

Selectmen's Meeting  
Monday, August 11, 1997  
Ayer Public Library-Lower Level Conference Room  
East Main Street, Ayer, MA

7:00p.m. The Board met with Chairman Norstrom, Selectman Hamel and Selectman Bresnahan.

Chairman Norstrom opened the meeting by stating the Board is opening early to meet with the final candidate for the vacant Ayer Police Dept. Patrolmen's positions.

The Board met with Benjamin M. Lavine of Framingham, MA

Chairman Norstrom welcomed Mr. Lavine to the meeting and requested Mr. Lavine give the Board a brief background regarding his professional background. Mr. Lavine stated he has been a police officer for thirteen (13) years; and is currently employed as a patrolman with the Boxborough Police Department since 1988, has also worked with the Towns of Stow & Harvard, MA. Mr. Lavine stated that he is currently also a instructor with the Mass. Criminal Justice Training Council teaching motor vehicle law, firearms and applied patrol procedures.

The Board requested why he wished to work for the Ayer Police Dept. Mr. Lavine stated there is not a lot of opportunity for advancement in a small department and he is familiar with the Town of Ayer and wishes a career objective for a supervisory position.. The Board conducted a brief question and answer session with Mr. Lavine which focused on his experience as a police officer, training, certifications, community policing, strengths and weaknesses. The Board thanked Mr. Lavine for coming in to meet with the Board and stated the Chief will be back in touch with him in a few days.

7:20p.m. The Board took a ten minutes recess.

7:30p.m. The Board re-entered Open Session.

***Public Interest***

Chairman Norstrom requested if there was anyone present who wished to be heard under public input. Mr. Adam Marcinuck requested to speak re: police personnel issues. Fire Chief re: new addition to station.

Chairman Norstrom called for a motion to accept the agenda. Selectman Hamel moved to accept the agenda as amended, 2nd by Selectman Bresnahan. Vote: unanimous, so moved.

***Town Crier***

***Chairman Norstrom made the following announcements***

Chairman Norstrom took this opportunity to welcome Representative Robert Hargraves to the meeting and advised the viewing public to the Representative conducting office hours this evening at the Ayer Library and welcoming residents to come in or to call in to the Representative if they have problems or concerns they wish to address with the Representative.. Representative Hargraves advised Ayer residents to House Bill #. H.3226 & H.4702 having passed the House and being on its way to the Committee on Ways & Means for passage re: Veteran's Bill exempting State Tax from retirees pensions. Representative Hargraves stated there will be a press release very soon concerning this bill stating the bill looked very favorable.. The Board took this opportunity to present Rep. Hargraves with a Certificate of Appreciation for his participation in the Town of Ayer's 4th of July Celebration/97.

1. Mosquito spraying for the month of August: August 4, 11, 18 & 25, 1997.
2. Chairman Norstrom urged all residents, businesses and town officials to attend the zoning revisions meeting scheduled for Tuesday, August 12, 1997 at 7:00pm at the Ayer Town Hall-2nd floor meeting hall.
3. Joint Boards of Selectmen's Meeting to be held on Wednesday, August 13, 1997 at 7:00pm at the Devens Conference Ctr.

4. Next School-Strategic Planning Meeting is scheduled for August 20, 1997 at 7:00pm at the Page School Professional Development Room, Washington St., Ayer,MA

5. Farmer's Mkt. the first in Ayer was held last Saturday, the 9th of August and will be conducted every Saturday from now UNTIL October from 8am to 1pm in Depot Square. Chairman Norstrom congratulated Diane Sullivan-Economic Development Director for this initiative bringing business to downtown Ayer.

Chairman Norstrom in the absence of Diane Vita, 4th of July 97 Chairman, due to illness, presented Certificates of Appreciation to Janet Lewis, Fire Chief Paul Fillebrown and Police Chief Donald Haapakoski for their help and assistance with the Town's 4th of July Celebration activities for 1997.

