

**Selectmen's Meeting
January 8, 2002
Ayer Public Library, E. Main Street, Ayer, MA**

7:00p.m. Open Session

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

The Minutes of 12-18-01 were read and accepted. Motion to approve the minutes made by Selectman Fay, 2nd by Selectman Witherow, VOTE: unanimous, so moved.

Public Input: Chairman Pena requested if there was anyone present wishing to speak under Public Interest:

1. Lisa Gabree, Town Accountant, re: Fy-02 State Program, Rate Relief, and signing of the Payroll Warrant.
2. Chairman Pena requested the Board amend the Agenda by placing the IBPO Patrolman's Union on the Agenda at the end of the meeting, re: Patrolman Blankenburg. Motion to approve the amended Agenda made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #1. Supt. Madigan's Report

1. Post Closure Landfill Monitoring Contract-

The Board met with Supt. Madigan who reviewed with the Board Town Counsel's revisions to Weston & Sampson's Contract to limit the Town's liability i.e. reporting period changed from six months to eighteen months, ownership of document to be retained by the Town excluding original, limit of liability indemnification taken off, litigation of services now extension of services and clarification of termination language. Selectman Bresnahan moved the Board approve the Contract recommended by Supt. Madigan with Town Counsel amendments for the contract award not to exceed fifteen thousand dollars (\$15,000.00), 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

2. Field Inspections-West Main Street Revitalization Project-Amendment #2. Roadway Reconstruction.

The Board met with Supt. Madigan re: Tata & Howards Engineer Services for the West Main St. Project to incorporate the Chapter 90 portion of the roadway reconstruction fee which was left out of the original contract agreement of 6-8-01 in the amount of \$4,600.00. Selectman Bresnahan moved the Board approve Tata & Howard's Contract Amendment per Supt. Madigan's recommendation not to exceed \$4,600.00, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

3. Town Administrator, Anita Hegarty took this opportunity to publicly thank the Dept. of Public Works for all their assistance with the move back to Town Hall as well as complimenting the Highway Dept. for the excellent job done with the snow removal.

Agenda Item #2. TOWN ADMINISTRATOR'S REPORT

1. The Board authorized Selectman Witherow to vote on the Board's behalf at the MMA Annual Business Meeting. Motion to approve made by Selectman Sullivan 2nd by Selectman Bresnahan, VOTE: unanimous.
2. The Board authorized the Town Accountant to process a pre-payment in an amount not to exceed \$3,500.00 for the purchase of four (4) teak benches specified by the architect for the Town Hall project. Motion to approve made by Selectman Sullivan 2nd by Selectman Fay, VOTE: unanimous, so moved.
3. The Board awarded the bid for the furniture at Town Hall to National Business Furniture for the bid award of \$12,042.82. Motion to approve made by Selectman Witherow, 2nd by Selectman Fay, VOTE: unanimous, so moved.

4. The Board awarded the 2001 Town Report to Freedom Printing the low bidder for the Bid Award of \$3,150.00. Motion to approve made by Selectman Fay, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
5. The Board met with Lisa Gabree, Town Accountant, re: State Aid update for 2003, see Memo of 12-17-01 advising the Board to additional Chapter 70 Aid the Town received. Discussion focused on inquiring of the School Committee their intention re: the \$36,287.00, whether or not they will be requesting the additional aid. The Board after deliberating on whether to meet with the School Committee or to send them a letter re: the Chapter 70 additional aid voted to send the School Committee a letter, with the Town Accountant's excerpts, (Memo of 12-17-01) soliciting their cooperation in a spirit of good faith as to what their intent is regarding the additional Chapter 70 funds. Motion made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: Selectman Witherow aye, Selectman Fay aye, Selectman Bresnahan aye, Chairman Pena aye, Selectman Sullivan no, 4-1 motion passes.
6. Ms. Hegarty reviewed with the Board Phase I concerns re: the disposition of Devens and comments made by Rep. Hargraves re: Devens in a recent newspaper article. The Board moved to send Rep. Hargraves a letter stating their concerns with his statement advising him to the four Towns of Ayer, Shirley, Harvard and Lancaster feeling it being to premature to make a decision re: the disposition of Devens and of a consultant being hired by MADEV through a Five year Grant to assist the Towns with a complete analysis regarding all the options surrounding the disposition and requesting he assure the Town that no decision is made until all the options are addressed.
7. The Board authorized per Town Counsels recommendation to issue a Notice to Proceed to KVA for a sum not to exceed \$2000.00 the Scope of Services to follow the RFP, with said notice to be voided when the final contract is fully executed on or before Jan. 31st-whichever comes first. Motion to approve made by Selectman Fay, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
8. The Board voted to authorize the increase in the ambulance fees as listed in the Dec. 20, 2001 fee schedule from Center for Medicare and Medicaid Services (CMS) provided by COMSTAR and per the Fire Chief's recommendation increasing the fee factor by 1.2%. Motion to approve made by Selectman Fay, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
9. The Board reviewed a request made by the Fire Chief to designate the Fire Station a "Smoke Free" Zone. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Fay. VOTE: Selectman Bresnahan aye, Selectman Fay aye, Selectman Sullivan no, Selectman Witherow no, Chairman Pena no motion fails 3-2.

The Board went off the posted Agenda to take up the Public Hearing scheduled for 8:00p.m.

8:00P.M. Public Hearing-Transfer of The Fort Club's All Alcohol License to Tracey DeWolf-UMAG Corp. d/b/a Brew Locker. Present for the discussion: Virginia McNiff, Stanley McNiff, Tracy DeWolf, Police Chief Richard Rizzo.

