

Selectmen's Meeting  
Tuesday, January 22, 2002  
Ayer Town Hall-1<sup>st</sup> Floor Conference Room, Main St., Ayer, MA

7:00p.m. Open Session

The Board met with Chairman Pena, Selectman Witherow, Selectman Fay, and Selectman Sullivan. Selectman Bresnahan absent due to prior commitment.

Public Input: Chairman Pena requested if there was anyone present wishing to speak under Public Input, James Williams requested to speak. Mr. Williams stated the Selectmen were in violation of the Open Meeting Law if they hold a public meeting in the Town Hall this evening due to the building not meeting access requirements. Mr. Williams presented the Board a six page written report, which he read into the record. (see attached). Town Administrator Anita Hegarty responded to Mr. Williams comments by reading and presenting the Board a copy of J. Stewart Roberts (Town Hall Architect) report dated Jan. 18, 2002, which responded to Bruce Bruneau's of the Massachusetts Office-Commission on Disabilities, walk-through conducted on Jan. 7, 2002 re: accessibility of the building and ability to legally utilize it to conduct Public Meeting. Mr. Roberts advised Ms. Hegarty that the Occupancy Permit governs whether or not it is legal to conduct public meetings in a building and the Town Hall has an Occupancy Permit issued by the Building Inspector. The rest of Mr. Bruneau's concerns Mr. Roberts felt, appeared to be minor and can be cleaned up with the punch list. Mr. Williams asked if the Selectmen were going to continue they're meeting, Chairman Pena stated yes. Mr. Williams left the meeting room.

Chairman Pena called for a motion to accept the Agenda of 1-22-02. Selectman Fay moved the Board approve the Agenda of 1-22-02, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous so moved.

**AGENDA ITEM #1.** Paul McGuane-Certificate of Recognition-Ayer Fire Dept.- Present for the discussion-Fire Chief Paul Fillebrown, family and friends. The Board welcomed Paul McGuane to the meeting. Fire Chief Paul Fillebrown gave the Board the background information regarding the 3-alarm fire on Sandy Pond Rd., Ayer, MA on January 9, 2002, which destroyed a garage attached to a single family home. The Chief thanked Mr. McGuane for his foresight being the first to arrive at the scene and evacuating the residents prior to the fire apparatus arriving. This life saving and time saving measure gave the Department immediate fire-fighting time which saved the home. The Board read into the record a prepared letter of recognition for Mr. McGaune and thanked him for coming in to meet with the Board.

**AGENDA ITEM #2. Supt. Madigan's Report: Design & Engineering Services Water Distribution System-Washington Street Area**

1. The Board met with Supt. Madigan who updated the Board to sixteen (16) proposals being received by the Department (RFP's) with proposals ranging from a low of \$16,750 to a high of \$70,200 and average of \$39,982. Supt. Madigan reviewed with the Board the selection criteria. Supt. Madigan recommended the Board award the Washington St. Engineering & Design water Distribution System to Weston & Sampson for the bid award not to exceed \$28,000. Supt. Madigan advised the Board to the Town Administrator reviewing all the proposals and agreeing with his recommendation. Chairman Pena called for a motion. Selectman Witherow moved the Board award the contract for the Washington Water Distribution Design & Eng. RFP for the bid award not to exceed \$28,000.00, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**AGENDA ITEM #3. Economic Development Director's Report**

1. The Board met with Shaun Suhoski. Mr. Suhoski presented to the Board Change Orders 4&5 which comprised of remaining work items to be completed totaling \$27,261.62. Mr. Suhoski reviewed with the Board the Change Orders and advised to the restoration project concluding in the next two or three weeks. Selectman Fay moved the Board approve the amount not to exceed \$27,261.62 for Change Order #5, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**AGENDA ITEM #4. BOARD OF SELECTMEN GOALS & OBJECTIVES**

Town Administrator Anita Hegarty reviewed with the Board the revised compilation of the Selectmen's Goals & Objectives. The Board scheduled a Working Session for Tuesday, January 29, 2002 at 7p.m. to review the Goals & Objectives. Motion to approve the Working Session made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**AGENDA ITEM #5. TOWN ADMINISTRATOR'S REPORT**

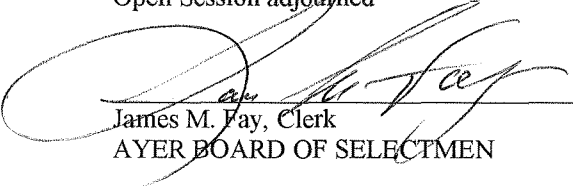
1. Ms. Hegarty advised the Board to a memo being received from the Parks Dept. re: if additional funding is required re: bathrooms at Pirone Park where will the overrun funds come from being that only \$25K was appropriated. Ms. Hegarty advised the Board to no estimate of cost being conducted at this juncture and updated the Board to Charles McKinney former Selectman volunteering his service to the Park Dept. under the SHAVE Program and of her intent to have Mr. McKinney to get bids re: contacting various contractors for this project contractors asked to bid should be qualified to do the work under state law-re: his first responsibility for the Park Dept. The Board moved to accept Ms. Hegarty's recommendation to have Mr. McKinney conduct a cost analysis for the Bathrooms at Pirone Park re: the Pirone Park Bathroom project. Motion made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
2. Ms. Hegarty updated the Board to Compensation Study being received from the Consultant Don Tyler. The Board scheduled a Working Session for the next Selectmen's Meeting with the Personnel Board to review the Compensation Study. The Board requested this meeting be scheduled for a single item that item being the workshop re: the Compensation Study review with the Personnel Board. Motion to approve the Compensation Study Workshop made by Selectman Witherow 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**NEW BUSINESS**

1. Selectmen Witherow:
  1. Street light replacements on Main St. status.

**8:30p.m.** Selectman Fay moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 to adjourn from that Executive Session to enter into another Executive Session pursuant to MGL Chapter 39 Section 23b, Exemption #6 to adjourn from that Executive Session to re-enter Open Session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Witherow, VOTE: Selectman Fay aye, Selectman Witherow aye, Selectman Bresnahan aye, Selectman Sullivan aye, Chairman Pena aye, unanimous, so moved.

Open Session adjourned

  
James M. Fay, Clerk  
AYER BOARD OF SELECTMEN

-Date: 8/5/02