The Board met with Fire Chief Paul Fillebrown. The Fire Chief stated he was before the Board this evening re: the Bid award for the new addition to the Fire Station for the completion of his office area/shower area for firemen, and the additional storage area. Chief Fillebrown presented the low bid for the Board's consideration. Sarjak Building's bid quote of \$20,200.00. Selectmen Hamel moved the Board accept the recommendation of Fire Chief Paul Fillebrown and award the bid to Sarjak Builders for the bid Award of \$20,200.00, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Selectman Paul Bresnahan took this opportunity to submit his resignation from the Zoning Board of Appeals (ZBA) and from the Industrial Development Finance Authority (IDFA). Selectman Bresnahan stated he enjoyed serving on both of these boards over the years but do to conflicts with his current position as Selectmen felt it would be in the best interest of the Town to resign from the IDAF & ZBA at this time. Selectman Hamel moved to accept Selectman Bresnahan's resignations from the IDFA & ZBA with regrets 2nd by Chairman Norstrom.

The Board met with Pauline Conley re: a request from the Park Commissioners for a permanent variance from the water ban, to water the fields at Pirone Park. Ms. Conley stated the cost to replace the fields would far exceed \$12,000.00 to redress one field would cost \$3,500.00 -one application of water could save the Town \$12,000.. Town Administrator James Kreidler advised the Board to his receipt of the latest correspondence from the Water Foreman which he plans to address later in the evening under his report. The Board deferred this request to later in the meeting.

The Board met with Adam Marcinuk of Markham Circle re: a petition he read into the record re: the handling of recent issues by Chairman Norstrom. 1. Wysk Beer & Wine License, 2. Chief Haapakoski, and Edward Denmark of the Ayer Police Dept. Selectman Hamel stated that the Chairman does not make all the decisions of he Board. She supported the Chairman re: the Wysk decision due to the Town having nine alcohol establishments already located in a one (1) mile radius and that there was no public need for another one. Re: the Chief & Denmark Selectman Hamel stated the ongoing investigation has caused a lot of uncertainty in the Police Department but once the report is made public a lot of the issues will be resolved. Be patient. Chairman Norstrom stated she is sorry that this group of individuals feel this way with her decisions stating she has based all her decisions upon the best interest of the Town.

The Board met with Frank Callahan and Diane Sullivan, Economic Development Director.re: The Town's Sign Facade Program. Ms. Sullivan stated she and Mr. Callahan were before the Board this evening to request UDAG Funding of \$100,000.00 for the Industrial Development Finance Authority (IDFA) to make available loans to commercial businesses for sign and facade improvements. This new component is aimed primarily at retail businesses but extends to commercial businesses in the Central business District-East & West Main St.-Park St.,-Fitchburg Rd.-Central Ave. and Littleton Rd. as well as Main St. this new component would compliment the IDFA's current program. Ms.Sullivan requested businesses interested should call her for prequalifying interview and application at 772-8206. Selectman Hamel

moved the Board approve \$100,000.00 of UDAG Funds for the new Sign & Facade component to the IDFA Program, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

The Board met with Diane Sullivan re: the Economic Development Director's FY-98 Budget. Ms. Sullivan stated her budget has been set up on a calendar year basis and that she would need funding of \$29,619.00 for the remainder of this year. After a brief discussion with the Town Administrator concerning past and present budget procedures Selectman Hamel moved to transfer \$29,619.00 from UDAG Funds to the Economic Development Director's Budget, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

The Board met with Police Chief Donald Haapakoski re: the Detective's position as it relates to (OIC). Chief Haapakoski presented both the Patrolman's Union and Senior Officer's Union responses to the OIC proposal concerning the Detective's position. Both Unions agreed to the need for a new classification for the sergeants position but not to change the current policy and not to make this a promotional step. Duties to be left as recorded. Selectman Hamel requested how former Chief Boisseau had held the position of Lt./Investigator under Chief William Adamson and Connors without shift duties. Chief Haapakoski stated Boisseau was the Court Officer for the department and remained in that capacity under Chief Connors. When he became chief he adopted the recommendations of the MMA Study. Chief Haapakoski stated there is a need today for more investigations and the detective's position should be rotated every 2-3 years and that it should not be considered a permanent rank. The Board requested Mark Coulter be informed of tonight's discussion.

