

**Selectmen's Meeting**  
Tuesday, January 2, 2001  
Ayer Town Hall-2<sup>nd</sup> Floor Meeting Room, Main St., Ayer, MA

**7:00pm Open Session**

The Board met with Vice-Chair Bresnahan, Selectman Pena, Selectman Witherow and Selectman Fay. Chairman Sullivan absent due to illness.

The Board sent back the Minutes of 12-5-00 for further review.

**Public Input:**

Patrick Hughes: Re: Historical data relevant to the Community Preservation Act. The Board was updated to a meeting scheduled for Jan. 13, 2001 @10:00am at the APD-Community Room.

Selectman Bresnahan announced Rep. Hargraves is in the building this evening to conduct office hours and encouraged Town of Ayer residents to come in this evening to meet with the Representative if they have problems or concerns they wish to discuss with the Representative.

**Agenda Items #1.**

**Economic Development Director's Report:**

The Board met with Shaun Suhoski

1. Fy01-CDBG Program-The Board was reminded to Town's unsuccessful Fy-00 CDBG Application. The deadline for the Fy-2001 Grant Application is 2-9-01, this funding round in addition to the State's normal Program. Mr. Suhoski reviewed the 5 objectives submitted for this funding round profiling the activities which meet one of the three national objectives: benefit low-moderate income persons, elimination of slum/blight or extreme or critical community need.

1. Housing Rehab. (12 units) + Rehab Specialist	=	\$249K
2. Infrastructure Improvements-(W. Main St. sidewalk/curbs/admin	=	\$175K
3. Architectural barrier (Town Hall elevator)/admin	=	\$91,840
4. Public Social Service./admin	=	\$14,160
5. General Administration	=	\$70,000

Total Grant application \$600K

Mr. Suhoski advised the Board to the Public Hearing being held on January 22 @6pm at the Ayer Library to receive public comment, after receipt of public comment a final report will be prepared with recommendations for the Board for final approval. Mr. Suhoski advised the Board to this year's grant being very competitive and standing good chance for funding. Mr. Suhoski requested the Board's authorization to proceed with the Grant Application. Selectman Pena moved the Board authorize Mr. Suhoski to proceed with the punch list for the Fy-01 CDBG Grant Application presented this evening for the Public Hearing and prepare recommendation/s for the Board, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved.

2. Case Waivers-Housing Rehab Program-99-172 waiver of the owner's match 25% of match-15 Nashua St./Gaudet with a rental re-capture period extension from five (5 years) to ten (10 ) years. Selectman Fay moved the board approve the waiver of the owner's match requirement for housing rehabilitation -Case # 99-172, pursuant to receipt representing financial hardship presented by Mr. Suhoski, such waiver being conditional upon client executing a ten year recapture lien in rental restrictions in accordance with program guidelines, 2<sup>nd</sup> by Selectman Pena, VOTE: unanimous, so moved. The Board requested Mr. Suhoski to include in the new grant application guidelines ability to recapture funds if the house is sold within fifteen year pay back. Selectman Pena moved the Board request Mr. Suhoski research increasing program guidelines in future CDBG applications reflect a fifteen year payback of owners match fund waiver, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. Case Waiver-Housing Rehab Program #99-174/request to exceed a per unit funding cap-low income single elderly household of \$20,000.00 or \$365.00. Selectman Pena moved to approve the Housing Rehab. Program housing per unit limit of assistance for Case #99-174 to permit the scope of work proposed waiver amount \$20,365.00, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous so moved.

**BOSMIN1-2-01/PG.2**

3. **Town Hall Relocation date**-Mr. Suhoski advised the Board to Ayer Moving & Storage starting Wednesday, January 10, 2001, and moving dates firmed for Thursday, January 11<sup>th</sup> & 12<sup>th</sup> for the Ayer Town Hall to Devens Bldg. 3701-Barnum Rd. and functioning by Tuesday, the 16<sup>th</sup> at Devens.
4. The Board directed Shaun to post a meeting calendar with all the Town Boards who currently utilize the Town Hall for their meetings showing their meeting dates and new meeting locations during the Town Hall restoration move to Devens. This information to be put on Cable and posted at library as well at Town Hall.
5. The Board voted to close Town Hall on Thursday & Friday January 11<sup>th</sup> & 12<sup>th</sup> for the safety of the Town Hall employees and public. Motion made by Selectman Witherow, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
6. The Board approved of Mr. Suhoski's request to have a dumpster placed at the Town Hall for the disposal of trash-old files, etc. Mr. Suhoski updated the Board to State regulations being distributed to all Town offices/departments re: retention/disposal of documents.

