

Selectmen's Meeting  
Tuesday, February 21, 2006  
Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

<b>Present and Attending</b> -Faye Morrison, Chair	X
Cornelius F. Sullivan, Vice-Chair	X
Pauline Conley, Clerk	X
Paul D. Bresnahan, Member	X
Frank F. Maxant, Member	X
Shaun Suhoski, Town Admin.	X
Janet Lewis, Secretary	X

7:00 P.M. Open Session

**Agenda Item #1. Public Input**-Chairman Morrison requested if there was anyone present wishing to speak under Public Input:

1. Edward Kelley-re ballot questions presented to the Board for the 4-24-06 Town Election. Mr. Kelley stating ballot is the only way to know what the Town of Ayer residents want re Devens.
2. Selectman Maxant-Requested the Board call a vote for the immediate dismissal of new Town Administrator-Shaun Suhoski charging Mr. Suhoski knowingly and persistently violated the Freedom of Information Act and the State's Open Meeting Law on three occasions:
  1. Memorandum signed by Town Accountant & Chairman of the Board re contract approval-error within document left uncorrected.
  2. Residents repeated attempts to obtain minutes from Selectmen's Meetings from Oct. 05 through former Interim Town Administrator.
  3. Letter from atty. stamped confidential-preventing residents from seeing letter.

Mr. Suhoski defended himself stating he followed the law and would be willing to discuss the matter in Open Session. Motion to dismiss made by Selectman Maxant, 2<sup>nd</sup> by Selectman Conley for discussion VOTE: Selectman Bresnahan no, Selectman Sullivan no, Chairman Morrison no, Selectman Conley no, Selectman Maxant abstained, 4-0 motion fails. Selectman Bresnahan calling Selectman Maxant's motion ludicrous and without merit. Selectman Bresnahan moved the Board characterize Selectman Maxant's motion as being of "ill will", 2<sup>nd</sup> by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Conley no, Chairman Morrison aye, Selectman Maxant abstaining, 3-1-0 motion passes.

Selectman Bresnahan moved the Board approve the amended Agenda of 2-21-06, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #2. Minutes:**

1-31-06 Executive Session-Selectman Bresnahan moved the Board approve, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

9-6-05 Open Session-Selectman Conley moved to approve, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

9-20-05 Open Session-Selectman Bresnahan moved to approve, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

9-20-05 Selectman Bresnahan moved the Board ratify the Agenda of 9-20-05, 2<sup>nd</sup> by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Maxant aye, Chairman Morrison Aye, Selectman Conley no 4-1 motion passes.

Selectman Conley requested the letter presented under Public Input this evening be attached to the 2-21-06 minutes. Selectman Sullivan requested a friendly amendment suggesting the 2-21-06 minutes be attached to the 2-7-06 minutes, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

Mr. Suhoski requesting the Board approve placing the attendance sheet from the 2-7-06 Devens Disposition meeting with the minutes.

