

Selectmen's Meeting  
Tuesday, June 26, 2001  
Lower Level Conference Room-East Main St., Ayer, MA

7:00p.m. Open Session

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

The Minutes of June 12, 2001 were read and accepted.

**Public Input:** Chairman Pena Requested if there was anyone present wishing to meet with the Board. Representative Robert Hargraves advised the Board to his office hours being held this evening from 7-8pm and that he was also present this evening to participate with the Board re: Congratulating Michael Wells with his Eagle Scout accomplishment and recognizing Laurie Nehring for her efforts and award from the Environmental Protection Agency.

Chairman Pena called for a motion to approve the agenda of 6-26-01. Selectman Witherow moved the Board approve the Agenda of 6-26-01 as presented, 2<sup>nd</sup> by Selectman Bresnahan VOTE: unanimous, so moved.

**Agenda items #1. Michael Wells –Eagle Scout Project-Footbridge Pine Meadow Conservation Trust.** Chairman Pena welcomed Michael Wells to the meeting and on behalf of the Board of Selectmen presented Michael Wells a Certificate of Appreciation recognizing Michael for his contribution to the Town's Open Space Conservation Efforts by restoring the Footbridge at Pine Meadow. Town Administrator Anita Hegarty on behalf of the Conservation Commission presented Michael a Certificate of Recognition for his efforts enhancing the natural landscape and public awareness of protected natural resources. The Board thanked Michael for coming to the meeting and congratulated him on his advancement to Eagle Scout.

**Agenda Item #2. Laurie Nehring-Certificate of Recognition-Environmental Protection Agency.** Chairman Pena on behalf of the Board of Selectman welcomed Ms. Nehring to the meeting and advised the viewing public to Ms. Nehring receiving national recognition for her efforts with PACE and being presented an award from the Environmental Protection Agency (EPA) in San Antonio, Texas last week. Chairman Pena on behalf of the Board of Selectmen presented Ms. Nehring an engraved rosewood gift box containing a small brass turtle representing her hard work protecting the natural environment/endangered species on behalf of the Town of Ayer and its residents. Representative Hargraves recognized Ms. Nehring by reading a Certificate of Recognition presented by the House of Representative and adopted by the Massachusetts Senate offered by Rep. Geoff Hall and himself.

The Board went off the posted Agenda to meet with the Board of Assessors regarding a joint appointment to the Board of Assessors. The Board met with Denis Callahan and Sandi Jones who requested to appoint Edward Cornellier to the Board of Assessors. Selectman Bresnahan moved the Board accept the recommendation by the Board of Assessors and appoint Edward Cornellier to the Board of Assessors, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.

**Agenda Item #3. Fy-02 Appointments**

The Board reviewed the Fy-02 Appointments- the following edits were made to the list.

**Page 1:**

**Title Change:** Economic Development Director-to Community & Economic Development Director, motion made by Selectman Bresnahan 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Town Counsel-90 day appointment-RFP** be prepared to advertise for new Town Counsel. Selectman Sullivan moved the Board appoint Kopelman & Paige for interim basis/90 days-& prepare RFP to advertise the position, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Pena aye, Selectman Sullivan aye, Selectman Fay aye, Selectman Bresnahan no, Selectman Witherow no, 3-2 motion passes.

**Animal Control Officer**-Selectman Sullivan moved the Board appoint Donald May Animal Control Officer for 90 days-during that time meet with the Police Chief regarding his recommendation concerning complaints, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved. The Board removed the **Veterans** Appointment from the list having been made on 6-12-01. Chairman Pena called for a motion to accept Page 1 of the Fy-02 Appointments as amended. Motion to approve page one of the Fy-02 Appointments so stated made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

Page 2:

**MRPC Rep.**-change alternate to vacancy, **Nashua River Watershed Rep:** leave vacant-Town Admin. to write Ms. Wray re: does she attend meetings-and get status update, Motion made by Selectman Sullivan, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved. **Advisory Board** remove R. Neville Markham and add Hector Creamer motion to appoint Hector Creamer made by Selectman Pena, 2<sup>nd</sup> Selectman Fay, VOTE: unanimous, so moved. **Conservation Com.**-add George Bacon to the Conservation Com. per his letter dated 5-01, Motion made by Selectman Bresnahan to submit Mr. Bacon's name to the Conservation Com. subject to their recommendation and approval, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Bresnahan aye, Selectman Sullivan aye, Selectman Pena aye, Selectman Witherow no Selectman Fay no. 3-2 motion passes, so moved. **Council on Aging Director**-Selectman Sullivan moved the Board appoint Karin Swanfeldt to the position of Council on Aging Director for one year pending probation period 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. The Board approved page 2 as amended.

