

Selectmen's Meeting

June 24, 2003

Ayer Town Hall, 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA 01432

7:00p.m. Open Meeting

The Board met with Chairman Fay, Selectman Bresnahan, Selectman Morrison, Selectman Maxant and Selectman Sullivan.

**Public Input:** Chairman Fay requested if there was anyone present wishing to meet with the Board-no one stepped forward.

Chairman Fay called for a motion to accept the Agenda. Selectman Bresnahan moved to approve the Agenda of 6-24-03 as presented, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Agenda Item #1. Fy-04 Appointments:**

Selectman Bresnahan moved to approve the Fy-04 Appointments as presented accept those passed upon, 2<sup>nd</sup> by Selectmen Sullivan, VOTE: unanimous, so moved.

**Passed Upon Appointments:**

**Town Counsel:** Selectman Bresnahan moved to appoint Kopelman & Paige as Town Counsel expiration 6-30-04, 2<sup>nd</sup> by Selectman Sullivan, VOTE: Selectman Maxant nay, Selectman Morrison aye, Selectman Bresnahan aye, Selectman Sullivan aye, Chairman Fay aye, 4-1 motion passes.

**Communications Committee-**Selectman Bresnahan moved the Board appoint the four members as listed, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Registrar of Voters:** Selectman Bresnahan moved the Board appoint Charles Lewis to the Registrar of Voters, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

Selectman Sullivan moved the Board appoint Ann Callahan to the Registrar of Voters to 2004, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Historical Commission:** The Board voted to pass upon this appointment to 7-8-03, Motion to pass made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Disabilities Commission:** Town Administrator Anita Hegarty introduced Jennifer & Rob Brownson to the Board who expressed their interest upon serving on the Disabilities Com. Selectman Bresnahan moved to appoint Jennifer & Rob Brownson to the Disabilities Com to 2004, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved the Board thanked the Brownson's for coming in this evening and for serving the Town in this capacity.

**Personnel Board:** The Board voted to pass on this appointment to allow the new candidates to meet with the Board. The Board scheduled this appointment to 7-8-03. The Board re-appointed Pauline Conley to the Personnel Board to 2004. Motion to re-appoint made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

- 4. Fy-04 SHAVE Program** – Ms. Hegarty updated the Board to issues associated with last years program advising to moving ahead with the establishment of a committee to evaluate the criteria used for approval of SHAVE applications. Committee to include 5 citizens, 2 Department Heads who do not use the program, and 2 senior citizens and 1 non-senior citizen. The Group will meet the week of June 23<sup>rd</sup>. Recommendations/changes to the Program will be presented to the Selectmen at 7-8-03 meeting. Ms Hegarty requested the Board respond back to her with their comments prior to June 24<sup>th</sup>.

**FYI'S:**

1. COA-Blood Drive Request 10-7-03, 2-8pm at the Great Hall, Town Hall. The Board approved the use of the Hall and for signs to be placed in building. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
2. Institutional Controls Meeting rescheduled for 7-16-03 with Town Counsel, EPA and the Board of Health.
3. Early Retirement Package-Another package may be coming forward, ERI Bill reviewed with the Board and to be advised of future developments.
4. SRF Funding-Ms. Hegarty advised the Board to SRF Budget cuts and selection criteria increased, stating Ayer's chances doubtful but will keep the Board appraised.

**Executives Session this evening:** Contracts: Police Chiefs, Supt. of DPW and Town Accountants, Change Orders Town Hall, litigation.

**Agenda Item #4. DPW-Supt. Madigan's Report**

**1. Wastewater Pump Station-Upgrades and Force Main to Devens-**

1. **Change Order #4.** additional costs associated with transmission of the flow signal from Pumps 1A and 1B to Devens on Contract #8 for the construction of Wastewater Pump Station Upgrades and Force Main to Devens. No. Atlantic Constructors has requested payment in the amount of \$2,053.00 for labor, materials, overhead and profit for Ellis Eng. To complete the above work. Tata & Howard approving change order and recommends approval. The Board moved to approve Change Order #4. in the amount not to exceed \$2,053.00 as approved by Tata & Howard and recommended by Supt. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
2. **Change Order #5.** additional costs associated with completion of miscellaneous items over course of construction. Change of location of underground utilities, removal & replacement of guardrail on McPherson Rd., a change in the size of flow meter-Ayer discharge line, installation of bollards around transformer pad, and painting. North Atlantic Constructors requesting payment in the amount not to exceed \$19,855.00 for labor, materials, overhead and profit with above project. Tata & Howard reviewed and approved change order and recommended by Supt... Selectman Bresnahan moved the Board approve Change Order #5, 2<sup>nd</sup> by Selectman Morrison, VOTE; Unanimous, so moved.

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**JBoS Steering Com.** The Board appointed Selectman Maxant to the JBoS Steering Com. Motion made by Selectman Morrison, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Community Preservation Act Com.:** The Board passed on this appointment until 7-8-03. Motion to pass made by Selectman Morrison 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

**5 Year Review Com.** The Board approved the appointments as listed. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Police Dept-Special Officers (surrounding Towns)** to be requested from Chief for 7-8-03 meeting

**DPW-Water Dept.** The Board approved the list submitted except for Michael Mauro who resigned his position. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Agenda Item #2. Public Hearing Taxi License-Gigi's Taxi-Fitchburg, MA**

The Board met with Mildred and Charles Lynch of Fitchburg, MA owners of GiGi's Taxi who were before the Board seeking a Hackney Carriage License to operate a Taxi Business in the Town of Ayer at 210 West Main St., Ayer, MA utilizing the former Photo Booth at the Devens Shopping Ctr. Ms. Lynch produced insurance documentation and advised to her company charging \$3.00 for cab & \$1.00/per mile. The Board advised Ms. Lynch to CORI's not coming back to the Town in time for tonight's hearing and Hearing having to be continued on that basis to July 8, 2003. Chairman Fay called for a motion to continue the Hearing until 7-8-03. Motion to continue Hearing to 7-8-03, made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.