**Agenda Item #3. Town Administrator's Report**-The Board met with Shaun Suhoski.

1. **Annual Town Meeting Warrant Opening**-Mr. Suhoski updated the Board to 5-8-06 Town Meeting Warrant opening on February 7, 2006 and closing on March 16, 2006. Mr. Sushoski presented the Board a draft warrant. The Board took this under advisement.
2. **Fy-07 Budget Update**-Mr. Suhoski updated the Board to \$20.3 million available for appropriation of which is \$600K over Fy-06. Mr. Suhoski advised the Board to notice being given from the Treasurer's Office re Health Insurance rising between 15-22% as well the School Dept. expecting a \$600K shortfall. Mr. Suhoski updated the Board to Tri-Board workshop being scheduled for 2-28-06 @7:30p.m. with the Selectmen, Fin-Com and School Committee at the Page/Hilltop Professional Devel. Rm. Re the mutual needs of the School Dept. and Town Gov. as well as give the Board an advance look at the School's proposed Fy-07 School Budget. Mr. Suhoski advised to in the future he will initiate these workshops much earlier in the budget process i.e. January.
3. **Sandy Pond Beach-\$75K Grant Award Agreement**-Selectman Conley moved the Board approve the \$75K Grant Award #LWCF #25-00479 for the Sandy Pond Beach from the National Park Service signed by Jennifer Soper and authorize the Chairs signature, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
4. **Conservation Commission**-Selectman Bresnahan moved the Board endorse the Conservation Commissioners expenditure of \$170.00 from the Wetlands Protection fund for two commissioners to attend MA Assoc. of Conservation Commissions (MACC) annual conference on 3-4-06, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
5. **COA-Blood Drives**-Selectman Sullivan moved the Board approve the Town Hall Great Hall for the COA's Blood Drives for April 11, 2006 & October 10, 2006 from 2pm-7pm with the American Red Cross and approval to set up signs one week prior to Blood Drives on the Town Hall lawn, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.
6. **DCR-Rail Trail Parking Request Letter to State Reps**-Selectman Conley moved the Board approve the letter to Stephen Burrington, Commissioner of the Dept. of Conservation & Recreation re Nashua River Rail Trail-trailhead parking area. The Board also requested the Town's State Reps cc'd to advocate and support the Town's position, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. The Board also requested the Town Administrator prepare letter to State Reps requesting their support to retain the Town's train station.
7. **2005 Town Report Bid Award**-Selectman Conley moved the Board award the 2005 Town Report to Red Mill Graphics of Chelmsford, MA for the bid award not to exceed \$3,172.0 for the printing & binding of 500 copies of the Town Report, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved. Town Administrator Shaun Suhoski suggested the Board dedicate the 2005 Town Report to the Town's 1<sup>st</sup> Habitat volunteers who helped to make project happen and cover to be dedicated to picture of house on Shirley Street. Motion to approve dedication and cover of 2005 Town Report be dedicated to the Town's 1<sup>st</sup> Habitat made by Selectman Conley 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
8. **ATM Warrant Opened**-Town Administrator restated the Annual Town Meeting Warrant officially opened on 2-7-06 and closes on 3-16-06 at the close of business (5pm). Notification sent around to all Town Departments/heads.
8. **Heritage Landscape Grant**-Selectman Conley moved the Board appoint Julia Alekman from the Historical Commission the local Program Coordinator for the State Heritage Landscape Inventory Program, 2<sup>nd</sup> by Selectmen Maxant VOTE: unanimous, so moved.
9. **Nashoba Valley Medical Ctr.**-Mr. Suhoski updated the Board to the Planning Board conducting a Public Hearing on 3-2-06 re the hospital's proposed zoning changes. Mr. Suhoski also advised the Board to Andrei Saron's last day being 3-1-06 and a farewell party being held at 3pm.
10. Selectman Bresnahan requested the Board approve the revised Lottery Aid Letter dated 2-9-06 and leave on the counter in Selectmen's Office for the Board's endorsement, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

11. Mr. Suhoski announced the Certificate of Recognition presented to Parking Clerk Janet Lewis for recapturing 113.9% of Parking collections for 2005.
12. The Board requested to advertise vacant Committee, Board, Commissions seats on Cable/Newspaper seeking volunteers to fill these positions i.e. Disabilities Commission Fin-Com, Personnel Board, Communications Com., Conservation Commission, Recycling Committee.

**Agenda Item #4. Fire Station Building Committee-**The Board met with Fire Chief Paul Fillebrown, Lee Keller-KV Associates and Wellman Parker, Chairman Building Committee. Mr. Keller updated the Board to the project 95% complete with the bulk of remaining work outside site- weather dependent. Selectman Sullivan reviewed with Mr. Keller the Board's prior meeting being told to building being substantially complete by 1-31-06. The Board being very liberal not going after liquidated damages... agreement by parties in order to expedite project with out further delays. Mr. Keller stating he shares Board's concerns advising Board to gas line from street to station, sewer line obstructions, generator miss sized by contractor, site remediation, drilling for new manhole in street at new angle plus cold weather problems adding to slow down. Selectman Conley suggesting adding a dollar amount per day lost cc counsel re vote of Board on 12-31-05 to pursue Barr bonding and request Barr to update the board for 3-7-06. The Board held off on approving Change Order #10 In the amount of \$40,175.84. Selectman Conley moved the Board postpone Change Order #10 for two (2) weeks to 3-7-06 Selectmen's meeting, Town Administrator to contact town Counsel re written advice for Selectmen's packet for 3-7-06 meeting, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**KVA –Amendment #7-**Additional Services Amendment dated 2-2-06-add two months to the existing contract timeframe revising the contract end date to April 15, 2006 in the amount not to exceed \$15K. Motion to approve made by Selectman Conley, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**Finney/Routhier Right-of-Way-**The Board authorized Mr. Suhoski to review and work with Fire Chief re land swap.(moving easement without denying access). The Board also requested status of Barr litigation against Chief, and being advised to nothing in writing and Chief advised not to sign any thing, the Board requesting Town Counsel incorporate this also into Memo.