Ms. McNiff stated her intention to sell the Fort Club. Selectman Witherow expresses concerns with Number 13. on the alcohol application.

8:15p.m. Selectman Fay moved the Board enter into Executive Session pursuant to MGL Chapter 39 Section 23b, Exemption #3 to meet with the Chief to address Ms. DeWolf's background information (#13 on the Alcohol License) and the Town's legal obligations, motion 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

8:25p.m. The Board re-convened into Open Session. Selectman Witherow moved the Board continue the Public Hearing to 1-15-02 at 7:00p.m. pending information from Town Counsel, 2nd by Selectman Fay, VOTE: Selectman Witherow aye, Selectman Fay aye, Chairman Pena aye, Selectman Bresnahan no, Selectman Sullivan no, 3-2 motion passes. Fort Corp. Public Hearing continued to 1-15-02 at 7p.m.

TOWN ADMINISTRATOR'S REPORT (CONTINUED FROM EARLIER IN THE EVENING)

10. The Board tabled Tata & Howard's proposal for the water/sewer system from Crabtree Development until the Selectmen receive in writing from the Planning Board that the Developer will be required to pay for a new filing fee, which would pay for the cost of this service. Selectman James Fay stepped down and removed himself from discussion. Motion to table Tata & Howard's contract until the next meeting made by Selectman Witherow, 2nd by Selectman Bresnahan, VOTE: Selectman Witherow aye, Selectman Sullivan aye, Selectman Bresnahan aye, Chairman Pena aye, Selectman Fay abstained, 4-1 motion passes.

11 Ms. Hegarty presented to the Board five (5) candidates seeking appointment to various Town Boards, Committees & Commissions. Ms. Hegarty to research background of each candidate and report back to the Selectmen at there 1-22-02 meeting.

12. The Board approved a \$16,000.00 reserve fund request from the Town Accountant to upgrade the MUNIS tax application which will delay/defer the payroll upgrade to Fy-03 Town Meeting. Motion to approve the Reserve Fund Transfer not to exceed \$16,000.00 made by Selectman Bresnahan, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

13. The Board met with the Town Accountant Lisa Gabree who presented to the Board DEP's Fy-02 Sewer Rate Relief Distribution application requiring the Board's acceptance and endorsement awarding the Town of Ayer \$21,000.00 in SRR Funds. Selectman Bresnahan moved the Board approve of the Chairman's endorsement on both documents, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

14. Town Administrator Anita Hegarty reviewed with the Board the Council on Aging Fy-02 Budget shortfall, re: the Council's salary account due to re-grading of the positions for the Director and the Site Manager which was finalized after Town Meeting. Present for the discussion was Karen Swanfeldt, Director of the COA and Mary Spinner, Chairman of the Advisory Board. Ms. Hegarty advised the Board to the total shortfall being \$8,988.20 which will be submitted to the Board through a Reserve Fund Transfer Request for the Board's next meeting. (see memo dated 12-28-02)

15. The Town Administrator also updated the Board to the Fire Dept.'s anticipated budget short-fall due to increased calls to the department.

16. The Town Administrator updated the Board to the Classification & Compensation Study being forwarded to the Selectmen and Personnel Board and scheduled as an Agenda item for the Board's 1-22-02 meeting.

SELECTMEN'S QUESTIONS:

Selectman Witherow:

1. Status of Telecommunication Contract
2. UDAG Report request from town Accountant

Selectman Fay took this opportunity to welcome Atty. Tom Gibbons & his wife Karen's new addition to their family a baby boy born on 1-2-02.

The Board met with IBPO Representative Brian Gill and Terrence McSweeney, representing the Union was Atty. Joseph Kittredge present for the discussion William Blankenburg. Mr. McSweeney stated the IBPO was present this evening to Grieve the Chief's decision re: Patrolman Blankenburg's IIF Benefit request for suffering a heart attack on his way to a training session. Selectman Bresnahan stated an appeal is the next step in the process and he would like to hear from the Chief prior to meeting with the Union. Town Administrator advised the Board to the Chief receiving advisement from the Town's 3rd Party -Meditrol that 111F Benefits were not appropriate. Mr. McSweeney also stated the Union's 2nd reason for coming before the Board this evening was to establish a Sick-Leave Bank in their contract. Mr. McSweeney advised the Board to Patrolman Blankenburg running out of sick leave and will not be getting a paycheck in one week. Selectman Bresnahan moved the Board get briefed tonight from the Chief and meet next week on 1-15-02 with the IBPO Union 2nd by Selectman Fay VOTE: Selectman Bresnahan aye, Selectman Fay aye,

Selectman Witherow aye, Chairman Pena aye, Selectman Sullivan no 4-1 motion passes. Selectman Sullivan requested the Board meet with both parties this evening. Selectman Fay moved the Board BOSMIN1-8-02/PG.4

meet with the Chief and come out of Executive Session to meet with the Union, 2nd by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Witherow no, Selectman Fay no, Chairman Pena no 3-2 motion fails.

Selectmen Fay moved the Board enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #6 to adjourn from that Executive Session to enter into another Executive Session pursuant to MGL Chapter 39 Section 23b Exemption #3 to adjourn from that Executive Session to enter into Open Session for the sole purpose of adjourning the meeting, 2nd Selectman Witherow, VOTE: unanimous, so moved.


James M. Fay, Clerk

AYER-BOARD OF SELECTMEN

Date: 2/5/02