

Selectmen's Meeting
Tuesday, July 17, 2001
Ayer Public Library-lower level meeting room, E. Main Street, Ayer, MA

7:45p.m. Open Session

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

Chairman Pena called for a motion to accept the Agenda of 7-17-01. Selectman Fay moved the Board approved the Agenda of 7-17-01 as presented, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Public Input:

Chairman Pena requested if there was anyone present wishing to meet with the Board, no one stepped forward.

The Minutes of 6-26-01 & 7-10-01 were read and accepted. Motion to approve made by Selectman Fay, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #1. - Troop #3 Eagle Scouts: Brian Donaghy, Mark Donaghy & Matthew Januskiewicz

Chairman Pena invited the Eagle Scouts to the table. Present for the discussion John Conway, Troop Leader-Troop #3. Chairman Pena presented Certificates of Appreciation to the scouts: Mark Donaghy for his eagle project restoring the commuter station on Main St. replacing the slate roof, painting the station and cleaning the bricks. Brian Donaghy for restoring the parking lot for St. Mary's Parish by marking-out, lining & painting the lot. Matthew Januskiewicz, accepting the award for Matthew- Scout Leader John Conway who advised the Board to Matthew having a conflict this evening, the Board congratulated Matthew for the construction of an ADA handicap ramp for a Town of Ayer disabled resident. The Board congratulated Mark & Brian Donaghy upon their Eagle attainment and wished them well on future endeavors.

Agenda Item #2. -Douglas Becker, Chairman of the Cable Commission

The Board met with Douglas Becker and Charles Comeau of the Cable Commission. Mr. Becker stated he was before the Board this evening re: two (2) issues: 1. Appointment requests 2. Status update re: Cable/AT&T Broadband's Contract renewal.

1. **Appointments:** The Board appointed Carlton Curtis of 60 Wright Rd., Ayer, MA to the Cable Commission, motion made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved. The Board appointed Ryan McDermott -Technology Services Director at the Ayer School Dept. as an ex-officio member to the Cable Commission, motion made by Selectman Sullivan 2nd by Selectman Witherow, VOTE: unanimous, so moved. Mr. Becker requested the Board's assistance with getting an e-mail address for the Cable Commission to assist them with complaints/updates.
2. **Cable Contract Renewal/AT&T Broadband Status:** Mr. Becker read into the record a prepared statement (see attached) reflecting the Cable Commissions concerns re: breach of contract issues, poor quality re: audio & visual, abide by standards in contract, code violations, map of cable network in Town of Ayer, turn over to Town two (2) public access channels dedicated to Town Government & School and move up high speed internet access/video TV. Selectman Sullivan moved the Board authorize the Cable Commission 's access to Town Counsel to work out contract issues with the Town Administrator and the Cable Commission, 2nd by Selectman Witherow, VOTE: unanimous, so moved. Selectman Bresnahan suggested Mr. Becker document all communications with Cable representative and put AT&T on notice where they are lacking. Town Administrator Anita Hegarty advised the Board to her contacting Town Counsel re: Mr. Beckers E-mail and Town Counsel's response to it. Mr. Becker to meet with Ms. Hegarty to review Town Counsel's recommendations.

Agenda Item #3. Fy-02 Appointments-Ms. Hegarty presented updated copies of the Appointments to the Board.

Chairman Pena reviewed the Appointment List with the Board requesting the Secretary to break out the revisions from the 6-26-01 Selectmen's Meeting. Selectman Witherow requested the terms of the new appointments be researched to reflect tenure of previous member being replaced.

