

Selectmen's Meeting
Tuesday, May 29, 2001
Ayer Public Library-lower level meeting room, E. Main St., Ayer, MA

7:00p.m. Open Session

Board members present: Chairman Sullivan, Selectman Bresnahan, Selectman Pena, Selectman Witherow and Selectman Fay.

Public Input: Chairman Sullivan requested if there was anyone present wishing to speak/meet with the Board.

1. **Janet Verrecchio representing John Giamo's 7 unit Sub-division/Winterberry Lane, Ayer, MA** -re: sewer extension. Ms. Verrecchio stated she had previously written to request to meet specifically with the Board to discuss the extension request and received no response. Chairman Sullivan advised Ms. Verrecchio that a meeting is being scheduled by DPW Director Madigan to discuss the issue and she will be notified of this DPW meeting. Selectman Bresnahan requested Ms. Verrecchio put in writing her issue and reasoning why a meeting with the Board would resolve her request.
2. **Douglas Friedrich-American Legion's Post 139 Service Officer, re: Veteran's Administration** Medical/Dental Van's outpatient clinic. Per the request of Mr. Friedrich, the Board voted to permit permission for the van to be parked in the Town of Ayer on Friday, June 8, 2001, from 10:00am to 2:00p.m. at the Ayer Fire Dept-Page/Moore Parking lot located on Washington St.- and to coordinate with the Council on Aging re: back-up location if needed. Motion made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved. On a motion made by Selectman Witherow and seconded by Selectman Pena, the Board voted to have the Town's Veteran's Agent find a suitable future, long-term location for the van to be parked. Vote Unanimous, so moved.
3. Selectmen Fay requested the Agenda be amended to include Selectmen's Questions
Minutes of 3-27-01, 4-24-01 & 5-8-01 were sent back for edits.

AGENDA ITEMS:

1. **Reorganization of the Board of Selectmen-** Chairman Sullivan called for nominations for the Chairman's position, Vice Chairman's position and Clerk's position. Selectman Bresnahan moved the nomination of Robert J. Pena for Chairman, 2nd by Selectman Fay, VOTE: 4-1 with Selectman Pena abstaining. Selectman Bresnahan moved the nomination of C. Jane Witherow for Vice-Chair, 2nd by Selectman Fay, VOTE: 4-1 with Selectman Witherow abstaining. Selectman Bresnahan moved the nomination of James Fay for Clerk, 2nd by Selectman Witherow, VOTE: 4-1 with Selectman Fay abstaining.
2. **Town Clerk-Ann Callahan re: Acceptance of Census Precincts Map 2001-**The Board met with Ann Callahan, Town Clerk. The Board endorsed the 2001 Re-Precincting Plan presented by Ms. Callahan. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: unanimous, so moved. The map indicates a re-drawing of the precinct lines to even out the population in both districts. The line moved Groton Harvard Rd. down to middle of Snakehill Rd., Central Ave., middle of Sandy Pond- North to Groton.
3. **Veteran's Appointment-**The Board appointed Manuel Velez Veteran's Agent through April 2002. Motion Made by Selectman Witherow, 2nd by Selectman Bresnahan. VOTE: Selectman Witherow aye, Selectman Bresnahan aye, Chairman Pena aye, Selectman Sullivan no and Selectman Fay no.
The Board requested Town Administrator Anita Hegarty to look into Littleton's request re: shared Veteran's Agent. Selectman Bresnahan also requesting Mr. Velez to be pro-active in establishing a liaison with the American Legion.
4. **Town Accountant-Lisa Gabree, re: Hybricon -refinance/Subordination Agreement**
The Board moved to approve the request by Hybricon Corp. to amend the Standby Agreement for Hybricon to refinance with Eastern Bank for 94% of the appraised value of real estate \$1,840,000.00.
Motion made by Selectman Bresnahan, 2nd by Selectman Fay VOTE: unanimous, so moved.

The Board reviewed with the Town Accountant a water/sewer rate adjustment per the request of Selectman Sullivan. The Board moved the Town Accountant report back to the Board her recommendation regarding the water/sewer enterprise funds deficits and suggested these funds be look at on an annual basis. Chairman Pena suggesting a working meeting be scheduled in the fall with the Town Accountant, Supt. Madigan and the Advisory Board.

