

**Selectmen's Meeting**  
**Tuesday, May 2, 2006**  
**Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main St., Ayer, MA**

Selectmen	Present	Absent
Pauline Conley, Acting Chair	X	
Carolyn, McCreary, Clerk	X	
Gary J. Luca, Member	X	
Cornelius F. Sullivan, Member	X	
Frank F. Maxant, Chairman		X
Shaun Suhoski, Town Administrator	X	
Janet Lewis, Administrative Secretary	X	

7:00p.m. Open Session

Acting Chair Conley opened the meeting by advising those present and the viewing audience to the Board's re-organization on April 27, 2006: Frank Maxant, Chairman, Pauline Conley, Vice-Chair, Carolyn McCreary, Clerk, Gary Luca, Member and Cornelius Sullivan, Member. Selectman Conley advising to Chairman Maxant absent this evening due to a pre-existing commitment and that she would be sitting this evening as Acting Chair.

**Agenda Item #1. Public Input** – Acting Chair Conley requested if there was anyone present wishing to meet with the Board:

1. Mary Spinner-4<sup>th</sup> of July Committee, re Telestar Fireworks Contract-The Board to take this contract up later in the meeting.
2. Selectman Sullivan, re: two issues: letter from Charles Miller re: Town Employee and process Fire Station Building Committee brings Change Orders forward after work is done without Board's approval. These items to be taken up under Selectmen's Questions later in the evening.
3. Selectman Conley-Taking this opportunity to extend the Board's condolences to the McGuane family upon the loss of Kay McGuane longtime Ayer residents and mother of Paul & Margaret McGuane who serve the Town on the Board of Health and Library Trustees.

Acting Chair Conley took this opportunity to welcome Representative Robert Hargraves to the meeting and advising the viewing public to Rep. Hargraves conducting Office Hours at the Town Hall this evening from 7:00p.m. to 8:00p.m. and urging residents with problems or concerns to come in to meet with him this evening.

Representative Hargraves updated the Board to the meeting last Thursday with the Dept. of Transportation re the \$75 million dollars Improvement Plan for the Fitchburg Commuter Line. Rep. Hargraves distributed Press Releases to the Board dated 4-27-06 supporting the Ayer station and upgrades to include separating the commuter rail from the freight lines near downtown Ayer. Selectman Sullivan thanked Rep. Hargraves for his efforts protecting and preserving the rail trail in Ayer. On other matters Rep. Hargraves advised to the Town not fearing to well on the present House budget over the

original \$39K before Senate enactment and updated the Board to the Pleasant Street School before House for enactment-Emergency preamble (Chapter 97) will help to reduce time standard to begin transfer of property from the Town of Ayer to the Ayer Housing Authority (30b) advising to his request to push this through and stay on schedule.

**Agenda Item #2. – Minutes of 4-27-06** Selectman McCreary moved the Board pass over the minutes due to minor edits and formatting issues, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Agenda Item –Nashoba Valley Medical Center-**The Board met with Steve Roach, Director Community Relations-Mr. Roach distributed proposed changes to the Zoning Bylaw for the proposed hospital expansion and zoning request for creation of Health Care Service District delineating the purpose/build out presently before the Ayer Planning Board. Mr. Roach advised to two (2) public Informational Meetings being held at the Ayer Town Hall April 27 and May 1, as well as abutters meeting re proposed zoning amendments. The district to provide six (6) story structure housing hospital-currently 47/bed to 60 private rooms/full bath, atrium, clinics, treatment facilities, offices, gym, pool, temporary housing for employees, laboratories, pharmacy-for the sale of medical materials/supplies of a medical nature/service. Mr. Roach defined accessory dwelling use as a Townhouse or row-house owned by the owner of the hospital and leased solely to physicians/employees of medical staff to include spouses/children on a short term 8-12 month lease/s. Boundaries of the district were defined as parcel of land at 200 Groton Rd. with overall parcel including approximately 40 acres including areas located in Town of Groton. Mr. Roach advised to hospital largest employer/taxpayer in Ayer with a proposed \$45million budget expansion. The hospital's 2<sup>nd</sup> article relates to Wireless District e-911 which supports the Town's Fire/Police. Mr. Roach advising to handouts re zoning changes to be made available for Town Meeting. Dennis Curran, resident voiced his opposition to 6 story building questioning if Board would approve such a structure if not a hospital, traffic concerns. Selectman Sullivan speaking to support re hospital and of Board of Selectmen co-sponsoring articles. The Board thanked Mr. Roach for coming in to meet with the Board.

