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Paragraph 3

SELECTMEN'S MEETING  
MONDAY, OCTOBER 7, 1996  
PROFESSIONAL DEVELOPMENT ROOM  
PAGE SCHOOL-WASHINGTON ST., AYER, MA

7:30P.M. Open Session

The Board met with Chairman Miller and Selectman Hamel.

The Minutes of 9-23-96 were read and amended to correct the name of Father Gosselin from Father Gillette and Page two under Stocks complaint the number of children noted corrected from four (4) to two (2). Selectman Hamel moved to approve the minutes as amended, 2nd by Chairman Miller for discussion. Chairman Miller requested the minutes be shortened, less detail, 2nd by Selectman Hamel, VOTE: unanimous, so moved.

Chairman Miller opened the Meeting by reading a prepared announcement (see attached) re: the Public Input portion of the Selectmen's Meeting. Chairman Miller stated the Board's process and groundrules re: complaints aired to the Selectmen by individuals involved in civil suits against the town or who are awaiting trial. Chairman Miller stated individuals were cast in unfavorable light at the last Selectmen's Meeting and offered the Board's apology. Chairman Miller stated the intent of Public Input is to allow access to the Board regarding matters of importance, and not a forum to give disgruntled citizens permission to malign or embarrass people. Chairman Miller stated the Board's policy re: complaints: the first place to lodge the complaint is to the department head. If not satisfied with the results, the issue can be escalated to the Board of Selectmen through a letter. Chairman Miller advised that a persons performance, or competence can only be discussed with that person present, upon proper notice, if an employee's character is in question that can only be discussed with that person present upon proper notice and with the option of going into Executive Session. If the discussion involves litigation then attorneys for both parties must be present. Chairman Miller stating finally if anyone wishes to discuss pending, or past criminal charges the Selectmen will not entertain such discussions at all as they are beyond the purview of the Selectmen. With that stated Chairman Miller requested if there was anyone present this evening wishing to speak under Public Input other than what was listed on the Agenda, Marvin McMiller and Russell Norstrom requested to speak re: need for a Park Dept. vehicle and mileage. Chairman Miller requested who would be representing the Oakridge Drive residents, Mr. Robert Isaacs stated he would.

Chairman Miller called for a motion to accept the agenda as amended. Selectman Hamel moved the Board approve the Agenda of 10-7-96 as amended, 2nd by Chairman Miller, VOTE: unanimous, so moved.

**TOWN CRIER:** Chairman Miller made the following announcements:

1. Fire Dept. open house to be conducted on Saturday, October 12, 1996 from 10-2p.m at the Ayer Fire Station.

Chairman Miller was interrupted at this time by resident Gerald Wood who asked to speak regarding Public Input. (Please refer to cable program tape) Stating residents were present this evening to speak with the Selectmen. Chairman Miller stated groundrules had been set. Mr. Wood alleged "Gag Order". Chairman Miller stated rules were not meant to put a gag on, but to protect all parties.

Mr. Wood stated he had tried countless times to meet with the Chief of Police to no avail, alleging he had been threatened to have a bullet put in the back of his head, by a Police Officer, if he carried on with his complaints. The Chief agreed to meet with Mr. Wood at a location and date of his choice, when Mr. Wood stated his fear of meeting at the station. Chairman Miller requested the group wait to hear the Chief's report later in the meeting. Selectman Hamel stated at previous Selectmen's meetings she had stated the need for an investigation, stating this is the only way for the problem to go away.

**TOWN CRIER (Continued)**

Chairman Miller announced that the Ayer town Hall would be closed on Monday, October 14, 1996 in observance of Columbus Day.

Chairman Miller also advised that Debbie LaPoint, Director of the Nashoba Valley Chamber of Commerce will be conducting a Debate for the three candidates running for Selectmen-Chairman Miller advised that a date has not been set but to watch for a public announcement in the newspapers and Cable TV.

Chairman Miller also made another announcement that the Town reached an out of court settlement with Imperial Casualty and Indemnity Co. re: a High Speed Pursuit Case and copies of the Board's earlier announcement and this out of court settlement would be made available to the press, stop and review later in the meeting or pick up a copy tomorrow in the Selectmen's Office.