Page 3:

**Historical Com.**-The Board appointed Ruth Rhonemus and Zelda Moore to the Historical Commission to the expiring positions of Pauline Hamel and Ida Naparstek. Motion made by Selectman Witherow, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Witherow aye, Selectman Pena aye, Selectman Fay aye, Selectman Bresnahan no and Selectman Sullivan no, 3-2 motion passes. Selectman Bresnahan moved the Board appoint Pauline Hamel and Ida Naparstek as Alternates, 2<sup>nd</sup> by Selectman Fay, VOTE: Selectman Bresnahan aye, Selectman Witherow aye, Selectman Pena aye, Selectman Fay aye, Selectman Sullivan no, VOTE: 4-1 motion passes. **ADA Co-Ordinator** - The Board appointed Anita Hegarty ADA Co-Ord. Per contract, **Commission on Disabilities** the Board moved to contact the Commission, re: reactivating Commission's status, Motion to appoint made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. The Board approved Page 3 as amended. **Industrial Development Finance Authority:** The Board held off the appointment of Francis Callahan pending clarification of term 05/06? By Mr. Suhoski.

Page 4:

**Personnel Board:** The Board removed Philip Goff who resigned earlier this year. **Drain Layer** the Board held off these appointments until a better understanding/clarification is provided to the Board re: these appointments. **Fire Department**-add Lisa White, Admin. Asst. correct spelling of Frank Flower to Fowler change EMS Director from Donna Laggis to Timothy Taylor Motion made by Selectman Witherow, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. **Capital Planning:** Selectman Pena moved the appointment of George Bacon to the Capital Planning Com. 2<sup>nd</sup> by Selectman Bresnahan VOTE: unanimous. **Community Preservation Com.** - the Board appointed Selectman Sullivan to serve as the Board's designee to serve on the Commission, motion made by Selectman Pena, 2<sup>nd</sup> by Selectman Fay, Vote: 4-1 with Selectman Sullivan abstaining. The Board voted to appoint Patrick Hughes for the 2 year citizen at large position and George Bacon for the one year citizen at large position motion made by Selectman Witherow 2<sup>nd</sup> Selectman Fay, VOTE: unanimous, so moved. The Board approved page 4 as amended.

Page 5: no changes

Page 6: Devens Open Space & Recreation the Board voted to remove Selectman Pena from this Committee and to announce vacancy Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

Page 7. Recycling Com. The Board removed employee from list of appointments. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Fay, VOTE: 4-1 with Selectman Sullivan abstaining.

The Board approved the Fy-02 Appointments as amended Chairman Pena aye, Selectman Witherow aye, Selectman Fay aye, Selectman Bresnahan Aye, Selectman Sullivan no 4-1 motion carries.

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

1. **Phosphorous Study-Contract**-The Board approved the Phosphorous Contract recommended by Supt. Madigan in a memo dated 6-1-01 approved by Town Counsel contingent of the Chairman's review and approval not to exceed the amount of \$13,800.00 motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
2. **CONTRACTS**
  1. **Heating Fuel Contract:** The Board awarded the Heating Fuel Contract per the recommendation of Supt. Madigan to Ayer Oil Co. for the bid award of \$0.19 per gallon over Boston Tank Car Low Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous.
  2. **Super Unleaded Fuels** The Board awarded the Contract to C.W. Fuels for \$0.059 per gallon over the Boston Tank Car Low, motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous, so moved.
  3. **Low Sulfur Diesel Fuel:** The Board awarded the Contract to C.W. Fuels for \$0.049 over the Boston Tank Car Low, motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous.
3. **Rental Contracts-Uniforms etc.** The Board approved the Rental Contract to Kleenit for three years for the bid award not to exceed \$20,972.64 motion made by Selectman Bresnahan 2<sup>nd</sup> by Selectman Sullivan VOTE: unanimous.
4. **West Main St. Water Main Contract-** The Board awarded the West Main Street Contract for the water main improvements on West Main St. from Mechanic St. to Rogers St. to R.M. Pacella Inc., for the Bid award not to exceed \$278,032.72, per the recommendation of Supt. Madigan, Tata & Howard the Town Engineer and Town Accountant. Motion to approve the Chairman's authorization to sign documents made by Selectman Witherow, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved. The Board requested Town Counsel's language amendment be inserted as required by MGL Chapter 44, Section 31C, certifying that the owner has an appropriation which is adequate to cover the cost of this contract and the Board of Selectmen is authorized to execute this contract and approve all requisitions and change orders. Motion to approve this language to be inserted into the contract made by Selectman Witherow, 2<sup>nd</sup> by Selectman Bresnahan, VOTE: unanimous, so moved.
5. The Board authorized the Chairman to sign off on the MA DEP permit application for Washington St. and Moore Drive Sewer extension and pump station motion to approve the Chairman's endorsement made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.

**Selectmen's Questions:**

Selectman Sullivan: weed control/sidewalks requesting Supt. Madigan to place this on his list of projects for the summer hire students urging this to be done sooner than later with the 4<sup>th</sup> of July festivities approaching.

