monday Town not notified until Wednesday. Board stated their apprehension with Guilford and their track record re notification. The Board requested daily updates

from Supt. Madigan through Town Administrator and Board of Health, Marilyn McMiller designated liaison for Board of Health. Procedure to be put into place re Emergency Situation/notification process.

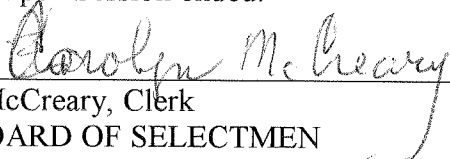
2. S.O.M.-Town Hall Roof contract-re damages to lawn. The Board met with Mary Spinner, Liaison for the Town Hall Roof Project, who advised the Board to meeting with S.O.M. owner on 14th of August re repairs being made re gutter, column tested (leaks- Great Hall) and Town withholding \$26-\$27K contingency. Ms. Spinner advised to only area remaining incomplete is landscaping –grass area by North Middlesex Savings Bank. Ms. Spinner advised the Board to grass seed purchased from original landscaper and SOM/to reseed in September. Ms. Spinner advised to work completed in good faith requesting the Board release all except \$1,000-\$1,500 for landscaping. Selectman McCreary moved the Board pay S.O.M. \$26K and hold back the rest of the contingency money until lawn work completed, 2nd by Selectman Luca, VOTE: unanimous, so moved.
3. Selectman Conley expressed her concern re Board of Selectmen emailing Mr. Suhoski's evaluations through Selectmen's email address. Evaluations confidential and urging Board members follow Personnel Policy re process.
4. Selectman Conley advised the Board to Citizens group from Harvard retaining Atty. Scott Harshbarger of the Firm of Proskauer Rose re: requesting Atty. General's assistance to address the voting procedure being illegal & improper and expedited process fatally flawed and is tainting the election outcome re the future disposition and outcome of Devens. Chairman Maxant requested copies of the letter from former Atty. General Scott Harshbarger be made available to residents.
5. The Board approved St. Mary's Lawn Party's One Day Beer & Wine License for September 8th & 9th, 2006. Motion to approve made by Chairman Maxant 2nd by Selectman Conley, VOTE: unanimous, so moved.

Chairman Maxant took this opportunity to publicly thank the Ayer Fire Department and Council on Aging for the wonderful Ham & Bean Supper and entertainment this evening at the Ayer Town Hall for the Senior Citizens, wonderful meal and time had by all. The Board echoed Chairman Maxant's remarks.

Agenda Item #1. Former Town Employee-court payment request-Chairman Maxant requested Mr. Coulter if he would like to meet with the Board in Open Session or Executive Session. Mr. Coulter stated Executive Session.

Selectman McCreary moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption 2&3 Litigation and Contract Negotiations, 2nd by Selectman Luca, VOTE: Selectman McCreary aye, Selectman Luca aye, Selectman Conley aye, Chairman Maxant aye, unanimous, so moved.

8:25p.m. Open Session ended.


Carolyn McCreary, Clerk

AYER BOARD OF SELECTMEN

Date: _____