

Selectmen's Meeting  
Tuesday, May 23, 2006  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

7:00p.m. Open Session	<i>Present</i>	<i>Absent</i>
Frank F. Maxant, Chairman	X	
Pauline Conley, Vice-Chair	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.

Selectman Conley-Announcing the Memorial Day Parade will be held this Saturday, May 27, 2006 at 10:00am advising the Board to Legion requesting parade participants meet on Bishop Rd. at 9:15am. Ms. Spinner requesting Cable be contacted re filming event. Selectman Sullivan moved the Board approve the Agenda as amended, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

Chairman Maxant-Requested the Board go off the posted Agenda and take up Agenda Items 11 & 12 in reverse order Devens MOU first and then Public Outreach. Selectman Conley moved the Board approve Chairman Maxant's request, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved. Chairman Maxant also taking this opportunity to thank Cub-Scout Troop for cleaning up and planting flower boxes at the Town Hall Memorial Garden this evening in observance of Memorial Day activities.

**Agenda Item #2. – Minutes**

The Board approved the 4-27-06 minutes as amended. Motion made by Selectman Conley, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

The Minutes of 4-18-06 and 5-2-06 were set back/passed to the next Selectmen's Meeting. Selectman Sullivan requesting the Board take up old minutes at separate meeting.

The Board went off the Agenda to take up Park Commissioners Agenda Item #10 due to paperwork being unavailable for the Board's action this evening and met with Michael Hamel re the Park Dept.- Public Boat Launch at Grove Pond per the land use agreement from the Com. of MA-Public Access Board relative to the proposed public access boat launch facility improvements on Grove Pond. Mr. Hamel advised to new boat launch being moved 20 feet to the right to a more level area/water level and concrete railing meeting ADA compliance criteria. Launch to encourage fishing/boating. Mr. Hamel addressing concerns re catch & release signs still being enforced. Under the Land Use Agreement the State DFW (Fish & Wildlife) launch would start the process/investigation to be State operated. The Board thanked Mr. Hamel for coming in to meet with the Board and update them to Park Commissioners initiative. The Board deferred this matter to 6-6-06 Selectmen's Meeting when documentation is available.

**Agenda Item #3. – Chairman's remarks-Role of Chair**

Chairman Maxant-advised to this new agenda item being prompted by him re the function of the Board of Selectmen is to serve the Town and offer the full resources of the Selectmen's Office to give the most accurate and current information available. Towards this end Chairman Maxant suggested two methods be utilized to disseminate mail/documentation for the Board's review to expedite priority/general matters coming before them. Chairman Maxant suggested a reading board/book be placed in the Selectmen's Office for members to review when they stop into the office and priority items/agenda items be placed in their mailboxes. Selectman Sullivan, Luca and Conley opposing reading board/book feeling they do not have time to look at correspondence book when they come into the office and would prefer material placed in their mailboxes.

**Agenda Item #4. – Treasurer-Denis Callahan, re bond anticipation note**

The Board met with Denis Callahan re Bond Anticipation Note (BAN). Mr. Callahan advised the Board to funding the May-2005 borrowing articles via a one year BAN has been completed. Mr. Callahan updated the Board to the note value being \$1,150,600 with an effective interest rate of 3.8160%. Mr. Callahan presented the list of 2005 borrowing articles and bids submitted advising to First South West Company being awarded Municipal Purpose Loan. Mr. Callahan presented documentation requiring the Board's signatures/Clerk's signature. Selectman Conley expressed her concern re borrowing for 2005 1<sup>st</sup> years interest being double the actual number paid questioning how interest is calculated feeling money set aside could have been used somewhere else. Mr. Callahan deferred this matter to Town Accountant.

