

Selectmen's Meeting Minutes  
Tuesday, May 28, 2002  
Ayer Public Library-lower level meeting room-E. Main St., Ayer, MA

7:00p.m. Open Session

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

**Public Input:**

Selectman Witherow opened the meeting by requesting if there was anyone present wishing to speak under Public Input.

1. Mary Spinner, re: outstanding issues status update:
  1. Town Hall -when can meetings be held in building-Ms. Hegarty advised to minor issues remaining from punch list re: outside brick walkway and driveway. When areas are compliant she will notify the Atty. General's Office for a final walk-through. Ms. Hegarty stated the Atty. General's Office were very pleased with action taken by Town on their last visit.
  2. Cell Tower-Selectman Sullivan elected to update everyone to this item being taken up later in the evening in Executive Session. This evenings meeting will shed more light on matter and will be able to update her more in the morning.
  3. Washington St. main project.-Supt. Madigan stated bid opening this Thursday, May 30, 2002 with construction to begin early July 2002.
  4. WWTP upgrade grant status- Supt. Madigan advised to application being prepared by Tata & Howard to be sent in- and being advised to Funding being extremely competitive.
2. Selectman Maxant re: items from the Selectmen's meeting of 4-30-02
  1. Requesting Town Administrator notify all Departments to Town Crier Program being an excellent vehicle to promote important information to residents and to please utilize it.
  2. Executive Sessions to identify matter rather than Exemption #.

The Minutes of 4-2-02 and 4-30-02 were read and accepted. Selectman Fay moved to approve the minutes of 4-2-02 and 4-30-02, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Agenda Item #1. Certificate of Recognition-Douglas Friedrich, American Legion Post 139**

Chairman Witherow presented a Certificate of Recognition to Mr. Friedrich reflecting on his 22 years of devoted and honorable service to the American Legion by orchestrating the Memorial Day Parade/activities past/present. Mr. Friedrich announced to the Board that this is his final year. The Board thanked Mr. Friedrich for coming in and for another wonderful Memorial Day for the residents of the Town of Ayer.

**Agenda Item #2. Water Commissioners re: Water ban/issues**

The Board met with Supt. Michael Madigan and Water Foreman Rick Linde. Mr. Madigan presented the Town's five (5) top priorities to the Board for discussion.

1. **Water Ban**-Supt. Madigan updated the Board to his reasoning for the need to continue the odd-even enforcement in an attempt to conserve water in the current draught conditions. Selectman Bresnahan suggested Mr. Madigan check with the Town of Shirley re: their signs announcing their water ban on sandwich type signs displayed all over Shirley. The Board requested Supt. Madigan research type of signs Shirley uses and have them made and placed along prominent routes of travel in Ayer. Supt. Madigan stated he has the 2001 Consumer Confidence Report which placed Ayer in the top 23% for Public Drinking Water Systems in the State re: quality and quantity and stated he plans on publishing this as well for Town residents for distribution to their homes at a cost of approximately \$1,500-\$2,000 - funding available in this years DPW appropriation for both the signs and newsletters. The Board reviewed with Mr. Linde compliance by residents with the ban. Mr. Linde stated during the day compliance is good, problem offenders are during the evening and early morning hours urging the Board to push enforcement perhaps with Police. Selectman Sullivan urging the Board to push the signage first before the enforcement. The Board agreed.
2. **Water Projects**- Supt. Madigan stated he has two (2) projects.
  1. West Main St., which was completed last, fall with 3-4 punch list items remaining. Final paving will be done when 12" line is completed at Park & Main project. (Fire Station)

