

Town of Ayer

Board of Selectmen

Town Hall, First Floor Meeting Room

Ayer Massachusetts, 01432

9-1-09

Tuesday, September 1, 2009



Meeting Date: 9-1-09

Present:

Cornelius F. Sullivan, Chairman (Mr. Sullivan)	X	Carolyn McCreary, Member (Ms. McCreary)	X
Richard D. Gilles, Vice-Chairman (Mr. Gilles)	X	Gary J. Luca, Member (Mr. Luca)-	X
James M. Fay, Clerk (Mr. Fay)	X	Shaun Suhoski, Town Administrator (Mr. Suhoski)	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

Meeting Called to order at 7:10p.m. by Chairman Sullivan. Chairman Sullivan requesting if there was anyone present wishing to meet with the Board under Public Input:

Michael Pattenton-Clarification re Fall Town Meeting is it a Special Town Meeting or is it an Annual Town Meeting? ... Specifically dealing with Warrant Article submission/s and number of names required re Petition to be included on Fall Town Meeting Warrant. The Board requested Mr. Sushoki contact Town counsel regarding receiving a formal explanation in writing.

Selectman Fay re removing Board's Executive Session Minutes of 8-11-09 from Agenda under New Business. Selectman Fay also announcing Shriver Job Corp. 45th Anniversary and advising to display being placed in Main Lobby at the Ayer Town Hall during the week long celebration from September 14-18, 2009.

Chairman Sullivan requesting to amend the Agenda by taking up Fin-Com Appointment first on tonight's Agenda as Agenda Item #1. Motion to approve made by Selectman Gilles, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Chairman Sullivan called for a motion to approve the Agenda as amended. Selectman Luca moved to approve the Agenda of 9-1-09 as amended, 2nd by Selectman Gilles, VOTE: unanimous, so moved.

Agenda Item #1. Fin-Com Appointment-The Board met with Brian Muldoon who introduced Glen Lapierre to the Board advising to Mr. Lapierre meeting with the Fin-Com on 8-26-09 and Committee voting unanimously to appoint Mr. Lapierre to the Fin-Com. The Board thanked Mr. Lapierre for coming in to meet with the Board and reviewed with Mr. Lapierre his's background and interest in the position. Chairman Sullivan called for a vote: Selectman Gilles moved the Board appoint Mr. Glen Lapierre to the Fin-Com effective 9-1-09 to 6-30-12, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #2. Waters/Maher -Settlement/s status- Chairman Sullivan advising to releases still not being finalized and until releases are signed information is being withheld. Chairman Sullivan informing all to Executive Session Meeting/s held re settlement/s deemed proper per District Attorney's Office disclaiming media reporting.

Agenda Item #3. Water/Sewer Abatement-85 E. Main St.-The Board met with property owners Mr. & Mrs. William Bergmann concerning their request for an abatement regarding a year long dispute/spike in their water bill upon replacement of their water meter in August 2008 (meter usage showing 2 ½ times previous monthly billing, rate jumping from \$369.00 to \$816.00) Selectman Gilles after Board met with the Bergmann's moved the Board abate \$447.00 from their billing back to their standard level of billing, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #4. Personnel Board-The Board met with Dennis Curran, Kathleen O'Connor and Lisa White from the Personnel Board. Mr. Curran opened the discussion by requesting some guidance from the Board of

electmen to parameters re clarification the Board is seeking from the Personal Board re Personnel Policy ambiguities. The Board suggested clarifications re the following:

- Application of benefits to full-time, regular, or part-time personnel
- Clear definition and application of over-time per Federal law i.e. 40-hours plus in workweek, but not 8-hour-plus in one day
- Clear definition and application of compensatory time (pre-approval of supervisor, use it or lose it within 30-days)
- Lawful CORI policy and procedure/Town Counsel to review and submit sample policy, check other Towns.
- Town's personal service and town-wide collective bargaining agreements re which documents incorporate/trigger reference to the Personnel Policies. (Town Administrator to develop matrix re Contracts vs. PPM-benchmark common language.
- Grievance procedures/cell phone absolutes
- Develop standardized policy for all employees

The Board requested to run vacancy on Personnel Board on Town's Web Site.

