

**FINAL** Selectmen's Meeting  
Tuesday, October 23, 2001  
Ayer Library-lower level meeting room-E. Main Street, Ayer, MA

7:00p.m. Open Meeting

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

The Minutes of September 25, 2001 and October 9, 2001 were read and accepted. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

**Public Input:** Chairman Pena requested if there was anyone present wishing to meet with the Selectmen, no one stepped forward.

Selectman Fay took this opportunity to request the Board offer a Moment of Silence for Betty Taylor a long time resident of the Town of Ayer who passed away recently. Ms. Taylor served on the Golden Agers Club for many years as well as other Town clubs/committees for senior citizens.

Selectman Pena requesting the Board add on another Agenda item under Supt. Madigan's Report-that being the Recycling area relocation plan - during the Landfill capping. Motion to approve this item being added to the Agenda made by Selectman Fay, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

Chairman Pena called for a vote to accept the Agenda. Selectman Fay moved the Board approve the amended Agenda of 10-23-01, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

Chairman Pena opened the meeting with two announcements:

1. Congratulations to Ruth Rhonemus and Police Officer Matt Pinard being nominated for the Public Service & Leadership Award by the Chamber of Commerce.
2. Representative Hargraves Office Hours this evening from 7-8pm at the Library welcoming Ayer residents to come down to meet with Rep. Hargraves' Aid Ron Englade if they have questions or concerns he or Representative Hargraves could help them with.

**Agenda Item #1. Police Chief Richard Rizzo-Patrolman & Reserve Officer Appointments**

The Board met with Chief Rizzo regarding the vacant police officer position. The Chief advised the Board to Chief Rizzo, Sgt. Murray, Sgt. LaPrade and Detective Brian Gill interviewing ten candidates on 9-25-01. The interview board recommended the appointment of David Hoffman a former Ayer Policeman to fill the remaining vacancy at the Ayer Police Dept. The Chief updated the Board to Mr. Hoffman being hired by the Town of Ayer in 1992 and leaving in 1999. The Chief advised the Board to Mr. Hoffman being a certified EMT-1<sup>st</sup> Responder/K-9 handler and community-policing officer. Selectman Fay moved the Board approve the Chief's recommendation and appoint David Hoffman, Patrolman contingent upon Mr. Hoffman's satisfactory completion of a physical examination and psychological examination, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved. The Board welcomed back Mr. Hoffman to the Department.

The Board met with the Chief Rizzo regarding his recommendation of David Lanteigne, of Shirley, MA as a Reserve Officer for the Ayer Police Dept. The Chief updated the Board to Mr. Lanteigne currently being an auxiliary emergency officer for the Town of Ayer and who also attended a basic intermittent academy in Boylston in September 2000. Selectman Bresnahan moved the Board accept the Chief's recommendation and appoint David Lanteigne as a Reserve Officer in the Ayer Police Dept. contingent upon Mr. Lanteigne satisfactory completion of a physical examination and psychological examination, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved. The Board congratulated Mr. Lanteigne on his appointment.

**Agenda Item #2. Parks & Recreation Joint Appointment-new member.** No Show. The Board took no action on this item.

**Agenda Item #3. Community & Economic Development Director's Report**

The Board met with Shawn Suhoski. Mr. Suhoski presented Change Order #3 to the Board in the amount of \$103,072.32 which represented \$13,072.32 to MA Elec. for the underground electrical service and \$90,000.00 for the additional plastering. Mr. Suhoski advising the Board to Ms. Hegerty being instrumental getting the plastering numbers lowered from \$105,878.00 to the \$90,000.00 agreed upon figure. Mr. Suhoski advising the Board to funds being available in the budget for this change order, thanks largely in part from the Office of the Secretary of the Commonwealth William F. Galvin's assistance from MA Historical's Emergency Funding granting the Town \$40,000.00. Selectman Bresnahan moved the Board approve Change Order #3 in the amount of \$103,072.32, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved. Selectman Bresnahan moved the Board approve Chairman Pena's endorsement on Change Order #3, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved.