**Agenda Item #5. – Chief Rizzo, re: Prisoner Watch Pay**

Chief Rizzo reviewed his 4-2-06 Memo with the Board outlining his request to increase Prisoner Watch Pay. Currently the per-diem rate for prisoner watch employees is \$10.00/per hour. Chief Rizzo stated difficulty maintaining qualified trained personnel at this rate of pay and having to utilize detail dispatchers at a higher rate and also patrolmen at a much higher rate. Chief Rizzo requested authorization to increase rate from \$10.00/per hour to \$12.00/per hour to attract new employees and \$13.00/per hour after one years employment. Chief Rizzo informing Board to money in his budget to allow this increase. Selectman Sullivan stating the Board does not need to approve this request, Chief should be allowed to use his own discretion re approving rate increase/s for Prisoner Watch personnel, the Board concurred. Stacey Vear, Ayer resident and former Prisoner Watch employee concurred with need to increase rate and suicide watch training required as well as First Responder.

**Agenda Item #6. Gabe Vellante – Building Department Staffing-** Mr. Vellante advised the Board to 1<sup>st</sup> anniversary of Bruce Winchester's (prior part-time Assistant Building Inspector) death coming up and that he had the luxury of Mr. Winchester as an assistant since 93 when Mr. Vellante came on board. Mr. Winchester was knowledgeable in Building Codes and local zoning. Mr. Vellante requested the Board hire a part-time inspector to come in on an as needed basis no more than 10/hours a week to perform field inspections on residential properties on days other than Tuesday & Thursday. Mr. Vellante stated he has a retired building inspector interested in the position. Selectman Sullivan urging Town people be offered the job first before going out of Town. The Board authorized Mr. Vellante to post and advertise the position as "on call position only for five (5) hours a day Tuesday/Thursday at \$10.00/hour. Selectman Sullivan requesting position be advertised on Cable TV. Selectman Conley moved Mr. Vellante prepare a job description to be reviewed by him and the Town Administrator for position not to exceed \$10.00/hr and 10 hours a week. Candidates to be interviewed by Mr. Vellante & Mr. Suhoski, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved. Selectman Sullivan requested Town Administrator advertise the position.

**Agenda Item #7. Supt. Madigan's Report-**The Board met with Supt. Michael Madigan

1. **Water/Sewer Permits-**Selectman Sullivan moved the Board approve water/sewer permits for a 1" service for Lot 1 and Lot 2 Sandy Pond Rd. and sewer service for 4 Groveland St., and 1" water/sewer service for Lot 1B Pheasant Circle, and authorize the Chairman's signature 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
2. **Water/Sewer Permits-**Selectman Sullivan moved the Board approve water/sewer permits for 801, 802, 803, 804, 805, 806 and 800 byline for Autumn Ridge and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
3. **Sludge Landfill Post Closure Monitoring Fy-07 Engineering Services-**Selectman Conley moved the Board approve the Fy-07 Engineering Agreement between Weston & Sampson and the Town for the Town's Sludge Landfill Post Monitoring, reviewed & approved by Town Counsel for the sum not to exceed \$20,400.00 for the period of July 1, 2006 to June 30, 2007 per Supt. Madigan's recommendation in a Memo dated 5-15-06, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.
4. **SCADA Contract-** Selectman Sullivan moved the Board approve the Tata & Howard Engineering Agreement for the SCADA upgrades recommended by Supt. Madigan in a memo dated 4-28-06 for the sum not to exceed \$12K, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

5. **Sludge Hauling Contract**-Supt. Madigan updated the Board to Backup Wastewater Sludge Agreement with Waste Stream Environmental, Inc. being approved on April 4, 2006, and contracts (4) with approved rates unavailable this evening but will be left in Selectmen's Office for Board's signatures this week.
6. **Chapter 90-MA HIGHWAY DEPT. INTF 0000 2007S 0044418 Contract Grant-\$160,138.00-** Selectman Conley moved the Board authorize the Chairman's signature on Chapter 90 Forms as presented, original to be left on counter in Selectmen's Office for signature of Chairman, 2<sup>nd</sup> by Selectman Luca VOTE: unanimous, so moved.
7. **Chapter 90 Project-W. Main Street Paving**-Selectman Sullivan moved the Board approve the Chapter 90 Project Request for West Main Street paving in front of the new Fire Station as detailed in Supt. Madigan's Memo of 5-17-06 estimated at a cost of \$13,500.00 and utilize the funds when Fire Chief verifies underground signal wiring is completed re traffic lights, (to avoid digging up new paving) encourage paving be done this season, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.
8. **Chairman Maxant** took this opportunity to request if signs would be up re no turns at Sandy Pond Beach, Supt. Madigan advising to signs not going up this year.