**Agenda Item #2. Town Accountant-CPF outstanding water/sewer accountants.**

The Board met with Lisa Gabree, Town Accountant re: background status report re: this account. Ms. Gabree referred the Board to her Memo of 11-29-00 specifically re: the CPF overdue account of \$262,000.00 since September of 98 which were in dispute for this period of time. FY97 the new water/sewer billing software was implemented and numerous problems were involved with the installation re: conversion to new software. CPF is a very complicated account with compound meters/product/well/domestic lines. Records depicted instances where water/sewer charges were in error. The controller of CPF reviewed information and justified billing errors on the Town's part which Ms. Gabree confirmed were valid. Most critical problem was the initial billing on the CPF well (software installation) which was very excessive 8.9 million cubic feet which Ms. Gabree advised was ridiculously high. Ms. Gabree stated she was here this evening before the Water Commissioners to request two (2) action items: 1. **Approve abatement/adjustment to CPF Acct. #2000073405 in the amount of \$158,674.00**-which Ms. Gabree advised looks like an enormous amount of money, does not reflect a refund of cash because they never paid it-it was a dispute and does not negatively reflect impact on revenues being that revenues are deferred .... basically an adjustment of outstanding. 2. Implement two (2) New Regulations to add to our existing regulations 1. **Meter Calibrations** -meters over 2" must be calibrated annually at the customers expense by independent qualified professionals procured by the Town, copy of the calibrated report must be submitted to the Water Department 2. **Meter Replacement** for all 2" or smaller meters the Water Department shall implement a planned meter replacement program for all aged/broken meters in the Town of Ayer. Selectman Pena moved the Board approve abatement/adjustment in the amount of \$158,674.00 to CPF's account #2000073405 for the May 16, 1997 bill for a more reasonable consumption, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. The Board requested the second item regarding Meter Calibrations and Meter Replacement be submitted to Supt. Madigan to review recommended policies & procedures re: Meter Calibration/Meter Replacement and bring them forward to the Water Commissioners for approval, motion made by Selectman Fay, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved. Selectman Pena requesting an additional amendment be added for Supt. Madigan to research if it is advisable for commercial users to measure out-flow into the sewer system, amendment carried. The Board took this opportunity to wish Ms. Gabree well upon her new position in the Town of Acton and thanked her for all her hard work.

**Agenda Item #3. Supt. Madigan's Report**

1. Landfill Environmental Monitoring Services-proposal for monitoring services for the sludge landfill. Selectman Pena moved the Board approve the Sludge Landfill Monitoring Services with Weston & Sampson for the contract award not to exceed \$32, 150.00 funding from the capital project, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
2. Wastewater Treatment Update: Supt. Madigan took this opportunity to publicly thank all those involved with the Wastewater Project. Supt. Madigan updated the Board to the SIU's (CPF/EPIC & Cains-not Nasoya due to geography & location)voting to go directly to Devens down Barnum Rd. Supt. Madigan advising Board to Ayer plant picking up some capacity but still looking at doing an upgrade relative to the treatment and also to the capacity of the plant itself.

### **BOSMIN1-2-01/PG.3**

Supt. Madigan requested the Board meet with him and Tata & Howard next week to review the report itself re: questions/concerns to the alternatives prior to scheduling the first Public Hearing. Selectman Bresnahan moved the Board meet with Supt. Madigan and other associated interested parties on Jan. 9<sup>th</sup> @ 7pm. for a working session at the Ayer Library, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. The Board scheduled the 1<sup>st</sup> Public Hearing to be held on Wednesday, Jan. 17, 2001 @ 7pm at the Ayer Library and the 2<sup>nd</sup> Public Hearing on Saturday, Jan. 27, 2001 @ 10:00am at the Ayer Library. Special Town Meeting date Mr. Kreidler to check with the Town Moderator regarding his availability for the 2<sup>nd</sup> week in February 2-15-01. The Board requested Supt. Madigan be prepared to explain reasoning behind selection of alternates.