Mr. Suhoski took this opportunity to welcome Senator Pam Resor to the meeting and personally thanked her for all her assistance with the \$40,000.00 MA Historical Emergency Funding application. Mr. Suhoski advised the Board to Sen. Resor being in daily contact with his office and Secretary Galvin's Office re: the preparation of the grant application and personally carrying in the Grant Request to Secretary Galvin. Mr. Suhoski also thanked Rep. Hall & Hargraves and Rep. Hargraves' Aid Ron Englade for all their support as well re: the application to MA Historical. The Board echoed Mr. Suhoski's remarks and thanked Senator Resor for her assistance to this project on behalf of the Town of Ayer. Ms. Hegarty informed the Board to projected time frame for move back to Town Hall being estimated for January 2002 and Town Hall staff touring building tomorrow.

Selectman Sullivan took this opportunity to discuss the lawn sprinkler system installation for the easterly side of the building. Mr. Suhoski updated the Board to sub-contractor advising to possibility of Town hooking up/tying into neighboring party at a substantial difference in cost. The Board requested Mr. Suhoski speak with Sub-contractor and neighboring party re possibility and new cost estimate from sub-contractor and the Board taking this up at their meeting on the 25<sup>th</sup>.

**Agenda Item #4. Supt. Madigan's Report;**

1. Salt Award Contract: Ms. Hegarty presented the Salt Award recommendation by Supt. Madigan for Solar and rock salt. Ms. Hegarty requested the Board award Granite State Minerals, Inc. of Portsmouth, N.H. the bid for solar & rock salt based upon their low bid price of \$33.47 per ton. Motion to approve Supt. Madigan's recommendation to award the solar and rock salt bid to Granite State Minerals Inc., made by Selectman Bresnahan 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
2. Tata & Howard Culvert Replacement-Game Farm Rd. The Board met with Supt. Madigan. Supt. Madigan updated the Board to \$30K being approved at the ATM on 5-01 for the design and replacement of the existing culvert located on Groton Shirley Rd. (Game Farm Rd.). Supt. Madigan stated he received an engineering proposal from Tata & Howard in the amount of \$5,600 to provide the required engineering services for this project. Supt. Madigan stated he reviewed the engineering contract and scope of work and found them acceptable. Chairman Pena called for a motion. Selectman Bresnahan moved the Board approve Tata & Howard's contract in the amount not to exceed \$5,600.00 based upon the recommendation of Supt. Madigan in a memo dated 10-15-01, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
3. Utility Person Appointment: The Board appointed Michael Cullinan to the position of Utility Person/Highway Department per the recommendation of Supt. Madigan. Motion made by Selectman Witherow and 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
4. Recycling Area Relocation Plan- Supt. Madigan presented two (2) options for the Board's consideration re the recycling area move due to the landfill capping.  
Option 1A-Represents the construction of a concrete retaining wall-with roll-off recycling containers placed in the notches of retaining wall-. Parking area would have 8-10 spaces. Cost: \$154K  
Option 1B-Represents level center aisle for roll-offs & parking to be at 45-degree angle-walk up wooden stairs & drop into bins. Parking area would have 9-18 spaces. Cost: \$87K

The Board discussed safety issues with children going over wall in 1A-Plan, elderly/handicap resident issues, parking & traffic restrictions and more options/room for expansion with 1-B. After a lengthy discussion Selectman Witherow moved the Board vote to approve in concept the design and cost of Recycling Plan 1-B with parking issues to be further reviewed by Tata & Howard, 2<sup>nd</sup> Selectman Fay. VOTE: Selectman Witherow aye, Selectman Fay aye, Chairman Pena aye, Selectman Bresnahan aye, Selectman Sullivan no, 4-1 motion passes. Selectman Bresnahan moved the Board request alternative design/parking arrangements be looked into re: Recycling Plan 1-B re: travel lane/parking lane and also requested Supt. Madigan find a place for the Recycling Shed/Swap Shed for goods that can be used by other people 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved.

**Agenda Item #5. Town Administrator's Job Description & Goals & Objectives**

The Board met with Ms. Hegarty re: her amended Job Description of 9-25-01. The Board reviewed the amended Job Description with Ms. Hegarty. Selectman Witherow moved the Board approve the Job Description as amended, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.