**Agenda Item # 8. - Fire Station Right-of-Way Easement Expense**-this matter deferred re cost of survey reimbursement to property owners of right-of-way blocked by new fire station on West Main Street. The Board requested this matter be rescheduled by the Town Administrator.

**Agenda Item # 9. - Town Hall Roof Project-Grounds repair-** The Board met with Mary Spinner liaison who updated the Board to walkway /slate repaired but stated her displeasure with condition of grounds. The Board requested the Town Administrator contact SOM re same and if no response, hire contractor by 7-4-06 and to also contact Peterson Assoc. re roof leak to assure problem has been fixed. Ms. Spinner advised to Mr. Marshall/NMSB advising to the sprinkler system working on the bank side of Town Hall.

**Agenda Item 12- (taken out of order as approved at start of meeting) MOU Review of 5-17-06**

The Board met with Paul Bresnahan, the Board's liaison to the DDEB who presented the Board for their review and action the 2<sup>nd</sup> Draft of MOU with his notations verifying requested changes from 4-24-06 & draft of 5-4-06. Chairman Maxant reviewed back ground re the MOU's upcoming vote in Nov. 06. Mr. Bresnahan reassuring Board to towns having control over zoning until State approves legislation.

Mr. Bresnahan requesting the Board's vote re May 23<sup>rd</sup> Draft of eleven (11) items which there was no full agreement for inclusion in the next iteration of the revised MOU:

1. #3 new well-Selectman Sullivan moved the Board approve Page 12 (C.1, B.)of the 2<sup>nd</sup> Draft of Stakeholder MOU dated 5-4-06, with new language as stated on 4-24-06 Memo from Mr. Bresnahan 2<sup>nd</sup> by Selectman Luca: VOTE: Selectman Sullivan aye, Selectman Luca aye, Selectman McCreary aye, Selectman Conley aye, Chairman Maxant not voting, 4-0 motion passes. Mr. Bresnahan urging the Board authorize the Town Administrator & Supt. Madigan negotiate a suitable arrangement with MADEV & National Guard to ensure criteria is achieved.
  2. #Itemized listing of Agreements-Selectman Sullivan moved the Board approve Mr. Bresnahan's recommendation as submitted , 2<sup>nd</sup> by Selectman Conley, VOTE: 4-0 with Chairman Maxant not voting.
  3. Zoning- Board approved to adopt 20 year concept on zoning freeze. Motion made by Selectman McCreary 2<sup>nd</sup> by Selectman Sullivan, VOTE: Selectman McCreary aye, Selectman Sullivan aye, Selectman Luca aye, Selectman Conley no, Chairman Maxant not voting 3-1-0, motion passes.
- 10:00p.m. Selectman Luca Moved the Board extend Open Session 15 min having passed the 10:00 adjournment, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.
4. #7. Zoning added language adopt draft MOU document dated 5-23-06-Selectman Sullivan moved, 2<sup>nd</sup> by Selectman McCreary VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca aye, Selectman Conley no, Chairman Maxant not voting: 3-1-0 motion passes.
  5. #9 adopt added language to 5-23-06 MOU 2<sup>nd</sup> Draft, motion made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Conley, VOTE Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca aye, Selectman Conley aye, Chairman Maxant not voting 4-0 motion passes.

