

Selectmen's Meeting
Monday, September 9, 1996
Page School-Professional Development Room
Washington Street, Ayer, MA 01432

7:30p.m. Open Session

The Board met with Chairman Miller, Selectman Hamel and Selectman Slarsky.

The Weekly Warrant was unavailable for signatures.

The Minutes of 7-23-96 were held pending clarification.

The Minutes of 8-12-96 were read and accepted as presented

The Minutes of 8-21-96 were read and accepted as presented.

Chairman Miller requested if there was anyone present who wished to speak under public Input. No one stepped forward. Chairman Miller announced the requests received by the Selectmen's Office re: Public Input. Selectman Slarsky re: announcement, Carlin's Restaurant re: Sunday Entertainment Licenses and Ida Naparstek re: Council on Aging Appointment.

Chairman Miller called upon Selectman Slarsky. Selectman Slarsky presented his resignation letter to the Board announcing his official resignation on the Board of Selectmen effective this evening. Selectman Slarsky stated he had announced back in April that he would not finish his term of office due to changes in his life, business, the loss of his father have all factored into his decision. Selectman Slarsky stated he has been flattered to have served the Town for five (5) terms of office. Selectman Slarsky stated he will be leaving office tonight. Selectman Slarsky elaborated upon all the Selectmen and staff he has been honored to have served with over the past 13 years: Thomas Casey, Murray Clark, Joseph Bresnahan, Irene Miller, Charles Pappas, Charles Jones, Charles McKinney, Manny Sifakis, Pauline Hamel and Charles Miller, Town Counsel-Robert Gardner, Tim Higgins, James Kreidler, Mary Quigley, Pauline Hebb and Janet Lewis. Selectman Slarsky stated he was not being forced to leave by anyone rather than his own conscience. Chairman Miller called for a vote to accept the resignation of Selectman Slarsky, Selectman Hamel moved the Board accept the resignation of Selectman Slarsky, 2nd by Chairman Miller, VOTE: unanimous, so moved. Selectman Hamel stated she has learned a lot from Selectman Slarsky and wished him the best. Selectman Miller echoing Selectman Hamel's sentiment and also stating there were times they agreed and times they disagreed the later being the more colorful, but always done in good conscience and the best for the Town of Ayer. Selectman Miller also wished Selectman Slarsky the best upon his many years of public service. Selectman Slarsky left the meeting after shaking hands and presenting his colleagues with a handbook for Selectmen. Selectman Slarsky requested at this time for his name plaque jokingly stating it is public property, with that Selectman Slarsky left the meeting.

Chairman Miller requested to take up the Entertainment License Renewals for Carlins under the Town Administrator's Report.

Chairman Miller took this opportunity to address another resignation the Board had received earlier in the day from Town Counsel-Robert W. Gardner, Jr. Chairman Miller read into the record Town Counsel's official resignation letter dated 9-9-96. Town Counsel Robert Gardner stated over his eighteen (18) years of service he has had the distinct pleasure of working with the elected and appointed officials of the Town of Ayer. Mr. Gardner also stated his pleasure serving the Town in many unique cases of municipal law. Mr. Gardner stated that at this point in his life he must dedicate more time to his family particularly his five children under the age of thirteen. Mr. Gardner requested his resignation take past at the end of his current term, December 31, 1996 stating this time would provide for an orderly transition to bring aboard a new Town Counsel to assume the current case load, and trials. Mr. Gardner requested the Board make an appointment earlier than December so the orderly transition could be enhanced advising that he would be happy to move his resignation date sooner than the end of the term so that the orderly transition could be enhanced without jeopardizing the pending cases. Mr. Gardner extending his gratitude to all Town of