The Board reviewed the Town Administrator's Goals & Objectives. Selectman Bresnahan requesting that the Town Administrator's Goals & Objectives remain separate from the Selectmen's and be specific to Town Administrator. Selectman Bresnahan moved the Board approve the Town Administrator's Goals & Objectives and that the Town Administrator play a strong leadership role in annual goals & objectives process in support of the Selectmen, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved. Selectman Bresnahan requested Department Heads be reminded to submit their Goals & Objectives

**Agenda Item #6. Town Administrator's Report**

1. The Board reviewed the floor plan revisions of the renovated Town Hall presented by Ms. Hegarty which represents modifications to floor 1 and floor 3 due to the Town Accountant requesting to relocate her office to the third floor for more space and separate rooms for accountant and staff. This move would relocate the Veterans Agent and Park Dept. to the 1<sup>st</sup> floor with them sharing an office/room. Selectman Witherow moved the Board approve the modifications as presented by the Town Administrator, no 2<sup>nd</sup> to the motion. Selectman Bresnahan voiced his concern moving people without their knowledge or approval. Chairman Pena not wishing to make any changes to the plans and put more effort into investigating space alternatives via partitions, wall-dividers, space saving office equipment. Selectman Bresnahan moved the Board take the next couple of weeks looking at Town Accountant's request and Chairman Pena's proposal and make decision at the next Selectmen's meeting on 11-6-01 allowing the Town Administrator to notify the Park Dept. and Veteran's Agent and give them the opportunity to consider proposal, 2<sup>nd</sup> by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Chairman Pena aye, Selectman Witherow no, Selectman Fay no, 3-2 motion passes. Ms. Hegarty advising the Board to time commitments with key schedule needing to be defined with rooms assigned.
2. Ms. Hegarty reminded the Board to Wastewater meeting with Devens scheduled for 11-8-01 at the Library @7pm with latest draft to be presented at this time. Comments to Town Administrator as soon as possible.
3. The Board was updated to Weed Control status and advised to copy being sent to Ms.Perkins.
4. Ms. Hegarty updated the Board to security measures being taken by all Town Departments re: recent terrorist activity re: unknown substances and advising to satisfactory safety measures being taken.
5. The Board was advised to Michael Alferei advising the Board to his not seeking additional areas to his building and working with what he has currently available to him per the Building Inspector. The Supt. of Public Works to be notified to this recent development.

**BOSMIN9-23-01/PG.4**

**New Business:**

Selectman Bresnahan read a request from Steve Slarsky-Combination #1, requesting to place the Fire Dept.'s "Turkey Raffle Banner" on the Rotary scheduled for 11-14-01 starting at 7pm. Banner to go up Nov. 1, through November 15, 2001, Selectman Witherow moved to approve Combination #1' request 2<sup>nd</sup> by Selectman Sullivan VOTE: Selectman Bresnahan aye, Selectman Witherow aye, Selectman Sullivan aye, Selectman Fay no, Chairman Pena no. Motion passes 3-2. Chairman Pena suggested the banner is placed across from Town Hall on the fence. Selectman Fay objecting to banner being placed near memorial.

Town Administrator Anita Hegarty updated the viewing public to Town of Ayer filing Request for Reconsideration to the Surface Transportation Board re: Guilford Unloading Facility on Willow Rd. and loosing appeal based upon request for denial being made on local controls to deny the Willow Rd. use. Ms. Hegarty advising public that Town is seeking Federal Court Ruling.

**Selectmen's Questions:**

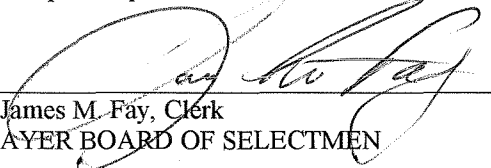
Selectman Sullivan requesting the Board investigates the concept of trespass re: the seepage of arsenic & PCB's into the Town of Ayer from Shepley Landfill requesting an opinion from Town Counsel.

Selectman Fay took this time to publicly thank Rep. Hargraves and his aid Ron Englade for their prompt response re: the Soldiers & Sailors Relief Act requested by him prompted by residents such as himself with sons/daughters being called up for duty.

Ms. Hegarty reminded Selectmen to working meeting with School Committee scheduled for 10-25-01 at 7pm at the Ayer Library re: the School's 2002 Capital Plan/MCAS. The Board to submit to Ms. Hegarty items they wish to discuss at this meeting.

9:00p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b, Exemption #3 to adjourn from this Executive Session to enter into another Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #6 to adjourn for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Sullivan aye, Selectman Fay aye, Chairman Pena aye, Selectman Bresnahan aye, Selectman Witherow aye, unanimous so moved.

9:00p.m. Open Session ended

 DATE: 11/06/01  
James M. Fay, Clerk  
AYER BOARD OF SELECTMEN