Mary Spinner Advisory Board Chair advising the Board to Town loosing Grant for Washington St. by 2% and Town should be looking for a Grant for the 3rd Well @ Grove Pond.

5. **Beverly Shultz-Spectacle Pond Assoc.-Diagnostic Report-**

Ms. Shultz presented and reviewed with the Board a copy of the Diagnostic/Feasibility Study of Spectacle Pond outlining significant changes in the pond in the last five years. The Board thanked Ms. Shultz for the

report and encouraged the group to communicate with the Conservation Commission relative to the findings of the study.

6. **Selectman Sullivan-Pleasant Street School Lease-** Present for the discussion Frank Maxant, Chairman of the Historical Commission. The Board requested Town Administrator-Anita Hegarty & Economic Development Director-Shaun Suhoski develop a request for proposals (RFP) to establish a lease re: tenants of the building, motion made by Selectman Sullivan, 2nd by Selectman Fay, vote unanimous, so moved. The Board was advised to the value of the land being assessed for \$85,900.00 and value of the building being \$484,500.00 for the Pleasant St. School. The Board set 6-28-01 to meet with the Historical Commission for a working session re: the lease and in the meantime the Board will itemize their provisions/concerns with the lease. The version of the lease dated May 9, 2001 will be the working lease.
7. **Economic Development Director-Town Hall Restoration-**The Board approved change order #1. in the amount of \$28,295.70 as recommended by Shaun Suhoski in a memo dated 5-29-01 motion made by Selectman Sullivan, 2nd by Selectman Witherow, VOTE: unanimous, so moved.
8. **Supt. Madigan's Report: The Board met with Supt. Madigan**
 1. **Landfill Acquisition cost-**Selectman Bresnahan moved to have the Supt. of Public Works proceed with with contract from BATG Environmental, per Supt. Madigan's memo dated 5-21-01, for the preliminary grading and supplying & replacing regulated cover material for the Town of Ayer Landfill to at no cost to the Town, 2nd by Selectman Sullivan VOTE: unanimous, so moved. Selectman Fay moved the Board approved a service agreement with Tata & Howard (see proposal dated 4-4-01) to assist with Engineering consulting. The Board approved Phase I- Administrative engineering services for a fee not to exceed \$7,000.00 and Phase II Construction engineering services for a fee not to exceed \$29,000.00 for a total of \$35,000.00 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
 2. **Sewer Bank status-Supt.** Madigan reported that there is an estimated additional Town sewage capacity of 9,190gpd and only 4,012 gpd currently available in the Sewer Bank with an estimated shortage of 5,178gpd of sewer capacity over the next two years. The Board reviewed options to make up shortage ie. Removing estimated inflow, (driveways, roof leaders, pump station & catch basin) sunk pumps, remedial work on sewer manholes & postpone sewer construction in Oak Grove until after the connection to Devens is in place. The Board requested the Town Administrator to seek Town Counsel's opinion how to have compliance from property owners to stopping/directing water not requiring treatment into the Town's sewer system. Motion made by Selectman Sullivan 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
 3. **Moore Drive-Supt.** Madigan advised the Board to sump pumps being placed in six homes on Washington St. from Moore Dr. going south. The pumps would be 3x3x3 self-contained units units located in the cellar pumped to the street into a force main. The Town to pay for the unit the home owner to pay for the installation and plumbing and maintenance of the unit to be taken over by the Town. Selectman Bresnahan requesting Supt. Madigan to furnish a policy/draft maintenance proposal for the home owner and Town to insure pumps not abused and come back to the Board for approval. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan VOTE: unanimous, so moved. The Board requested an Access Agreement also be prepared for maintenance.
 4. **I/I Policy Meeting/Schedule working session-** Selectman Sullivan moved the Board table any future action on the I&I Policy until DEP approves the I&I Study for the Town, 2nd by Selectman Bresnahan, VOTE: unanimous- so moved.
9. **Town Administrator's Report-Anita Hegarty**
 1. The Board was advised to letter received from resident re: issue of Handicap accessible restrooms at Pirone Park along with communication from the State. The Board was informed of a meeting scheduled with the State for Thursday, May 31, 2001 @11am at Pirone Park with Town representatives. The Board requested the Town Administrator to respond to the letters- from the resident, State ADA Office, and Dept. of Interior. Motion made by Selectman Witherow, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
 2. The Board accepted the resignation of Edward Cornellier-from the Board of Assessors effective 5-31-01 with the understanding we will be receiving a letter re: his re-appointment, this being complicated due to his retirement from the Middlesex County Retirement System. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan VOTE: unanimous, so moved.
 3. The Board designated Denis Callahan as the Town's representative to the Minuteman/Nashoba Health Group. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
 4. The Board approved the Dept. of Army's Right-of-Entry #631 permitting the government to carry out the installation of groundwater screening points along Main St. (10 micro wells) for groundwater sampling activities re: Shepley's Hill Landfill to be completed by July 6, 2001. approved by Supt.