Ayer officials and employees for the distinct honor and privilege to serve his home town in the capacity of Town Counsel stating it was the opportunity of a life time to have been chosen to represent the Town as Town Counsel. Chairman Hamel expressed her gratitude to Mr. Gardner and again thanked him for his many years of dedicated public service. Chairman Miller echoing Selectman Hamel and as well thanked Mr. Gardner for his steadfast consultation every week realizing this position took up a great deal of his time and the demands made upon him being tremendous. Selectman Miller wished Mr. Gardner and his family well in the future. Chairman Miller called for a motion to accept Town Counsel-Robert W. Gardner, Jr. resignation effective 12-31-96 or sooner if deemed appropriate. Selectman Hamel moved the Board accept the resignation of Town Counsel with regrets effective 12-31-96 or sooner if deemed appropriate, 2nd by Chairman Miller, VOTE: unanimous, so moved. The Board requested letters of appreciation be written to Town Counsel and Selectman Slarsky citing this is the end of an era.

The Board met with Denis Finnerty of 111 Oakridge Dr., Ayer, MA re: Public Hearing continuation of 8-8-12-96 for a Class II License for 85 Central Ave., Ayer, MA Selectman Hamel read into the record the legal notice which ran July 31, 1996 and August 7, 1996 in the Nashoba Publication newspaper. Chairman Miller requested if there were any abutters present to speak for or against the petition. No one stepped forward. Chairman Miller opened the discussion by requesting if Mr. Finnerty had addressed the Board's concerns re: preparing a site/lot plan depicting the proposed layout of the vehicles and fire lane. Mr. Finnerty presented to the Board a plot plan of 85 Central Ave. showing the location of vehicles (25) and fire lane dimensions as well as shrub placement blocking the entrance/exit to Groton Harvard Rd. to not prohibit the visibility of the intersection. Selectman Hamel restated the Board's restrictions: 25 cars only to be located on the site and access to Groton Harvard Rd. being prohibited, fire lane depicted on plan to be always kept clear of vehicles as well as front doors of garage kept clear. Selectman Hamel requested the word ensemble be stricken from the license. Selectman Hamel after reviewing all the contingencies moved to approve the Class II License for Denis Finnerty for 85 Central Ave. Ayer, MA, 2nd by Chairman Miller, VOTE: unanimous, so moved. The license fee to be prorated for the remaining four months.

The Board met with the Fire Chief Paul Fillebrown and Police Chief Don Haapakoski. re: the continuation of the meeting of 8-12-96 re: the Town's current Insurance, re: long term disability insurance. Fire Chief Paul Fillebrown opened the discussion by stating he had met with Town Counsel and the Town's insurance carrier's representative Betty Stalh of MIAA on Friday, August 16, 1996 re: the Town's current coverage under Chapter 111F of MGL Police and Fire Compensation & Chapter 152 of the MGL. The Board had directed the Fire Chief meet with Town Counsel to review the current coverage's and to obtain quotes to increase the current disability offered by the Town. This investigation also included the Police Chief re: making a joint recommendation re: new coverage's to be adopted by the Town. The Fire Chief reviewed with the Board options offered by the Town's carrier: The Fire Chief stated this policy would be offered to the Police Departments Reserve Officers, Fire Dept. Call Firefighters and EMT's. The approximate number of individuals that would be covered would be 60 people including including the Police Dept. Reserve Officers. The option requested by the Fire Chief to be approved by the selectmen would be for a maximum benefit quote of \$9,965.00 Option #3. increasing the weekly income benefits from \$200.00 a week to a maximum of \$1,000.00 for those officers/volunteers injured while on duty to receive wage and salary compensation while they are recovering from an injury in keeping with what they would have received from their regular jobs. Chairman Miller called for a motion to increase the Town's current insurance benefit. Selectman Hamel moved the Board approve Option #3 increasing the Town's long term disability weekly income compensation to a maximum of \$1,000.00/wk increasing the Town's maximum benefit to \$9, 965.00 for sixty (60) additional people to be covered. the difference in premiums \$7,000.00, 2nd by Chairman Miller, VOTE: unanimous, so moved.