**Agenda Item #3. Town Administrators Report:**

1. **Community & Economic Development Fy-04 Budget**-Ms. Hagerty presented Shaun Suhoski's Fy-04 Budget totaling \$71,719.00. Ms. Hagerty advised the Board if additional funding is need for Professional Development the Board could discuss authorizing UDAG funds as needed. Selectman Bresnahan moved the Board approve Mr. Suhoski's Fy-04 Community & Economic Development Director's Budget in the amount of \$71,719.00, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
2. **Fy-04 Wage Schedule/Appointed Staff**-The Board approved the updated wage scale prepared by the Town Accountant per Town Meeting vote. The Board moved and approved the Fy-04 Wage schedule for appointed staff as prepared by the Town Accountant. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
3. **Phase II Housing RFQ**-Ms. Hegarty presented request for Shaun Suhoski questioning if Town should seek Town Counsel opinion to whether MGLC40B (Comprehensive Permit) could be applicable to housing development in Devens. The Board referred this matter over to JBoS for their next meeting questioning if Re-Use Plan could be used to deny 40B Housing.

4. **Fy-04 SHAVE Program** – Ms. Hegarty updated the Board to issues associated with last years program advising to moving ahead with the establishment of a committee to evaluate the criteria used for approval of SHAVE applications. Committee to include 5 citizens, 2 Department Heads who do not use the program, and 2 senior citizens and 1 non-senior citizen. The Group will meet the week of June 23<sup>rd</sup>. Recommendations/changes to the Program will be presented to the Selectmen at 7-8-03 meeting. Ms Hegarty requested the Board respond back to her with their comments prior to June 24<sup>th</sup>.

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**BOSMIN6-24-03/PG/4**

2. **Sewer Bank-** Supt. Madigan requested the Board approve his request to DEP in a letter dated 6-13-03, to lift the Town of Ayer's Sewer Bank –Section 26 of the Administrative Consent Order ACOP-CE-97-1007 . Motion to approve Supt. Madigan's request to DEP made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
  3. **Dumont Assoc. Inc.-Proposal** for additional costs associated with programming and configuring the Devens WWTF and PLC and HMI system to read the flow totalizer value from Pumps 1A and 1B at the Ayer Main Pumping Station completion of work for the fee not to exceed \$2,196.00 to cover labor, materials, overhead and profit, Tata & Howard concurring with proposal and recommended by Supt. Motion to approve made by Selectman Bresnahan and 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved. Supt. Madigan to deliver document for Chairs signature.
  4. **Water Meter Reader Position-** The Board appointed John Gamelin to the position of Water Meter at the rate of \$14.27/hr plus licenses as recommended by Supt. Madigan. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
  5. **Waste Water Plant Operator Position-**The Board appointed Larry Thomas to the position of Wastewater Plant Operator at Grade 6 conditional he acquires two (2) licenses within six months of employment and has a one year probationary period and subject to a satisfactory physical exam. Date of employment effective July 1, 2003. Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
  6. **EPIC Billing-** The Board moved to accept the recommendation of Supt. Madigan stated on page two in a memo dated 6-3-03 to the Sewer Commissioners
    1. Epic to install at their cost a non-setting totalizing meter on the discharge out of the wastewater sump inside EPIC plant (Meter # 29500)
    2. The Town agrees to not seek estimated past non payments of \$6,827.00
    3. The Public Works Staff make several corrections to three existing water & sewer accounts(30100, 28000, and 29000) and to add two additional sewer accounts (28500 and 29500).Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
- Selectman Bresnahan moved the Board approve the following statement to the Water/Sewer Policy-- **the Water/Sewer Commissioners do not intend to set precedent or policy, unless specifically stated, in forgiving customer debt or resolving billing errors. These matters will be handled on a case by case basis,** 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
7. **Fuel Bids Award.**
    1. **Heating Fuel-#2.** The Board awarded the one year contract for #2 Heating Fuel to Dennis K. Burke Inc. of Chelsea, MA for 3,000 – 5,000 gallon deliveries @ \$0.1175 over Boston Tank Car Low and 200-1000 deliveries @ \$0.27 per gallon over Boston Tan Car Low. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Maxant. VOTE: unanimous, so moved.

2. **Super Unleaded Gasoline**-The Board awarded the one year contract to C.W. Fuels of Pepperell, MA @ \$0.0350 per gallon over Boston Tank Car Low. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.
3. **Low Sulphur Diesel Fuel**-The Board awarded the one year contract to C.W. Fuels of Pepperell, MA @ \$0.0350 per gallon over Boston Tank Car Low. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

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

1. Status of crosswalks delayed due to rain.
2. Selectman Morrison congratulated both Chiefs Rizzo & Fillebrown upon being honored for their Public Service.
3. Great Elm Trees-Main St and Columbia St. requested Tree Warden present report re cost breakout for removal and replacement to advise Warden of current budget status for removal from this years budget/or first Fy-04 budget action.
4. The Board moved and 2<sup>nd</sup> to accept the Personnel Board's Policy changes as submitted. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

9:10p.m. Selectman Maxant moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3, re Contracts and litigation to adjourn from that Executive Session to re-enter into Open Session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: Selectman Maxant aye, Selectman Bresnahan aye, Selectman Morrison aye, Selectman Sullivan aye, Chairman Fay aye, unanimous, so moved.

9:10p.m. Open Session ended.

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

Faye L. Morrison, Clerk

AYER BOARD OF SELECTMEN