- Madigan. Motion made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
5. The Board approved the revised job description for the Council on Aging Director's position Motion made by Selectman Fay, 2nd by Selectman Sullivan, VOTE: unanimous, so moved. The Board approved the job description of the Admin. Asst./Nutrient Supv. Motion to approve made by Selectman Fay, 2nd by Selectman Sullivan, VOTE: unanimous so moved. Job descriptions to be sent to Personnel Board for review.
 6. Town Administrator suggested the Board withdraw authorization of \$17,504 to Horsley & Witten and only pay amount of \$5,000.00 the original estimate based upon Town Counsel's recommendation. Motion to approve the Town Administrator's recommendation made by Selectman Bresnahan, 2nd by Selectman Fay, VOTE: Selectman Bresnahan aye, Selectman Pena Aye, Selectman Witherow aye, Selectman Fay aye, Selectman Sullivan no 4-1, motion passes.
 7. The Board was advised to the MADev Board of Directors on 6-14-01 who have requested that meeting be postponed to September 2001. Selectman Sullivan moved the Board vote to postpone MADev. Meeting on 6-14-01 to Sept. 01, 2nd by Selectman Bresnahan VOTE: unanimous, so moved.

Chairman Pena called for a motion being that it was 10:00p.m. whether or not the Board wished to continue the meeting. Selectman Bresnahan moved the Board extend meeting no longer than 10:30p.m. 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Chairman Sullivan requested the appointments to the Recycling Com. be deferred until all the FY-02 Appointments are made by the Board. Chairman Pena requesting a list of all appointees be prepared and list of vacancies be prepared & announced on Cable & newspapers. George Bacon to be contacted.

Selectmen's Questions:

Selectman Fay: RFP Telecommunications-Citizens Petition being in conflict of Interest with RFP. A review Committee to be set up re: RFP/ Town Acct., Shaun Suhoski, & DPW Supt with in 90 days.

Selectman Witherow: re: AT&T Broadbands Contract expiring 6-15-01. Mr. Becker updated the Board to his on-going negotiations with AT&T Broadband. A 33-month Contract extension has been approved by Town Counsel re: the Committees violations of Contract going on presently re: quality of picture/audio & revisions. Selectman Bresnahan moved the Board have the Town Admin. send a letter to AT&T Broadband stating the Town will not accept any portrayal that this extension is not an extension of the 33 month contract, 2nd by Selectman Sullivan VOTE: unanimous, so moved.

Selectman Witherow requested the Board announce the E. Main St. LIP Lottery application deadline be announced in the local papers and Cable as well as having the list re: Devens Housing applicants be notified of deadline of applications.

Selectman Fay requested the Historical Commission be advised to Chief Fillebrown's memo re: underground storage tank be removed at the Pleasant St. School. The Board requested the Historical Commission notify local business that offered to pump tank at no charge to the Town & report back,

10:30p.m. Selectman Fay moved the Board adjourn the meeting, 2nd by Selectman Sullivan VOTE: unanimous, so moved.


James M. Fay, Clerk

DATE: 6/12/01

AYER BOARD OF SELECTMEN