The Board met with Police Chief Donald Haapakoski. Chief Haapakoski met with the Board on the following issues:

1. New Police Station Update: The Chief advised the Board to the Police Design Committee meeting on 8-9-96 and 8-22-96, with the architect, Project manager and himself. The Chief advised the Board to minor changes to the floor plan to make the station more functional. The Chief presented to the Board the architect's rendering re: the design of the building and schematics of the grounds. The Board stated their pleasure with the look of the building being brick and liked the added cupola and appearing to look like the post office. The circular windows also resembling the library. Chief Haapakoski requested the Board's approval of the design. Selectman Hamel moved to approve the design as presented, 2nd by Chairman Miller, VOTE: unanimous, so moved.

2. Animal Control Officer: Chief Haapakoski advised the Board to Animal control reports to be submitted to the Board on a monthly basis commencing this month. Chief Haapakoski advised the Board to his contact with Mr. Januskiewicz and requesting him to provide past reports and of the need for a new By-law, re: leash law violators as well as the need for a part-time animal control officer to be on call when the Animal Control Officer is unavailable. The Board requested the Chief advertise for a part-time dog officer. William Oelfke advised the Board to no funding being available to fund this position due to the Animal Control Office not submitting a Fy-97 Budget and the Budget for this year being level funded. The Chief to review this with the Town Accountant prior to posting.

3 Myrick Street incident: The Chief advised the Board to the Police Department's involvement in a fight at Myrick St., Ayer, MA on August 31, 1996 which led to the arrest of eight people for disorderly conduct. The Chief defended his department's action by advising the Board to eleven calls being received on E-911 from area residents. The Chief advised the Board to Detective Coulter's report which informed the chief to the fight being out of control. The Chief stated that both the evening shift and morning shift were engaged. Officers from Ayer, Shirley, Littleton and Harvard were on the scene. Even with support from neighboring communities it did not stop the fight. Chief Haapakoski stated officers were bitten, kicked in the face, and punched. Fighters turned on the officers and began beating them. Chief Haapakoski stated officers acting within guidelines intervened and stopped the fighting and made arrest, stating they did what they were trained for. The Board thanked Chief Haapakoski for the update.

4. Policy 96-4 Regional Mutual Aid Agreement: Chief Haapakoski advised the Board to Policy 96-4 which sets forth a department policy on providing mutual aid. The Policy covers purpose, policy, procedure and responsibility of all parties involved. The Policy being formulated by the International Assoc. of Police Chiefs legal department. Town Administrator James Kreidler advised the Board to his review of the policy meeting accepted guidelines but would advise the policy being run by Town Counsel prior to the Board's approval. The Board requested the Chief run Policy 96-4 by Town Counsel and set this matter back pending Town Counsel's review.

5. Draft Mutual Aid Agreement: Chief Haapakoski stated this model is also drafted from the IACP. This Policy was drafted for the Town of Ayer Police Dept. and the State Police at Devens. The Chief suggested the Board consider entering into a formal mutual aid agreement with them. Chief Haapakoski stated Ayer is their immediate backup in the event of an emergency and also with the W. Main St. Bridge repair about to commence Land Bank will be opening McPherson Rd. to traffic. The Chief advised emergencies can occur in a split second involving Ayer's officers, a mutual aid agreement will protect the Town and officers. The Chief stated he has been in contact with Jeff Mullin, Police Chief at Devens and he is very much in favor of it as well. The Board agreed in concept with this Agreement and also requested it be run by Town Counsel prior to the Board's endorsement.

6. Volunteer Handicapped Parking Program: Chief Haapakoski requested the Board's approval to implement this program which would consist of volunteers who will observe violators parking in posted handicap parking areas by means of taking photo's of the offender's vehicle, fill out an affidavit and turn them over to the Ayer Police Dept. where a Ayer Police Officer will issue a citation, explanation and photocopy of the vehicle to the offender. The Chief explained that Polaroid Corp. has supplied the cameras and Officer Mathew Hardy has attended the training course for the department to instruct volunteers. Laurie Brennan will nominate two (2) members from the Disabilities Commission for the Selectmen to appoint. The Chief emphasized these volunteers will not be enforcing any laws or to have contact with the offender. Selectman Hamel moved to approve this program as presented this evening, 2nd for discussion by Chairman Miller who shared concerns that these volunteers are not be to be in harms way by means of training and exercise of good judgment when a confrontation occurs with a belligerent motorist. The Chief assured Selectman Miller that they will be trained fully not to engage in any type of contact verbal or otherwise. With that Chairman Miller 2nd the motion VOTE: unanimous, so moved.