Agenda Item #5. Supt. Nason's Report-

Water & Sewer Permits-Selectman Gilles moved the Board vote to approve the following:

- 50 Nashua St.-Lot #2 1"Cu Water Service & 6" PVC-Sewer Service for Ratta Corp.
 - 11 Patriot Way- 1"Cu Water Service & 6" PVC Sewer Service for JSG, Inc., 2nd by Selectman Fay,
- VOTE: unanimous.

Groton/Harvard Road-Drain Line Relocation-The Board met with Norman Brodner of 45 Groton/Harvard Rd. re request to move drain line (which is discharging storm water from Groton Harvard Rd.) off their property and relocate it within the 20' wide easement. The drain line was moved back by the contractor that built the home abutting the Brodner's property but unfortunately the pipe was moved onto the Brodner's property most likely to avoid ledge and a large pine tree on the site. Now the drain line is an encumbrance on the Brodners property but the easement lies on the abutter's property. The previous Director of Public Works promised to relocate the drain pipe but Supt. Nason explained he does not have the money, equipment, time or manpower to perform this work. Supt. Nason offering another possibility re relocating the easement which involves an on the ground survey to determine the actual location of the drain line, re-drafting of the easement and preparation of a recordable instrument at the Registry of Deeds. Town Counsel would have to be involved re review of documents prior to recording. This is another more cost effective solution but would also deplete the operating budget of the highway division. The Board also recognized need to bring conservation commission into loop pre-existing/nonconforming storm water entering pond across property. The Board designated Selectman Luca to work with Mr. Brodner and Supt. Nason re other options available to Mr. Brodner and come back before Board.

Water Contracts-On-site Engineering-The Board met with David Formato, P.E. President of On-Site Eng. and Susan Hunnewell formally of Tata & Howard re Water Engineering Services contracts for the Grove Pond Water Treatment Facility Expansion and the Grove Pond Wells Connecting Piping and Equipment.

Grove Pond Water Treatment Facility Expansion-expanding the capacity of the existing Grove Pond Water Treatment Facility from 1.5 mgd to 2.5 mgd and the treatment of water from the Grove Pond Wells (Replacement Wells No. 1 & 2 and new well 3) for iron, manganese and arsenic removal using sodium hypochlorite and potassium permanganate as oxidants and greensand media filtration with maintenance provisions re ph adjustment as necessary. Motion to approve made by Selectman Gilles to award contract for the Grove Pond Water Treatment Facility Expansion to include the design, permitting and Bidding services to Onsite Engineering for the bid award not to exceed \$153K to include Attachment A and signature by Board, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Grove Pond Wells Connecting Piping and Equipment-design of the piping, equipment and pump station (s) for Grove Pond Replacement Wells No. 1, 2, and the new Grove Pond Well #3. Motion to approve made by Selectman Gilles to award the contract to Onsite Engineering for Grove Pond Wells connecting piping and equipment including attachment A for the bid award not to exceed \$43K with signature by the Board, 2nd by Selectman Fay, VOTE: unanimous, so moved.

PanAm-Swap out request Storm Water Treatment Devices –Supt. Nason recommended the Town not approve swapping out of the originally approved devices stating in his opinion the proposed Contect HS is not an “equal” in terms of water quality advising to the HS model has not been laboratory tested nor field verified to show it removes hydrocarbons from storm water. Also advising to Contect units grossly undersized in comparison to the approved models in the SWPPP, stating the swap being requested is simple a cost savings measure on PanAm’s part. MA DEP and USEPA both support his opinion.

PanAm-Licensed Site Professional-The Board met with Richard Doherty of Engineering & Consulting Resources, Inc. of Acton, MA re proposal for Environmental Consulting Services re PanAm Auto/Bulk Unloading Facility construction in Ayer, MA. Mr. Doherty reviewed with the Board his proposal:

- Document review to include construction, available groundwater data, Storm Water Pollution Prevention Plan, Consent Decree, March 09 STB Decision and the construction plans related to the oversight of the PanAm Auto/Bulk Unloading Facility. Other documents upon request.
- Develop Sampling Plan to evaluate the quantity and quality of groundwater in the site area. To include the sampling of the sight (8) existing monitoring wells as needed and nearby surface water from Spectacle Pond.
- Construction Administration-ECR to provide reviews of construction and facility operations to evaluate performance with consent Decree and STB decision. ECR to perform sampling of groundwater and surface water in accordance with sampling plan and or if sampling is performed by others ECR will provide a review of data and procedures and attend weekly construction meetings held at the site by PanAm if requested.