6. #15-Big box retail uses the Board moved to remove 5-23-06 added language with removal of "which include" and add "of" the town of Ayer Selectman Luca moved to approve Mr. Bresnahan's recorded action 2<sup>nd</sup> by Selectman Sullivan VOTE 4-0 with Chairman Maxant not voting.
7. #16 -Utilities-Selectman Luca moved to approve 5-23-06 document added language 2<sup>nd</sup> by Selectman Sullivan VOTE: 4-0 with Chairman Maxant not voting.
8. #22-Criteria Selectman Luca moved to approve 5-23-06 language as presented 2<sup>nd</sup> by Selectman Conley. VOTE: Selectman Conley aye, Selectman Luca aye, Selectman McCreary aye, Chairman Maxant not voting 3-0 motion passes.
9. #23 Board approved with additional language Ayer wants no ownership/jurisdiction/maintenance of the bridge. Motion to approve amended language made by Selectman Luca 2<sup>nd</sup> by Selectman McCreary, VOTE 3-0 with Chairman Maxant not voting.
10. #25 same language. Selectman Conley moved to approve, 2<sup>nd</sup> by Selectman McCreary, VOTE 3-0 with Chairman Maxant not voting.

Chairman Maxant -Public Outreach- Chairman Maxant advised to revisions to 2<sup>nd</sup> Draft of MOU out next week this being 3<sup>rd</sup> Draft and a Public Hearing to be held on Wednesday June 7, 2006 at 7pm at the Ayer Town Hall for comment process.

10:15pm Selectman Luca moved to extend the meeting an additional 15 minutes VOTE: Selectman Conley aye, Selectman Luca aye, Selectman McCreary aye, Chairman Maxant aye, Selectman Sullivan no 4-1 motion passes. Selectman Sullivan left meeting.

#### **Agenda item #13-Town Administrator's Report**

Selectman Conley ran through the Town Administrator's items absent Mr. Suhoski this evening.

1. Mark Street-Selectman Conley moved the Board vote to support \$105K File #SMO-0407, 2<sup>nd</sup> by Selectman Luca, Vote: unanimous, so moved.
2. 4<sup>th</sup> of July 2006 Contract-Selectman Conley updated the Board to contract being approved by 4th of July Committee and no need for Board to vote to ratify contract with Telstar Display Fireworks of Jaffrey NH in the amount of \$8,400.00 and at the 5-2-06 meeting she as acting Chair signed the contract which was set back at the beginning of the meeting on the 2<sup>nd</sup> for the Committee.
3. The Board moved to approve the acceptance of gifts by Town residents: 2 Television sets and new Fire Station photographic and DVD record presented by John McDowell one going to the Town Hall and one to the Library.  
The Board moved to accept a framed art "cubist" portrait of the Ayer Town Hall from Cindy Laven. The Board expressed their gratitude for the generous gifts from the residents. Selectman Conley moved the Board vote to accept the gifts, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.
4. The Board approved the use of Town Hall -Great Hall for the Council on Aging's Blood Drive scheduled for 7-19-06 from 12:00p.m. to 5:00p.m. Motion to approve made by Selectman Conley, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.
5. The Board approved use of Town Hall-Great Hall for the Council on Aging's Ham & Bean supper on 8-15-06 sponsored by the Ayer Fire Dept. Motion to approve made by Selectman Conley, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.
6. The Board approved two sign requests
  1. Relay for Life on 6-23-06 & 6-24-06 at the Ayer High School (3 A-framed signs in the downtown area along with arrows directing people to School) signs to be erected 6-23-06.
  2. Ayer Page Hilltop PTO Silent Auction/Raffle June 5, 2006 1:00p.m.-7:00p.m. Sign to be placed in front of Town Hall immediately.

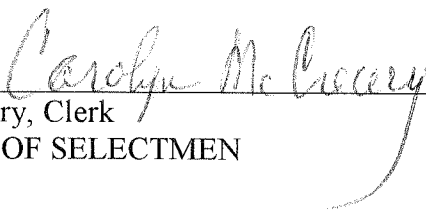
Motion to approve sign requests made by Selectman Conley, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

Selectman Conley took this opportunity to request new fellow Selectmen receive copies of correspondence re request letters from former police department employee seeking payments for attending court/trials on behalf

of Town on six (6) different occasions and incorporated in his retirement agreement requesting to schedule this matter on an upcoming Selectmen's Meeting for the Board's action.

10:30P.M. Selectman Luca moved the Board adjourn the meeting, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

10:30p.m. Meeting adjourned

  
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Carolyn McCreary, Clerk  
AYER BOARD OF SELECTMEN

Date: 