2. Washington St. area. Supt. Madigan advised the Board to project near completion awaiting hook-up by residents to the new sewer system. The five hundred dollar hook-up has been reduced to \$100.00 but will revert back to the \$500.00 fee if not connected within eighteen (18) months from completion of project.
3. **Fall Town Meeting-two (2) Capital Requests.**
  1. New Municipal Well-Supt. Madigan updated the Board to the need for a new well and of Town Meeting 2001 approving the sum of \$150K for Engineering well testing. Supt. Madigan to have Tata & Howard submit ground water report to the Board of Selectmen as well as scheduling a Public Hearing before Town Meeting this fall to address contamination issues at sites abutting Grove Pond-old Tannary.
  2. Design of Water Treatment Plant Upgrade-Supt. Madigan advised the Board to new well site near old tannery. Tata & Howard to submit study-develop report. Selectman Maxant requesting complete breakout re: design cost analyses be included in report. The Board requested to schedule a separate meeting with Tata & Howard after submission of report.
4. **Looping of mains**-Supt. Madigan reviewed with the Board his action plan for the looping of the Town's water line from the hospital to Rosewood Ave. being less than four (4) years away along with the construction of a new water tank for the eastern part of the town.
5. **Water Rates**-Supt. Madigan updated the Board to the need for a policy within contingency fund to pay for water capital projects. Selectman Bresnahan requested an overview of long range capital plans for the water systems.

**Agenda Item #3. Devens Open space and Recreation Appointment-** The Board met with Town Administrator Anita Hegarty who advised the Board to requests being sent out but no formal acceptances have been received. Ms. Hegarty to confirm appointments and report back at the next Selectmen's Meeting. Names offered for appointment were: James Lucchesi and Carol Tillis.

**Agenda Item #4. Joint Board of Selectmen's representative appointment.**

Selectman Bresnahan moved to nominate Selectman Fay as the primary designee for the Board of Selectmen, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Agenda Item #5. Housing Waiver Request: 18 Cambridge St., Ayer, MA**

Selectman Fay recused himself from the discussion and left the table. The Board met with Shaun Suhoski Community & Economic Development Director and Timothy Hansen Grant Administrator. Mr. Suhoski presented to the Board Case #01-217 waiver of the Housing Rehabilitation Program's Owner Match requirement to implement the scope of work for code improvements for the maximum of \$4,981.25 subject to modification by any code-required change orders. Selectman Bresnahan moved the Board approve the request as stated and recommended by Mr. Suhoski, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved. Selectman Maxant requesting if this unit would qualify as an affordable unit under the Town's Affordable Housing Requirement, Mr. Suhoski stated yes.

**Agenda Item #6. Supt. Madigan's Report**-The Board met with Supt. Madigan

1. Littleton Environmental Contract. -Landfill Closure Construction Services-Attachment A amending the Contract between the Town of Ayer and Littleton Environmental incorporating the Terms & Conditions specified in a letter dated 5-10-02 to Paul Sirois the Town's consultant, Tata & Howard. Supt. Madigan advised the Board to Town Counsel drafting the amendment along with Littleton Env. lawyer. Selectman Fay moved the Board vote to approve Attachment A as submitted and recommended by Town Counsel and Supt. Madigan, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved. The Board voted to authorize the Chairman's signature on additional contract inserts.
2. Western & Sampson-Sludge Landfill Monitoring Contract-Supt. Madigan presented to the Board the Sludge Landfill Monitoring Contract. Supt. Madigan advised the Board to contract being in final form. Selectman Fay moved the Board approve the contract not to exceed the sum of \$32,500.00, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved. Selectman Maxant requesting Supt. Madigan make all numbers available i.e. man-hours/cost breakouts.
3. The Board approved Supt. Madigan's recommendation to award the bid for the 2002 backhoe Loader to Southworth Milton, Inc. for Model #430DIT for the base bid of \$79,920.00 to include credit of

Town 1980 John Deere backhoe of \$6,000.00 for the total bid award not to exceed \$73,920.00, 2<sup>nd</sup> by Selectman Sullivan, Vote: unanimous, so moved.