**Agenda Item 3-Supt. Madigan's Report-**the Board met with Supt. Madigan

**1. Guard rail installation-Chapter 90**

Selectman McCreary moved the Board approve Supt. Madigan's requested 4-27-06 for the installation of 40 feet of guard rail at the corner of Oak Ridge Drive and Groton Harvard Rd. and the installation of 160 feet of guard rail at the small dam at the intersection of Groton Harvard Road and Oak Ridge Dr. from Chapter 90 Project Requests Funds not to exceed \$10K, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved. Selectman Sullivan requested Supt. Madigan look into something better than steel guard rail be used on Park St. at new Fire Station site.

**2. 2. Acceptance of Highway Unit Price Bids-**

Supt. Madigan updated the Board to the Town of Groton opening miscellaneous highway bids for the Towns of Ayer, Pepperell and Shirley, this measure entered into as an additional municipal procurement measure in accordance with G.L. Chapter 7, Section 22B and meet MA Highway specifications MGL C149 Section 25-27D inclusive. Supt.

Madigan stating his procurement results in savings of funds being done on economy scale resulting in lower bid prices and reduces time preparing and handling bidding process. Selectman Sullivan moved the Board approve Supt. Madigan's request of 4-27-06 as stated for the acceptance of bids-Highway Unit prices to:

- P.J. Keating Co-Lunenburg MA** for top coat pavement, binder course-FOB/in place, cold planning, raise & adjust casting for overlay, raise & adjust valve boxes
- Poirier Guidelines (Athol, MA)** for painted traffic lines-double/single lines
- Superior Sealcoat-Wilmington, MA**-Crack sealing
- 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
- 3. **Sewer Permit-38 Pineridge.** Selectman Sullivan moved the Board approve the sewer permit for per the recommendation of Supt. Madigan for 38 Pineridge Dr., 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.
- 4. **NPDES P11 Small MS4 General Permit**-Annual Report-Selectman Sullivan moved the Board approve the Storm Water Report dated 5-28-06 redacted MA DEP #W-040750 No.3 March 06, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.
- 5. **Sidewalk-Post Office** -Supt. Madigan advised the Board to work to be done later this week due to upcoming rain forecast.
- 6. **Chapter 90 Projects**-Supt. Madigan requested suggestions from the Board be given to him re upcoming projects.

**Agenda Item #4. Town Administrator's Report-**

**1. Building Department Report-4-27-06 from Gabriel Vellante, Bldg. Com.**

The Board reviewed Mr. Vellante's report re his evaluation of Dept. staffing and recommendation of a part-time building inspector on an as needed basis only- not more than 10 hours per week at an hourly rate of \$10.00/hr. Mr. Vellante feeling that a full time inspector is not necessary work load is not warranted adding that salary proposed would not attract quality inspector required. Selectman Sullivan stated his concern re 2005 Town Meeting approving funding for a full-time building inspector and why hasn't the Town done that? The Board entered into a short discussion re opportunity to do so by re-opening warrant, adding increase in funding to budget line item, and also having two months left in budget to hire full time inspector, option of holding a Special Town Meeting unavailable to the Board due to not being able to re-open warrant legally. The Board requested to have Mr. Vellante present for the Board's next meeting on 5-23-06.

**2. CDBG Subordination Agreement-18-20 Pleasant St., Ayer, MA**

Selectman Sullivan moved the Board vote to approve the Subordination Agreement dated 5-2-05 for # 18-20 Pleasant Street per the recommendation of Susan Provencher- Hous. Rehab. Financial Manager as presented and authorize the Acting Chair's signature, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

- 3. **Town Hall Roof Update-Mary Spinner-** Mr. Suhoski advised the Board to Ms. Spinner being the Town's designee re the Town Hall roof project and advising to the project being down to the punch list items. Mr. Suhoki stated project well under budget approved at Town Meeting but \$720.00 over construction oversight and \$25K bond held until work is satisfactorily completed. Ms. Spinner advised to landscaping concerns: lawn left in deplorable condition on bank side of Town Hall and pathway

garden area disturbed, estimate received from Pinard's the original contractor for the lawn estimated at \$3,500 to do the repair work necessary, and of a larger concern is leak in great hall roof linked to column needing attention and the banks underground sprinkler damaged/repared but needs to be turned on to assure working condition.