**PUBLIC INPUT**

The Board met with Robert Isaacs representing the residents from Oakridge Drive. Mr. Isaacs stated he was before the Board this evening to request the Board complete the sewer project. Mr. Isaacs stated residents were informed that the project would stop at Eastern Ave. due to present funding. Mr. Isaacs stated residents were present this evening to request the Board conduct a Special Town Meeting to complete the entire area. The Board requested Supt. Ouellette elaborate. Supt. Ouellette stated the project contractor stated the entire area could be finished for an additional \$150,000.00 which would then encompass Eastern and Western Avenues barring any unforeseen complications. Supt. Ouellette stated a Change Order could be requested if funding was to be made available. The Board requested the Treasurer be contacted re: borrowing capacity with the need for a Special Town Meeting later this year for the out of court settlement re: the pursuit case this project could also be added to the warrant.

The Board met with Russell Norstrom, Park Commissioner, and Marvin McMiller, Park Director re: the need for a Park Dept. truck. Supt. Ouellette advised the Board that the DPW could free up a 1985 pick-up truck for use by the Park Dept. but this truck would have to be parked at the DPW facility to utilize maintenance and repair service. Supt. Ouellette also requested the truck back for snow removal operations during the upcoming winter season. Mr. Norstrom and Mr. McMiller thanked the Board for the use of this truck. Mr. McMiller advised the Board to mileage reimbursement, due to using his truck, not meeting repair costs. Town Administrator James Kreidler advised the Board to problem of Town paying for the repairs to a privately owned vehicle. The Board took this matter under advisement pending clarification.

The Board met with Chief Haapakoski Chief Haapakoski advised the Board to the Departments Internal Complaint procedure. The Chief stated this policy has been in place since 1983 which addresses citizens complaints. The Chief ran through the procedure for the Board:

1. Citizen files the complaint-which outlines the complaint.
2. The Complaint is turned over to the shift sergeant-who conducts the preliminary investigation.
3. When the investigation is completed by the Sergeant with supporting documentation the sergeant turns over the investigated packet over to the Chief.
4. The Chiefs reviews the packet, contacts the complaining party and involved officer and advises them of the findings.
5. The Chief may order an additional investigation, effect discipline or order retraining.

The Chief advised internal investigations are confidential in nature and can not be made public. Statements cannot be made to the media unless charges have been sustained and action has been taken or initiated against the officer or employee. Internal investigations and police officers are governed by the Mass. Supreme Judicial Court whose rulings govern the scope and conduct of the investigation. Chief Haapakoski requested all complaints be referred to him alleging police misconduct.

The Chief offered the following re: allegations/complaints re: Ayer Police Officers aired on Sept. 23, 1996. Chief Haapakoski stated he watched the taped meeting, spoke with the D.A.'s office, spoke with the officers involved in both incidents. The Chief stated he didn't feel the officers acted illegally and that officers were called upon on many occasions involving the two (2) incidents and investigated calls/reports for assistance and all calls were handled properly. The incident involving the removal of children from the home and sent out of state to the grandparents was ordered by the judge-criminal issue. The other complaint stems from a Landlord/tenant dispute-civil issue.

The Chief stated he did not want the department operating under a cloud and felt the department had nothing to hide and recommended the Board engage a private investigator to look into complaints. Chief Haapakoski stated these reports have tainted the department's image of public trust and citizens as well as the Selectmen must have confidence in the Police Departments abilities to conduct themselves in a lawful manner towards that end the Chief brought out the possibility of obtaining surveillance camera's for the vehicles which would cost approximately \$4,000.00/car. The Board took this under advisement..

Chief Haapakoski presented to the Board copies of the Municipal Policies Institute, Inc. Policy & Procedure #200 *Internal Affairs* for thei Board's review Selectman Hamel moved the Board hire a Private Investigator to conduct an investigation of the Ayer Police Department, 2nd by Chairman Miller, VOTE: unanimous, Town Administrator James Kreidler to review funding options and report back to the Board.