Page 1-Town Counsel-Selectman Sullivan moved to appoint Kopelman & Paige Town Counsel for the fiscal year ending June 30, 2002, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Page 2.-list vacancy under NRWS-Greenway Rep., Cable Commission add: Carlton Curtis –new member, and Ryan McDermott/ex-officio per earlier vote taken this evening. Advisory Board-add Scott Hanley motion to appoint Scott Hanley made by Selectman Bresnahan, 2nd by Selectman Witherow, VOTE: unanimous, so moved. Conservation Com.-George Bacon appointed 6-26-01 request Conservation Com. Approval

Page 3.- Historical Commission-list vacancy, ZBA-have Zoning Board meets Mr. McLeod and submit recommendation. Com. on Disabilities: Paul Brennan submitted the names of two new members for appointment to the Disabilities Commission/Carol & James Williams. Selectman Witherow questioned and moved to find out the number of people allowed on the Commission under the By-law, 2nd by Selectman Bresnahan. VOTE: unanimous, so moved. **IDFA**: Selectman Bresnahan moved to appoint Francis Callahan until Fy-06 per tenure of the commission 2nd by Selectman Fay, VOTE: unanimous, so moved.

Page 4.-Selectman Witherow moved to put the Drain Layers Appointments back on the Fy-02 Appointment List and receive clarification from Supt. Madigan re: the duties & responsibilities of this position, 2nd by Selectman Sullivan VOTE: unanimous, so moved. Selectman Sullivan requested why the Town Boards have not sent in their representative's name to the Community Preservation Act Committee, Town Administrator Anita Hegarty stated memos went out-some of the Board have not met yet to make recommendation.

Page 5.-Selectman Bresnahan requested the Police Chief come in to meet with the Board re: adding Auxiliary Officers to his department's appointment list, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.

Agenda Item #4-Supt. Madigan's Report:

1.-Water Permit-1 Fletcher St., Ayer, MA-Selectman Bresnahan moved the Board hold up on this permit until Supt. Madigan speaks with the owner, re: how to handle sewerage, 2nd Selectman Witherow, VOTE: unanimous, so moved.

2.-Re-development Grove Pond Well #1.-Selectman Sullivan moved the Board approve the Chairman's endorsement of the D.L. Maher Contract & work for the award not to exceed \$15,500.00 pending Town Counsel's approval of contract 2nd Selectman Bresnahan, VOTE: unanimous, so moved.

3.-West Main Street Water Project-Selectman Bresnahan moved the Board approve Supt. Madigan's recommendation to approve Tata & Howard's Amendment #1 in the amount not to exceed \$31,700.00 pending Town Counsel's review and approval, 2nd by Selectman Fay, VOTE: unanimous, so moved.

4.-Moore Drive & Washington Street Sewer Extension-Selectman Fay moved the Board authorize the Chairman's endorsement to award the Moore Drive/Washington Street Sewer Extension to the low bidder R.M. Pacella Inc, in the amount not to exceed \$346,568.00, 2nd Selectman Bresnahan, VOTE: unanimous, so moved. Selectman Sullivan moved the board authorize the Chairman's endorsement to award Amendment #1 to Tater & Howard's Contract not to exceed \$26,500.00 for engineering services to provide construction phase services, 2nd Selectman Fay, VOTE: unanimous, so moved.

5.-Sanitary Landfill Capping-Supt. Madigan reviewed with the Board BATG proposal to cover 6'-7" of cover material over the Town's landfill (40,000 tons) from the Cambridge area which would save the Town of Ayer approximately \$300,000.00 in landfill capping costs and would involve about 20 truck loads/per day coming into the Town. Selectman Sullivan questioned the testing of this material. Supt. Madigan stated he would invite BATG to come to a Selectmen's Meeting and explain more fully its proposal as well as address the route the trucks will be taking entering/exiting the Town. Selectman Bresnahan requesting the trucks use State Highways as much as possible in their daily trips. Once the preliminary work is done the Town would go out to bid for the remainder of the project- projected to be late December 01 to place the plastic liner, replace the recycling area, and design the new drainage system for the run-off from a portion of the public school complex. Mr. Madigan informed the Board to an agreement being reached with the School Department regarding sizing of the retention pond to accept both the run-off from the landfill and run-off from a new softball field to be constructed. The Board set 7-31-01 for an overall Landfill project review.