Selectman Sullivan moved to contact S.O.M. roof contractor re punch list memo from Doug Manley-Town Hall Roof architect and copy Peterson Assoc. requesting S.O.M. respond within two weeks of notification and cc Town Counsel to determine if Town can hire landscaper, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved.

**Fire Station-Right-of-Way**-The Board deferred this item to their next meeting 5-23-06 in order to receive cost estimates for funding surveying needed regarding width of easement and legal fees.

**Devens Disposition**-Paul Bresnahan

Paul Bresnahan advised the Board to final report "Devens Story" being approved at State level for distribution to residents at the 5-8-06 Annual Town Meeting along with the 4-30-06 Understanding Devens Disposition/Process Schematic which explains jurisdiction vs. ownership. Mr. Bresnahan advised to a Power-point presentation to be conducted. Selectman Sullivan requested if Selectman Maxant's supplement statement could also to be made available in this distribution re legislation effecting the three towns Mr. Bresnahan advising through a separate document only.

**DCR Rail Trail Parking Request letter**-Mr. Suhoski updated the Board to a meeting being scheduled with Sen. Resor and Rep. Hargraves re rail trail funding with DCR officials in Boston. Selectmen Sullivan and Conley volunteering their time to attend meeting. Mr. Suhoski to advise of date & time when developed.

**Local Aid letters**-Mr. Suhoski updated Board to House budget proposal would have on the Town's FY-07 operating budget specifically State Aid to the Schools-Chapter 70 Education. Mr. Suhoski advised to his phone calls/emails sent to State reps urging their support of the Governor's state aid contributions levels including uncapping of the Lottery Aid & Chapter 70 Education Aid when State budget develops Fy-07 proposal. Mr. Suhoski added to this end he has written letters to the House & Senate for the Board's signature and will leave them in the Selectmen's Office for the Board's endorsement.

**Fy-07 Town Budget**-Acting Chair Conley advised to Special Town Meeting Warrant Article re: transfer of funds from Reserve Fund to Town Counsel from Fy-06 budget not appropriate and of her contacting DOR re unused funds being returned to free cash.

**Pleasant Street School**-Mr. Suhoski per Rep. Hargraves update re funding from HUD-may be favorable if Town re-applies for funding. Board to write a letter of support and have Ken Martin also write support letter for Ayer's project.

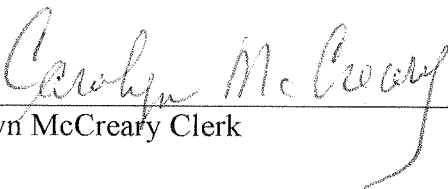
**Selectmen's Questions/New Business:**

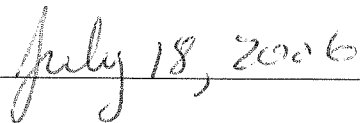
Selectman Sullivan:

1. Letter from resident Charles Miller re employee complaint. Selectman Sullivan moved the Board hold an Executive Session and invite employee, Mr. Miller, the ZBA, Planning Board, and Conservation Commission to this meeting to discuss complaints by Mr. Miller and attach Mr. Miller's letter with employee's notification, 2<sup>nd</sup> By Selectman McCreary, VOTE: unanimous, so moved.

2. Fire Station Change Orders-after a short discussion the Board agreed to Selectman Sullivan moved the Board vote to amend the Selectmen's Policies to include Change Order requests having Selectmen's approval prior to work being done, 2<sup>nd</sup> by Selectman Luca, VOTE: Selectman Sullivan aye, Selectman Luca aye, Selectman McCreary aye, Acting Chair Conley no, 3-1 motion passes. The Board to invite the Building Committee, Fire Chief & KVA to upcoming meeting to review policy re Change Orders. The Board to be distributed copies of the Selectmen's Policies/Regulations.
3. The Board scheduled the Executive Session/meeting for 5-23-06 beginning at 7:00p.m

10:00p.m. Selectman McCreary moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL chapter 39 Section 23b, Exemption #3 re collective bargaining & litigation, to adjourn from this Executive Session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Sullivan, VOTE: Selectman Sullivan aye, Selectman McCreary aye, Selectman Luca aye, Acting Chair Conley aye, unanimous, so moved.

  
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Carolyn McCreary Clerk

Date:   
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