#### *Town Administrator's Report*

##### *Action Items:*

1. The Board approved the FY-98 Appointments as presented by the Town Administrator..
2. Sewer Permit of 142 Sandy Pond Rd. approved.
3. Hoyle Tanner Contracts were approved for: Declorination (EPA Consent Order), General Engineering for the Waste Water Treatment Plant, and Design.
4. The Board discussed Phase I of HTA's full facilities plan for the Town of Ayer's WWTP draft value of the Town of Ayer's Plant.. Selectman Bresnahan requesting regionalization be looked at with SRA funding available to upgrade plant for the region. Regionalization is criteria for eligibility. Mr. Maxant addressed the Town of Shirley's public hearings concerning the BIO Conversion plant proposal currently before the Devens Enterprise Commission (DEC) for development off Walker Rd. and of traffic issues which would impact Ayer. Proposed is twenty (20) eighteen (18) Wheeler trucks/per day exiting Devens through -Verbeck Gate-taking a right through downtown Ayer carrying sludge. The Board addressed the Bailey Bridge traffic alternative re: access to the WWTP and also to request the necessary repairs be made to bridge over Railroad tracks on McPherson Rd. to alleviate traffic through the Town of Ayer. Selectman Hamel moved the Town Administrator write a letter to Land Bank supporting the river crossing project and include request for truck traffic being routed under Bailey Bridge and from Devens to Rt.2.
5. Mr. Kreidler announced the three finalist for the Police Chief's position: Frederick Ryan-currently employed at the Concord, MA Police Dept., Frank Rizzo of Portland ME, a Captain with the Portland Police Dept., and Richard Vance-currently employed as Chief of Police in Hubbardston, MA. The Board to interview the candidates on August 14, 1997 at 2:00p.m.
6. Mr. Kreidler advised the Board to receipt of letter from the Massachusetts Congressional delegation supporting the consolidation of landfills on Devens be located to a remote/isolated portion of Devens rather than the Shepley Hill Landfill site. The Board supported this letter submitted by the congressional delegation. The Board requested Mr. Kreidler invite the Town of Ayer's DEC members into the next Selectmen's Meeting scheduled for 9/8/97.

7. The Board approved of the Town Administrator's request for a new computer. The Board awarded CRS the bid for a new pentium PC. Motion made by Selectman Hamel, 2nd by Selectman Bresnahan. VOTE: unanimous, so moved.

8. The Town Administrator updated the Board to the Water Ban situation in the Town. Mr. Kreidler advised that Rick Linde had informed him earlier in the day to the 2nd well in the Spectacle Pond Well Field having to be cranked down. This is the same well which recently has been redeveloped in an attempt to adjust to a bent shaft. This well now only running a 2/3 of its capacity which translates to a further taxing on the 1st well at Spectacle Pond. Mr. Kreidler stated that the demand was hovering at 1.7 million gallons per day mark high above the .66 million gallon per day draw permitted to be pulled from these wells. Mr. Kreidler stated Mr. Linde requested the Water Ban be continued indefinitely-forbidding outside watering and a more rigorous enforcement of the ban. Mr. Kreidler also updated the Board to the progress with the Grove Pond Wells stating work has begun to repair the damaged connection from Grove Pond Wells to the water distribution system. Final test of well water in this wellfield are due regarding water quality. Water from these wells could be used as an alternative should Spectacle Pond Wells fail. Once the assurance is received that the water passes state standards and it looks favorably that this will happen, the water could be used as a badly needed supplement to Spec Pond. The Board requested a letter be prepared for residents advising residents to Grove Pond coming on line.