Selectman Gilles moved the Board vote to approve ECR’s contract in the amount not to exceed \$11,800.00, 2nd by Selectman McCreary, VOTE: unanimous. The Board requested Mr. Doherty be contacted re Plow Shop Dam, Supt. Nason to advise.

Sludge Landfill Post closure Monitoring-Weston & Sampson Agreement-Supt. Nason presented the Board Weston & Sampson’s contract to continue post-closure monitoring of the groundwater, gas emissions and erosion control at the Sludge Landfill at the WWTP and submit the Town’s annual post closure monitoring report to DEP and has performed this task for the Town over the past decade. Selectman Luca moved the Board vote to approve Weston & Sampson’s Sludge Landfill Post Closure Monitoring Agreement in the amount not to exceed \$10,980.00 with signature by the Board, 2nd by Selectman Gilles, VOTE: unanimous, so moved.

Electrical Panel Repairs Wastewater Treatment Plant-Selectman Fay moved the Board vote to approve the recommendation of Supt. Nason in a memo dated 9-1-09 and award the Electrical Panel Repairs at the WWTP to Poirier Electric if Leominster, MA for the bid award not to exceed \$11,545.00 with signature by the Chairman on the P.O., 2nd by Selectman Gilles, VOTE: unanimous, so moved.

PanAm Update-Chairman Sullivan announced meeting with PanAm, DEP and EPA –CSX not willing to give up lease-PanAm will be going forward.

Agenda Item #6. JBoS-Selectman Gilles advising to Leo Blair resigning from Harvard JBoS and Ayer next in line to choose Chairman. Selectman Luca volunteering to Chair JBoS on behalf of Town of Ayer. Selectman Fay moved to appoint Selectman Luca as Chairman of JBoS, 2nd by Selectman McCreary for discussion. Selectman McCreary voiced her support for Selectman Gilles for Chairman for the Town of Ayer. Selectman Luca inquiring of Selectman Gilles his work re green house projects on Devens voting /not voting at various times at JBoS Meetings, and possible conflict of interest-Selectman Gilles advising to his disclosure on file with

re Town re his company and his receiving of no compensation. Selectman Gilles challenging Selectman Luca re Post Master position conflict and possible conflict of interest re many family members working in Town positions. Selectman Gilles taking his name out of vote. Chairman Sullivan advising Selectman Gilles to Parliamentary Procedure re voting and Selectman Gilles not able to remove his name. Chairman Sullivan called the Vote for Selectman Luca as Chairman of JBoS: Selectman Luca aye, Chairman Sullivan aye, Selectman Fay no, Selectman McCreary no, Selectman Gilles no, 3-2 motion fails. Chairman Sullivan called for motion for Selectman Gilles as JBoS Chairman: Motion made by Selectman McCreary, 2nd by Selectman Fay VOTE: Selectman Gilles recusing, Selectman Luca no, Selectman Fay aye, Selectman McCreary aye, Chairman Sullivan aye. 3-1 motion passes. Selectman Gilles elected and accepted Chairman.

