

**Ayer Board of Selectmen
Special Meeting – Ayer Town Hall
April 27, 2006 @ 7:00 p.m.**

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

Meeting called to order in Open Session at 7:02 p.m. by Vice-Chairman Sullivan.

Agenda

MOTION: Selectman Luca moved to amend the agenda to include Board of Selectmen appointments to the Capital Planning Committee, Comprehensive Plan Implementation Committee and Community Preservation Act Committee. Second: Selectman Maxant. **MOTION PASSED:** Unanimous.

MOTION: Selectman Luca moved to amend the agenda to include discussion with Selectmen's DDEB representative Paul Bresnahan concerning the Devens report to be issued to Town Meeting, and to approve the agenda as amended. Second: Selectman Maxant. **MOTION PASSED:** Unanimous.

Item I: Board Reorganization

Selectman McCreary moved to appoint Selectman Sullivan as chairman. Second: Selectman Luca. No vote: Selectman Sullivan declining the nomination.

Selectman Luca moved to appoint Selectman Maxant as chairman. Second: Selectman Maxant. Mr. Maxant advised the Board of his four years' service as a selectman and his desire to serve as chairman. **MOTION PASSED:** 3-2 (Conley; McCreary).

Selectman Luca moved to appoint Selectman Sullivan as vice-chair, Selectman Sullivan declining the nomination before a second or vote.

Selectman Maxant moved to appoint Selectman Conley as vice-chair. Second: Selectman McCreary. **MOTION PASSED:** Unanimous.

Selectman Conley moved to appoint Selectman McCreary as clerk. Second: Selectman Luca. **MOTION PASSED:** Unanimous.

Accordingly, the reconstituted Board is:

Chairman:	Selectman Frank Maxant
Vice-Chair:	Selectman Pauline Conley
Clerk:	Selectman Carolyn McCreary
Member:	Selectman Cornelius Sullivan
Member:	Selectman Gary Luca

Item II: Conservation Commission Contract Ratification

Patrick Hughes, chairman of the Conservation Commission advised the Board of the weed control contract for various ponds and funding availability. Following discussion Selectman Sullivan moved to ratify the contract between the Town and Aquatic Control Technologies dated April 12, 2006, in an amount not-to-exceed \$28,840. Second: Selectman Luca. **MOTION PASSED:** Unanimous.

Item III: Fire Station Building Committee

Fire Chief Paul Fillebrown, Building Committee Chair Wellman Parker, and project manager Lee Keller of KVAssociates updated the Board to the status of the fire station project. To complete the work, Mr. Keller outlined a contract extension to KVAssociates through May 31, 2006, in an amount not-to-exceed \$10,000.

Following discussion over the length of the project, Selectman Conley moved to approved the contract extension with KVA through May 31, 2006 in an amount not-to-exceed \$10,000 with signature by the chair. Second: Selectman McCreary. **MOTION PASSED: 4-1 (Sullivan).**

Mr. Keller advised the Board of the need for Change Order No. 11 (a compilation of 11 items). Selectmen Sullivan and Conley engaged in a substantial discussion with Chief Fillebrown and Mr. Keller concerning the total project cost, liability for change orders and related items. Mr. Keller advised that the construction contract was within five percent of the bid, which, in his opinion, is an acceptable margin. Selectman Sullivan addressed each item in the change order individually, seeking to determine responsibility for each overrun.

Mr. Suhoski advised the Board that the liability for the cost overruns was an issue that could be researched and determined at a subsequent meeting, and that the town should not hold-up the construction work due to concerns with the architect or engineers. The Board asked Mr. Keller to prepare a tally of the change orders for the entire project for future review.

Selectman Conley moved to approve Change Order No. 11 dated April 11, 2006, in an amount not-to-exceed \$31,395.48 with signature by the chair. Second: Selectman Luca. **MOTION PASSED: Unanimous.**

Item IV: Devens Report – Paul Bresnahan

Paul Bresnahan addressed the Board concerning the proposed report on Devens disposition issues at Town Meeting. Mr. Bresnahan suggested he and Mr. Suhoski would offer a brief PowerPoint presentation, together with the Devens Disposition Executive Board's handout, to comprise the report. He asked the Board whether that was acceptable, and whether the report should be issued on the first night of Town Meeting, with a brief recap to be issued when the citizen's petition concerning disposition comes up at a later night.

Through discussion the Board assented to a brief presentation on night one of Town Meeting (under reports), with a short re-cap to be offered when the article comes up for a vote. The Board discussed whether the report should be pre-approved, or at least reviewed, prior to Town Meeting. More discussion ensued concerning potential meeting dates prior to day one of Town Meeting, or at some other undetermined time, for review of the report.

Eventually, consensus emerged that the DDEB four-page handout would be distributed in the packets for the May 2 meeting, and that Mr. Bresnahan and Mr. Suhoski would provide a copy of the PowerPoint in advance of Town Meeting. The Board may elect to call a special meeting to address same.

Item V: Appointments

Selectman Sullivan moved to appoint Selectman McCreary as the Board's representative to the Community Preservation Act Committee. Second: Selectman McCreary. **MOTION FAILED: 2-2 (Sullivan and McCreary, aye; Luca and Conley, nay; Maxant abstaining from breaking tie vote).**

Selectman Conley moved to appoint Selectman Luca as the Board's representative to the Community Preservation Act Committee. Second: Selectman McCreary. **MOTION PASSED:** Unanimous.

Selectman Conley moved to appoint Selectman McCreary to the Capital Planning Committee as the BOS Chairman's designee. Second: Selectman Luca. Following discussion, Selectman Sullivan moved to amend the motion to "Request Chairman Frank Maxant designate" Selectman McCreary to the Capital Planning Committee. Amendment accepted as friendly by Selectmen Conley and Luca. **MOTION PASSED AS AMENDED:** Unanimous.

Selectman Conley moved to appoint Selectman Maxant to the Comprehensive Plan Implementation Committee. Second: Selectman Luca. Following discussion, including Selectman McCreary advising the Board of her longstanding involvement in the CPIC, Selectmen Conley and Luca withdrew their original motion in favor of a new motion.

Selectman Conley moved to designate Selectman McCreary and Selectman Maxant as the Board's primary and secondary appointees to the Comprehensive Plan Implementation Committee. Second: Selectman Luca. **MOTION PASSED:** Unanimous.

Accordingly the following appointments were made:

Community Preservation Act Committee:	Selectmen Luca
Capital Planning Committee:	Selectman McCreary
Comprehensive Plan Implementation Committee:	Selectman McCreary, Primary Selectman Maxant, Secondary

Item VI: Miscellaneous (Fire station right-of-way)

Mr. Suhoski updated the Board concerning the need to re-located a pre-existing right-of-way. He showed the Board a copy of the site plan for the fire station prepared by Ross Associates and indicated the general area of the proposed ROW relocation. The Board requested Mr. Suhoski to provide cost estimates from the surveyor, and for legal and recording fees, at the next meeting.

There being no further business Selectman Sullivan motioned to adjourn. Second: Selectman Conley. **MOTION PASSED:** Unanimous. Meeting adjourned at 9:05 p.m.

END OF 4/27/06 MINUTES.