9. The Board after the discussion with the Town Administrator concerning the Water Ban update voted not to approve the Park Department's request to lift the ban to water the fields at Pirone Park. The Board discussed the possibility of utilizing water from Grove Pond for watering but decided against this due to possible contamination.

10. The Board took up the Patrolmen's positions. The Board appointed Austin Coty, Jessica LeBlanc and Neal Archambault to the Ayer Police Department contingent upon back ground investigations, physical, and psychological examinations and six month probation period. Stand letter of appointment listing criteria for appointment to be issued.

11. Mr. Kreidler advised the Board to the new ballast's for the street lights being held hostage in Chicago due to the UPS strike still ongoing.

12. The Board approved and endorsed the Chapter 90 funds from the Mass. Highways in the amount of \$194,395.00.

13. The Board approved of DPW highway employees being allowed to attend the Snow Plow Rodeo on October 2, 1997 in Worcester.

14. The Board requested Mr. Kreidler submit a letter to the Dept. of the Army (DOD) and Federal Bureau of Education re: releasing the Fort Devens School to the Town of Ayer being that the Town of Ayer has had the care, custody and control of the building for 35+ years. Mr. Kreidler to contact the School Supt. re: their assistance with this venture.

15. The Board reviewed the JBOS agenda for 8-20-97 meeting at the Devens Commerce Ctr.

16. The Board approved of the Town Administrator's addendum to be inserted into the Patrolmen's Contract for Fy-98. Motion moved by Selectman Hamel, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

17. Mr. Kreidler advised the Board to David Ross reviewing the Fletcher Pond Plan for the new subdivision on Calvin street being stopped due to permits not being properly pulled with DEP re: flood plain violations.

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Selectman Bresnahan took this opportunity to request the Selectmen put together a plan addressing their goals and objectives for the next few years.

18. Mr. Kreidler advised the Board to a letter being received and responded to by Atty. Ralph Gants concerning residents complaint re: their request for Mr. Gants to investigate their complaint with the Ayer Police Dept. not being done.

10:20p.m. Selectman Hamel requested the Board enter into Executive Session pursuant to M.G.L. Chapter 39, section 23B Exemption #2 re: Hybricon, 2nd by Selectman Bresnahan, Vote: unanimous, so moved.

10:35p.m. The Board re-entered into Open Session. The Board requested to recess to caucus prior to taking up the next agenda item.. Motion made by Selectman Hamel, 2nd by Selectman Bresnahan, VoTE: unanimous, so moved.

11:00p.m. The Board re-entered Open Session with the possibility of entering Executive Session pursuant to M.G.L. Chapter 39, Section 23b Exemption #2, re: police personnel issues. The Board met with Sgt. Edward Denmark of the Ayer Police Dept. The Board requested if Mr. Denmark wished Open or Executive Session. Mr. Denmark chose Open Session. Approximately 20 people were in attendance. Mr. Denmark stated he was before the Board this evening re: the Lieutenant's position. Mr. Denmark stated he had taken the exam back in December of 1996. He was the top scorer. Mr. Denmark went on to state he had heard rumors as to why he had not been promoted some of which he presented in his letter to the Selectmen. Selectman Hamel stated she took exception to his letter stating none of those comments in the letter had ever come from her and if he remembered she was the one who nominated him for the Sergeants position...Chairman Norstrom echoed Selectman Hamel's statement that she also never made such accusations. Selectman Hamel stated the Board has been requested by Ralph Gants to hold off on all appointments pending the outcome of his report -this has prolonged appointments. Selectman Hamel stated copies of his letter were forwarded to Palmer & Dodge, and the Board should not engage in conversation without Counsel present. Mr. Denmark stated he has done nothing wrong and his performance has never been challenged. The Board stated the investigation will be settled soon. Mr. Denmark thanked the Board for their time.

11:20p.m. Selectman Hamel moved the Board adjourn the meeting, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

11:20p.m. Meeting adjourned.

 DATE: 9/8/97  
Paul Bresnahan, Clerk  
AYER BOARD OF SELECTMEN