Agenda item # 7. Town Administrator's Report

1. **Green Energy**-Mr. Suhoski updated the Board re Selectmen Luca & McCreary's interest in "green initiatives" at the former airfield seeking guidance to initiate discussions with MADEV re re-use plan focused on green energy. The Board requested a plan of action begin with MADEV & Peter Lowitt advising to Towns of Harvard & Shirley's both supporting proposal for North Post to use land on Devens in a sustainable way by creating municipal energy. Selectman Gilles to meet with Peter Lowitt & Rich Montouri re funding available and extend invitations to both Shirley & Harvard.
2. **Local Options Meals/Lodging Taxes**-The Board rejected this revenue recommendation by DOR. Selectman Gilles feeling local businesses don't need another tax, Selectman Luca stating he is completely against, Selectmen McCreary feeling only would consider if Town really in need of revenue. Chairman Sullivan advising to very few communities adopting, feeling not enough revenue to raise taxes.
3. **UDAG Close out of old fund balances per Town Accountant**-The Board voted to close out the following UDAG Funding Accounts:
 - Main St. Lights- \$2,012.06 -Selectman McCreary moved to vote to close this designation back to UDAG fund balance, 2nd by Selectman Gilles, VOTE: unanimous, so moved.
 - MBTA Station \$3K-Selectman Gilles moved to vote to close this designation back to UDAG fund balance, 2nd by Selectman Fay, VOTE: unanimous, so moved.
 - Kelley's Hallmark\$42K-revisit in October 2009
 - Parks-Master Plan-\$1,795.75 Pirone Park Walkways \$272.00-PASS until received input from Park Commissioners
 - Devens 5 Year Review-\$2,513.43 Selectman Gilles moved to close this designation back to UDAG fund balance, 2nd by Selectman Fay, VOTE: unanimous, so moved.
 - Sidewalk Brick Repair-\$832.50-Selectman Gilles moved to close this designation back to UDAG fund balance, 2nd by Selectman Fay, VOTE: unanimous, so moved.
 - Mr. Suhoski advising the Board to re-keying of Town Hall due to missing master keys over the past eight years and necessitated to ensure the security of the building at a cost of \$228.00 and then closing out the remainder of the Town Hall interior restoration fund (\$3,829.09 balance)
4. **76 Central Avenue**-Mr. Suhoski advising to this property acquired through tax title in 2008. The Board voted to demolition of property to put property back on tax role via RFP through CDBG Program funding with recapture provision. Motion made by Selectman Luca, 2nd by Selectman Fay, VOTE: Selectman Fay aye, Selectman Luca aye, Selectman McCreary aye, Selectman Gilles aye, Chairman Sullivan no 4-1 motion passes.
5. **CDBG -Workplan**-Mr. Suhoski requested the Board's approval to transfer all CDBG personnel from Program Income and Owner's Interest Account funding to the new CDBG Grant immediately as well as recommending the Housing Program Manager reverting to full-time status for program start up activities. Mr. Suhoski to present staffing plan through December 2010 for the Board's 9-15-09

meeting. Selectmen Fay moved to approve Mr. Suhoski's recommendation, 2nd by selectman Gilles, VOTE: unanimous, so moved.

6 **Social Service update**-Mr. Suhoski presented and reviewed with the Board current Social Service Resource Sheet help line-or people seeking emergency shelter, food assistance along with listing of provider's telephone numbers and web page/s. Advising to this sheet providers to all Town public safety departments.

7 **ESCO**- Mr. Suhoski advised to sub-committee making a presentation to the Board at their meeting on 9-15-09 re Johnson Controls energy audit proposal. Mr. Suhoski encouraging Board to come into meet with Committee tomorrow re analogy & scope of proposal. Selectman Fay, and Chairman Sullivan to attend Sub-committee meeting on behalf of Board.

Resignation-Mr. Suhoski presented the Board James Stephen's resignation letter from the Finance Committee effective 8-31-09. The Board moved to accept Mr. Stephen resignation with regrets thanking him for his service to the town for many years and wishing his success with future endeavors. Motion to accept resignation made by Selectman Fay, 2nd by Selectman Gilles, VOTE: unanimous, so moved.

Appointment-Mr. Suhoski presented the Town Accountant's request to hire her daughter Danielle Gabree for thirty (30) days due to shortage of staff in the accounting office and time sensitive closing of books for Fy-09. Mr. Suhoski advising to full disclosure submitted to Town Clerk. Selectman Fay moved the Board vote to appoint Danielle Gabree effective 9-7-09 to the Town Accountant's assistant's non-benefited position at \$12.00 per hour, budget to be split between Town Treasurer & Town Accountant, 2nd Selectman Luca, VOTE: unanimous, so moved.

Agenda Item #8. Selectmen's Questions/New Business-

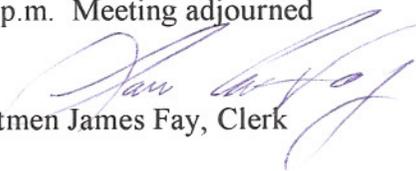
Selectman Luca- Truck traffic in downtown area, counting 24 tractor-trailer trucks at Columbia & Main St. requesting signage prohibiting trucks from downtown area and institute maximum fine for violators.

Selectman Luca-Requesting apology from Selectman Gilles for bringing up his wife's family into earlier discussion. Selectman Gilles apologized and again stating for the record his work on Devens in pro-bono, receiving no monetary compensation implication totally unfounded.

Selectman Fay- Requesting update on Shirley furniture litigation.

10:15p.m. Selectman Fay moved the Board adjourn the meeting 2nd by Selectman Gilles, VOTE: unanimous, so moved.

10:15p.m. Meeting adjourned

 10/6/09
Selectmen James Fay, Clerk