Selectmen's Questions:

1. Selectman Sullivan requested status of scale at the transfer station used for commercial refuse. Supt. Madigan advised to scale being broken and presently the Town of Ayer is not accepting construction debris. The Board decided not to address this matter until after the capping is completed due to not having funds to haul construction debris and administrative costs, and schedule this matter one year from now.
2. Weed removal status. Selectman Sullivan requested Supt. Madigan have the Seasonal worker who was hired six months ago begin street cleaning, mowing, begin tree-weed-shrub maintenance along Main St., downtown areas. The Board requested a copy of the Seasonal Worker's job description.

Agenda Item #5-Town Administrator's Report:

1. Ms. Hegarty submitted the Page-Moore Trust Beer & Wine Alcohol Application for the Board's endorsement and remittance to the ABCC.
2. Ms. Hegarty presented the Bid Award re: the Cell Tower RFP. Ms. Hegarty informed the Board to four (4) bids being received. Ms. Hegarty recommended the Board award the Bid to Cingular Wireless for initial five year term plus three successive five year terms-interest for year one \$24,000.00 with escalation rate of 4% for a total five year income of \$129,991.75. The Board awarded the Cell Tower RFP to Cellular Wireless, the high bidder per the recommendation of the Town Administrator. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
3. Ms. Hegarty requested the Board vote to reconsider their vote of 6-26-01 re: Kleenite's three (3) year contract for uniforms & cleaning cloths and award the bid for the one year period proposed by Kleenite to provide room for flexibility re: DPW Union contract negotiations. Motion to rescind the 6-26-01 three (3) year award to a one (1) year award made by Selectman Bresnahan, 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
4. Ms. Hegarty informed the Board to the Veteran's Agent securing a permanent location for the Veterans Medical Services Van to be located at the Shriver Job Corp Center on Devens, which meets space and logistic issues- the cost for the electrical connection to be borne by the Veterans Agent's Expense Account. Selectman Bresnahan moved the Veterans Medical Services Van be permanently located at Shriver Job Corp Ctr. 2nd by Selectman Sullivan, VOTE: unanimous, so moved.
5. Ms. Hegarty informed the Board to Chief Rizzo informing her in a memo dated 7-10-01 to the Dog situation at Calvin St. being resolved. The Board moved to accept the Police Chief's resolution re: the Dog matter at Calvin St., motion made by Selectman Bresnahan, 2nd Selectman Fay, VOTE: unanimous, so moved.
6. Ms. Hegarty requested the Board review the Auditor's Reports submitted in their packets and get back to her with any concerns/questions they may have requesting to defer discussion on this matter to a later date.
7. Ms. Hegarty informed the Board to the Hearing being held Monday, July 23, 2001 with the Architectural Access Board and that this hearing is closed.
8. The Board approved copies of all filings re: the STB-Guilford be made available to press at a reasonable cost i.e photocopying etc.
9. The Board scheduled 8-14-01 to meet with Volunteers of America re: the old Ayer Hospital formally Woodford of Ayer re: Tax Incentive Financing.
10. The Board set Thursday 7-19-01 by 5pm to respond to the Town Administrator's E-mail response to Lowell Sun editorial.

Selectmen's Questions

Selectman Witherow:

1. Status of Postage Meter Contract.
2. Advisory Board's fees/licenses/permit recommendations -the Board tabled this for 8-14-01 meeting. Selectman Sullivan-Police Chief's review of E.Main St./Groton Harvard Rd. intersection. Selectman Sullivan moved the Town Administrator report back re: Police Chief's recommendation re: left hand turn from E. Main St. to Groton Harvard Rd., 2nd Selectman Fay, VOTE: Selectman Bresnahan aye, Selectman Witherow aye, Selectman Sullivan aye, Selectman Fay aye, Selectman Pena no, 4-1 motion passes.

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Selectman Bresnahan 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 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, 2nd Selectman Fay, VOTE: Selectman Fay aye, Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Witherow aye, Chairman Pena aye, Unanimous so moved.

10:10p.m. Meeting adjourned.

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James M. Fay, Clerk

Date:

7/31/01