The Chief on other matters reported on Police Department Grants:

1. The Chief reported that the department was awarded a \$31,221.00 grant from the US Department of Justice Law Enforcement Block Grants. The Chief reported that this money will be used to replace ten portable radios and fund the new bike patrol.
2. The Executive Office of Public Safety awarded the department \$12,000.00 towards the DARE Officer's position as well as \$4,500.00 in a community policing grant to establish a citizens police academy.
3. COPS International office notified the Department they received the Town's application and is being reviewed the department-- should hear more on the Grant by January/97.
4. Chief Haapakoski advised the Board that the Project Manager for the Town's new Police Station is working with the Department to stay current re: the State reimbursement program for the construction of new police stations. The Department has been insured that the new police station meets all the criteria listed to be able to apply for reimbursement for construction & equipment costs when the legislator frees up the funding.

The Board met with Timothy Henzy, Grant Administrator. Mr. Henzy stated he was before the Board this evening re: the Fy-95 Quarterly Report for the Mass. Small Cities Program, one close-out release agreement and one subordination agreement. The Board approved the Fy-95 Quarterly report and the close-out release agreement re: Larry Miskell of Sculley Rd. submitted by Mr. Henzy and took the subordination agreement under advisement re: Steven Jones of Willard St. pending more information.

**PUBLIC HEARING:** Earth Removal Permit-John Giamio Inc., NEMCO Way Lot 1AA, Westford Rd., Ayer, MA.

The Board met with John Giamio re: his application for a Earth Removal Permit. Selectman Hamel read the legal notice published in the Nashoba Publications newspaper the weeks of September 18th and 25th, 1996. Chairman Miller requested if there was anyone present wishing to speak for or against the petition. No one stepped forward. Chairman Miller requested Mr. Giamio explain his situation to the Board. Mr. Giamio stated he purchased Lot 1AA which had three huge stockpiles of gravel on it-left over material from other developed lots in the park. Mr. Giamio stated he would only utilize 1,200 yards to

complete his area excess of 3,800 cubic yards of gravel/sub-soil would need to be trucked off site. Mr. Giamio stated he went before the Planning Board and the lot was approved under the Town's Site Plan Review By-law for the construction of three (3) 3,500sq.ft. lots. Hours of Operation would be M-F 9-3:30pm, truck to utilize Rt. 119. Dust control measures to be taken as necessary to control gravel from entering the roadway. Chairman Miller called for a motion. Selectman Hamel moved to approve the Earth Control Permit, 2nd by Chairman Miller, VOTE: unanimous, so moved.

The Board met with Devens Commerce Center Representatives, Bill Burke, Mike Domenica and Paul Weisman re: the Devens Regional Wastewater Facility. Mr. Burke opened the discussion by stating the Devens Commerce Center's mission to regionalizing linkage to wastewater/infrastructure to the surrounding Towns: Devens, Ayer, Harvard, Groton, Shirley, MCI-Shilrey and Lancaster. Mr. Burke ran through the facilities planning with the Board identifying Phase I of the preliminary schedule. The Board reviewed with Mr. Burke timetables which identified the needs and outlined the projects key tasks.

Mr. Domenica outlined for the Board the events and studies that led to the focus on regionalization as a feasible facilities planning alternative. To support future growth at Devens, the Devens Commerce Ctr. was designated to provide adequate facilities for transportation, treatment and disposal of wastewater an residuals from residential, commercial and industrial zones. In the fall of 1995 studies/workshops were conducted to evaluate regional impacts of wastewater facilities planning on the abovementioned six potential towns on the basis of environmental effect, cost, operation and maintenance requirements, as well as regulatory, institutional and political factors. Workshop participants expressed a general desire to consider regional solutions. Mr. Domenica stressed timing is essential to the overall success of this project. That Devens needs a clear indication that Ayer is interested in being partners in a solution and committing assets to the project.

Mr. Weisman explained the wide range of tasks involved with the project. Mr. Weisman ran through the eleven (11) tasks: project management, public involvement, collection & review of existing information, define existing conditions, define future requirements, summary of needs, valuation of alternatives, development of interim plan, MEPA review, evaluation of final alternatives and preliminary design.

Mr. Burke closed by stating upcoming dates re: Regional wastewater Meetings: 10-16-96 from 3-6. 10-30-96 from 3-6, 11-13-96 from 3-6, 12-4-96 place & hours to be announced. The Board thanked the Devens Commerce Center representatives for coming and updating the Board to the status of the Wastewater facility.