3. **Permits:-** Supt. Madigan advised the Board to color change of new permits: Blue-water, Brown-sewer. **Water & Sewer Lot #1-Shadow Lane**-tentatively approved in September 2000 by Board of Selectmen contingent upon development of Agreement re: work to be done in preparation of three-lot development. Supt. Madigan satisfied with improvements made to date-Selectman Pena moved the Board approve water & sewer permits for Lot 1 Shadow Lane, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

#### **Agenda Item #3-Town Administrator's Report:**

1. Personnel Policy-Sick Days-Mr. Kreidler advised the Board to a proposed revision to the policy being prepared for their next meeting.
2. The Board approved a Special Municipal Employee Exemption for Kathleen Mull who currently serves as a member on the Council on Aging-this prompted by the resignation of Director, Joyce Shaden. Ms. Mull would be working only on Fridays for the Council doing the payroll functions and administration duties on a part-time basis during the search process to hire a new director. Selectman Bresnahan moved the Board approve this Special Exemption Municipal Employee status for Kathleen Mull at a base rate of COA director, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved.
3. Estates at Harvard Hills-Local Initiative Program-deferred to next Board of Selectmen's Meeting.
4. Pond view Acres-Conservation Com. services with Tata & Howard under the Consultant's Review By-law. The Board approved the services contract with Tata & Howard for a sum not to exceed \$1,500.00. Selectman Pena moved the motion, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
5. MMA Classification Review: Mr. Kreidler advised Board to three quotes being requested from : Bennett Assoc., Grew Assoc., & MMA Consulting Group. Responses to be submitted back within three weeks to Mr. Kreidler -mid January 2001. Mr. Kreidler to follow up with consultants to try to expedite response date.
6. Abatement-145 Oakridge Dr. Water/Sewer abatement for in-ground pool re: 25,000 gallons sewer portion of bill due to water not going into sewer system. Selectman Pena advised the Board to this being his property, and stepped down/removed himself from discussion. Selectman Fay moved the Board direct the Supt. to adjust the 25,000 gallons on the next w/s billing to the property at 145 Oakridge Dr. to accommodate for sewerage not used -***PB the billing/calculation to be presented to the Board for approval. 2<sup>nd</sup> by Selectman Bresnahan.*** Vote: Selectman Bresnahan aye, Selectman Fay aye, Selectman Witherow nay 2-1 motion carries.
7. Temporary Professional Town Employees: Mr. Kreidler updated the Board to his research into securing temporary Staff to fill the Town Accountant's position and Town Administrator's position for interim period of time during search/hire. Mr. Kreidler advised to his contacting three consulting groups one of which has scheduled a meeting to meet with the Board & Mr. Kriedler on Thursday, Jan.4, 2001 @ 2pm re: the Town Administrator's position. Regarding the Town Accountant's position none of the three companies had a recommendation. Mr. Kreidler advised to one contact being followed up re: the Accountant's position. The Board requesting to be kept abreast of this.

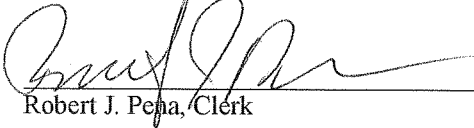
#### **New Business**

Ms. Witherow requested if the RFP re: the cell tower-on Barnum Rd., approved on 11-14-00, had gone out yet. Mr. Kreidler responded no. Selectman Witherow requesting the Board notify the Planning Board to conducting a Hearing on the Wireless Communication zone to include the DPW & Transfer Station.

Selectman Pena reminded the Board to Citizens Petition re: changes to the Aquifer Protection By-law. also be brought to the Planning Board 's attention, re: the scheduling of hearings. Mr. Kreidler reminded the Board to DEP requiring revisions to the Aquifer Protection By-law re: the Town's Wellhead Protection Grant as well.

Selectman Pena moved the Board adjourn from open session to enter into Executive Session pursuant to MGL Chapter 39 Section 23 B, Exemption #3, to adjourn from this Executive Session to re-enter into another Executive Session pursuant to MGL Chapter 39 Section 23b-Exemption #6, to adjourn from this Executive Session to re-enter into Open Session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

10:05p.m. Meeting adjourned

  
Robert J. Pena, Clerk

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

3/21/01

approved 3/13/01