4. Supt. Madigan presented the Waste Disposal Agreement with Covanta Haverhill Assoc. for the Town's municipal solid waste for the period of July 1, 2002 to June 30, 2003. Supt. Madigan stated the final contract has been reviewed by Town Counsel and reflects a per ton rate of \$75.67. Selectman Maxant requesting Supt. Madigan get arbitration into contract, 3-year contract, and tipping floor control. Selectman Bresnahan moved the Board approve the contract with Covanta Haverhill, 2<sup>nd</sup> by Selectman Maxant. Vote: unanimous, so moved.

#### **Town Administrator's Report**

1. The Board approved the Change Order for the installation of ramps at the new doorways at the Pirone Park bathrooms, which fell under the \$25K, authorized funding for the project. Selectman Bresnahan moved the Board approve the Change Order for D. Wayne Construction for the installation of ramps at the new doorways at the Pirone Park bathrooms at a cost not to exceed \$985.00, 2<sup>nd</sup> by Selectman Fay. Vote: unanimous, so moved. Selectman Sullivan requested why the bathrooms were not open for Memorial Day activities and advised to ramps, fixtures incomplete on 5-25-02.
2. The Board approved a Reserve Fund Transfer in the amount of \$7,500.00 for the Treasurer's Office to cover unforeseen expenses with the Fy-02 Unemployment Insurance Expenses-rate increase mid-year. Selectman Sullivan moved the Board approve the Transfer, 2<sup>nd</sup> by Selectman Fay, Vote: unanimous, so moved.
3. The Board approved the proposal from G. Paul Music in the amount of \$4,998.00 for the installation of assistive listening devices for Town Hall. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Sullivan, vote: unanimous, so moved.
4. The Board approved a STOP sign request for Adams & Cambridge St. Motion to approve made by Selectman Bresnahan and 2<sup>nd</sup> by Selectman Sullivan, Vote: unanimous, so moved. The Board requested the Chief to do study on the request for a stop sign for the intersection of Pearl & Cambridge Sts. By 9/30/02. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, Vote unanimous, so moved.
5. The Board approved Special Counsel Funding for C. Perkins re: legal fees associated with property closing for Fire Station in the amount of \$632.59. Ms. Hegarty advised the Board to this being the last bill- any remaining work to be at no charge to Town. Motion to approve the payment of \$632.59 made by Selectman Fay, 2<sup>nd</sup> by Selectman Sullivan, Vote: unanimous, so moved.
6. The Board approved the Bond Authorizations for Ann Callahan and Roberta Chase submitted by the Town Clerk. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, Vote: unanimous, so moved.
7. Ms. Hegarty presented the Board a Certificate of Appreciation for their endorsement for Steven Khourie for his services on the Park Commissioners. The Board thanked Mr. Khourie for his many years of services. Motion to approve the Board's endorsement made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan Vote: unanimous, so moved.
8. The Board set two possible dates: 6-4-02 to meet with Personnel Board and 6-10-02 to meet with the Devens Five Year Review Committee re: the Town's disposition statement. The Board to flex either date re: availability of either group. Ms. Hegarty to clarify.
9. Ms. Hegarty updated the board to the Latest State Aid funding being approved for \$1.1 million.
10. The Board was updated to Fire Dept. running deficit balance of \$24K due to two full-time employees injured and out for 28 days and cost of overtime coverage.

#### **Selectmen's Questions:**

Selectman Sullivan-speeding Lawton St. requesting Chief to review request of resident.

Selectman Sullivan truck traffic-request State to increase size of signs at the rotary and Verbeck Gate.

Selectman Sullivan requested the Board make inquiry to Atty. Generals Office re: past policy of Articles on Town Meeting Warrant re: Community Preservation Act language and impropriety of language this year re: petition presented and passed at Town Meeting. Selectman Sullivan moved the Board submit inquiry to Atty. Generals Office re: Petition submitted by residents re: lowering the percentage from 3% to 1%, no 2<sup>nd</sup> to motion motion fails.

9:20p.m. Selectman Maxant moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 section 23b, Exemption #3-contract negotiations & litigation, 2<sup>nd</sup> by Selectman Fay, Vote: unanimous, so moved.