**Agenda Item #5-Supt. Madigan's Report-**

1. Water/Sewer Permits-Selectman Sullivan moved the Board approve the Water/Sewer permits presented in a memo dated 2-15-06 for Sandy Pond III-Ranger Development Co. for 22, 23, & 25 Mountain Laurel. And Autumn Ridge-Gillis Homes Inc. for Clubhouse 1" water service and 4" fire/sewer, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
2. The Board approved Supt. Madigan's recommendation for increased water and wastewater capacities from two (2) SIU's Vitasoy – Wastewater increase of 25,460 gpd and water 34,000 Vote to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Conley VOTE: unanimous, so moved. & Epic Enterprises Wastewater of 50,000gpd and no increase to water consumption due to EPIC having own private wells. VOTE to approve made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Maxant VOTE Selectman Sullivan aye, Selectman Bresnahan aye, Selectman Maxant aye, Chairman Morrison aye, Selectman Conley abstain 4-1 motion passes.  
Selectman Sullivan moved the Board vote to approve Supt. Madigan's recommendation per a meeting with Vitosoy's reps, Hoyle Tanner and himself on 1/27/06 to accept Vitosoy's offer to pay \$5K towards the engineering evaluation of Stony Brook Sewage Pump Station and a maximum of \$30K towards the cost to upgrade the pump station to handle Vitasoy's wastewater flows, 2<sup>nd</sup> by Selectman Bresnahan, Selectman Conley requesting is shortfall occur where would additional money come from, Supt. Madigan stated go to Vitasoy first, VOTE: unanimous, so moved.
3. **Water Bank Form** –Supt. Madigan submitted for the Board's review and comment back his form re documenting gallons per day volume, authorization, location of connection, total amount of water available at end of the month by applicant. The Board took this under advisement.
4. **Deficit Spending-**2005/2006 Snow Budget-Selectman Sullivan moved the Board authorize Town Administrator Shaun Suhoski to prepare Deficit Spending approval for the 2005/2006 Snow Budget as

presented in a memo from Supt. Madigan dated 2-16-06, advising being \$7,868 over budget presently 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous.

**Agenda Item #6.-Devens Disposition**-Selectman Bresnahan updated the Board to meeting with MADEV representatives re the Town's Devens-draft proposal approved earlier in the month (2-7-06). Selectman Bresnahan advised the Board to Town's requests being receptive to the Board's concerns but expressed their interest in retaining MacPherson Well until all improvements to MacPherson Rd. were completed. The Selectmen requested that improvements are mandated prior to commercial/residential are considered for North Post. Selectman Bresnahan reviewed with the Board the **2B Criteria 1.** advising to the need to meet with Shirley re the Walker Rd. closure and the route through Devens to Rt.2. **2.** Clarify provision re 20 acres recreational space 10 being finished and 10 being raw including toilets and order of priorities: MacPherson Rd., start commercial, recreational fields-could be modified by mutual agreement. **3.** residential use-over 55 housing-suggestion made re flexible plan driven by market and to provide affordable to the extent of the law. **4.** revenue positive to the Town consider leaving North Post under jurisdiction of MADEV until MacPherson Rd. is done. **5. 6. 7. 8.** ok **9.** clarify -add relocation from Ayer. **10.** Unified permitting key issue with MADEV-need to organize group-i.e. Ayer Unified Permitting Function.

**Amendments- 1.** MacPherson Well-MADEV not willing to transfer ownership only supply water. **2.** Devens residents could accept access/pricing 2<sup>nd</sup> to Devens residents vs equal in which case they agree to drop reciprocal agreement in earlier version. **3, 4, 5, 6, ok as is.** Selectman Bresnahan requesting the Board review with their feedback/concerns and email back to him. Selectman Bresnahan advised to the final MOU to be distributed to stakeholders and DDEB at the May 4, 2006 meeting of the DDEB with a request for ratification by June 1, 2006.

Selectman Sullivan moved the Board take up Ed Kelly's ballot questions at the March 7, 2006 Selectmen's Meeting, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: Selectman Sullivan aye, Selectman Bresnahan aye, Selectman Conley no, Selectman Maxant abstained and Chairman Morrison aye, 3 aye, 1 abstention, 1 no motion passes.

10:20p.m. Selectman Sullivan moved to adjourn, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

10:20p.m. meeting adjourned.

\_\_\_\_\_-DATE:\_\_\_\_\_

Pauline Conley, Clerk  
Ayer Board of Selectmen