Selectman Bresnahan: read letter into record from resident advising the Board to safety issue with tractor trailers erroneously turning onto Snakehill Rd. and then onto Wright Rd. due to poor signage for trucks trying to find Westford Rd. the Board requested Supt. Madigan place sign at public beach to read Westford Rd. one mile ahead.

Selectman Sullivan updated the Board to another accident this evening at the intersection of Groton Harvard Rd. and E. Main St. advising the Board to this being the 2<sup>nd</sup> accident there in two weeks and up to 6-10 accidents there a year. The Board directed Supt. Madigan to work with Chief Rizzo and the State MDPW-District #3 regarding recommendation to this intersection.

**Agenda Item #5-TOWN ADMINISTRATOR'S REPORT**

1. The Board approved the Fy-02 Wage increments as recommended and submitted by the Town Accountant for the Town's non-union employees contingent upon the Town Accountant's review and clarification re: the Economic Dev. Secretary's salary. Motion to approve made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
2. **Reserve Fund Transfer:** The Board reviewed the following Reserve Fund Transfers:
  1. Park Dept.-\$500.00. The Board requested Town Counsel send letter to Park Dept. re: ADA compliance issues re: handicap bathrooms being placed at Pirone Park. Motion made by Selectman Bresnahan 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

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3. Selectmen's Dept.-\$17,771.00 The Board approved the Selectmen's Dept. Reserve Fund Transfer motion to approve made by Selectman Bresnahan 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
4. Parking Tickets-\$350.00 The Board approved the Parking Tickets Reserve Fund Transfer, motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
5. The Board approved the Parking Ticket Contract with Municipal Management Assoc. from July 1, 2001 to June 30, 2004, based upon the review and recommendation of Chief Richard Rizzo, Selectman Sullivan moved to approve the contract, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
6. The Board tabled the contract for the Postage Machine until the next Selectmen's Meeting due to clarification of contract cost- motion made by Selectman Witherow, 2<sup>nd</sup> by Selectman Sullivan, VOTE: unanimous, so moved.
7. The Board approved the Subordination Agreement for 9 Grove St., Ayer, MA per the recommendation of Shaun Suhoski Program Director. The certificate not to encumber to a home equity line of credit in the maximum amount of \$15,000.00, motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved. Selectman Sullivan recused himself from any and all discussion re: this matter.

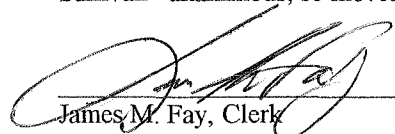
The Board approved Case #99-206 for a waiver of the Housing Rehabilitation Program's per unit limit of assistance to implement the scope of work for accessibility improvements. The waiver shall be up to a maximum of \$22,980 subject to modification by any code-required change orders based upon the recommendation of the Shaun Suhoski Program Director, motion made by Selectman Fay, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved.

8. The Board approved the new FY-02 Selectman Calendar subject to any future changes, motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Witherow, VOTE: unanimous, so moved. (see attached)
9. The Board requested the Police Chief meet with all the parties re: Dog complaint at 7 Calvin St., to resolve complaint to the satisfaction of all parties and report back to the Board. Motion made by Selectman Bresnahan, 2<sup>nd</sup> by Selectman Fay, VOTE: Chairman Pena aye, Selectman Bresnahan aye, Selectman Witherow aye, Selectman Fay aye, Selectman Sullivan no, 4-1 motion passes.

Chairman Pena called for a motion to extend the meeting due to it being 10:00p.m. Selectman Bresnahan moved the Board address remaining critical items only, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

10. The Board approved of the Town Administrator and Town Accountant to meet with the Advisory Board re: Reserve Fund request of \$1,554.00 to cover vacation replacement for the Selectmen's Office motion made by Selectman Bresnahan, 2<sup>nd</sup> by Chairman Pena VOTE: unanimous, so moved.
11. The Board approved the Devens LIP Agreement edited by Town Counsel to include approved changes and using Town of Ayer address as 1 Main St., Ayer, MA motion to approve made by Selectman Bresnahan 2<sup>nd</sup> by Selectman Sullivan. VOTE: unanimous, so moved.
12. The Board approved Mr. Suhoski's request to hire a consultant for the Town's Housing Certification as required by Executive Order #418 and to pay Communities Opportunities Group (COG) consultant's fee of \$3,000.00 from UDAG Interest. Motion to approve made by Selectman Sullivan 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

10:30p.m. Selectman Sullivan moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23b Exemptions 3&6, 2<sup>nd</sup> by Selectman Fay, VOTE: Chairman Pena aye, Selectman Witherow aye, Selectman Fay aye, Selectman Bresnahan aye, Selectman Sullivan -unanimous, so moved.

  
James M. Fay, Clerk  
AYER BOARD OF SELECTMEN

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

2/17/01