***SUPT. OUELLETTE'S REPORT:*** see report dated 10-7-96

The Board approved a sewer permit for: 53 Nashua Street for a single family dwelling and for 135 Central Ave. for an existing dwelling.

Supt. Ouellette' Report advised the Board to the status of the following on-going projects in Town:

- Central Ave.-sidewalk project near completion
- Central Ave.-road to be completed along with several side roads
- Devenscrest- work is still being done on berms
- Groton-Harvard Rd drainage-started should be completed 10-8-96
- Grant Funding by the State was received in the amount \$10,810.30 for the town's above ground fuel tank.
- Water Dept. to start flushing water mains beginning tonight-10-7-96
- Shaker Hills Golf Course-utilities belong to the Town-Golf Course can tap into Rt.2A
- Grove Pond- should start up this week-problem is now with Mass. Elec. contract language
- water samples-now being tested by Thorensten Labs due to American Envir. Labs being shut down by DEP for falsifying results.

-Public hearing scheduled for 12-4-96 re: regional wastewater concept at senior High school at 7:00pm this will be 1st opportunity for Ayer residents to learn of proposal and express concerns.  
-Oakridge Drive Sewer Project has started-Supt. Ouellette stated the Hearing was conducted on 10-1-96 at the Ayer Town Hall and reviewed with the Board areas of concern brought up by residents at the Hearing.

Supt. Ouellette advised the Board to the need of hiring an additional clerical person to assist the Office Manager with the phones as well as dump stickers and general office procedures. Supt. Ouellette was directed to run this position by the Personal Board for their recommendation and to be sure he had funding in his budget for this position.

**TOWN ADMINISTRATOR'S REPORT:**

Mr. Kreidler reviewed with the Board the Memorandum of Understanding, re: the Open Space & Recreation Plan. Mr. Kreidler suggested Special town counsel Judy Pickett review this MOU and advise before the Board takes action on it. The Board approved of Atty Pickett be contacted and requested to review the MOU.

The Board was advised to the Project Manager, Tony DiLuzio, for the new Police station meeting with the Zoning Board of Appeals on Tuesday, 10-15-96 re: securing a side yard variance for the sitting of the building.

The Board was advised to Hybricon Corp. of Willow Rd. Ayer, MA seeking a waiver and a subordination agreement from the Town for a lease transaction with the Republic Group, Inc. for equipment Hybricon is acquiring with the proceeds of the lease financing. The Board requested this be run by Town Counsel for his recommendation.

Mr. Kreidler advised the Board to a RFP being prepared re: the town requesting Town Counsel services. Mr. Kreidler stated he has received two (2) letters of interest. Selectman Hamel requested Atty. Judith Pickett also be contacted re: bidding on this service. Also the Planning Board requested the Board consider the candidate have strong knowledge of land use. Mr. Kreidler stated he would prepare a rough draft for the Board's consideration

The Board was advised to the West Main Street Bridge light poles having to be moved off the bridge during construction. The Board requested why all of the lights have to be moved at once. Supt. Ouellette to get more information for the Board re: staggering the pole removal.

The Board was advised to the Town Hall boiler needing repair due to a unannounced inspection conducted by the Town's Insurance carrier. Bids were sent out to six local companies of which only two (2) were qualified to bid. Bids were received from: Wilson Bros for \$2,650.00 and Paul McGuane for \$2,550.00 The Board moved to award McGuane Plumbing & Heating the bid award for \$2,550.00 this award to include the cleaning and servicing/repair of the boiler.

Mr. Kreidler advised the Board to the SHAVE (Senior Handicap Ayer Volunteer Employees) program receiving nine (9) candidates to date. Mr. Kreidler reminded the viewing audience to the last day for applications to be submitted to the Selectmen's Office being October 18, 1996.

10:05pm Selectman Hamel moved the Board move to adjourn from Open Session to enter into Executive Session pursuant to M.G.L. Chapter 39, Section 23B Exemption #3 re, Collective Bargaining: Union Contracts, 2nd by Chairman Miller, VOTE: unanimous, so moved.

10:05pm Open Session Ended

Pauline J. Hamel  
Pauline J. Hamel, Clerk

DATE:

10-21-96