7. Cops Fast Grant: Chief Haapakoski advised the Board to the Ayer Police Department receiving a Federal Grant under the COPS FAST Grant Program The program will provide up to \$75,000.00 per officer hired over a three year period. The towns contribution would be set at the balance of the officers salary and benefits. The fourth year the Town would pay the full cost of the new officers. Chief Haapakoski recommended the town apply for two officers under this program to bring the staffing up to the level recommended by the MMA Study conducted in 1989; as well as with the growth of new housing developments, Devens closure and service related incidents have increased over the past three years by 10%. Chief Haapakoski requested based upon the MMA study conducted that a second detective position be filled and an additional patrolman be considered. Chief Haapakoski stated the department needs to start planning for the future with the job corps commencement date fast approaching, the Federal Prison to be completed soon and employment expected to be around 500 people, the town needs to be ready for the changes about to occur. Selectman Hamel requested if the same hiring principals still apply re: minority hiring. Chief Haapakoski stated yes. Selectman Hamel moved the Board approve the Chief to apply for this grant, 2nd by Chairman Miller. VOTE: unanimous, so moved.

On another matter the Board advised the Chief to two requests being received in the Selectmen's Officer re: speed signage for Brook St. and no parking signs for Bligh St. The Board reviewed these requests with the Chief who concurred with the applicants request to erect the signs. The Board approved both requests based upon the Chief's recommendation. Selectman Hamel moved to approve the two signage requests, 2nd by Chairman Miller, VOTE: unanimous, so moved.

The Board met with Diane Sullivan, Economic Development Director: The Board voted to approve a transfer of not to exceed \$20,000.00 from the Reserve Fund for the Comprehensive Plan Phase II to hire John Mullin as a consultant to revise the current town of Ayer Zoning By-laws to make them more effective. The reasoning behind this explained by Ms. Sullivan was; there was not sufficient money to cover this aspect in VHB's proposal. Selectmen Hamel made the motion 2nd by Chairman Miller, Vote: unanimous, so moved. The Board requested if Mr. Carrington thought this would pass his Board, Mr. Carrington stated he felt this request was in line and felt the Selectmen would have approval from the Advisory Board members as well. He would contact each of them himself by telephone.

On another matter the Board was advised to the final application for the Town's Mass. Historic Grant having to be in Boston by Friday, September 13, 1996. This grant would pay for half of the funding for a feasibility study for renovations to the Pleasant St. School appraised at approximately \$20,000.00 and renovation to the Ayer Town Hall appraised at approximately \$40,000.00 Ms. Sullivan stated the other half of the funding

is to be funded through the Town's Mass. Small Cities Program grant application. The Board approved this final application and endorsed the Chairmans signature on this final grant application. Motion made by Selectman Hamel, 2nd by Chairman Miller, Vote: unanimous, so moved.

SUPT. OUELLETTE'S REPORT: *See report dated 9-9-96*

1. Supt. Ouellette advised the Board to recent article published in the Nashoba Publications re: stand pipes completed and of proposal to have the students of the Ayer School System paint a mural on the lower bottom of the tanks. The Board requested this be run by Mr. Manning at the Ayer School Dept.

2. Supt. Ouellette advised the Board to the new office manager Pamela Martin working out very well and of compliments received from town hall employees regarding her attitude and ability.

3. The Board was updated to the roadwork in Devenscrest near completion and of berms being the only problem now. Most of the Residents at Devenscrest do not want the berms due to problems with original driveway design causing severe flooding problems to homeowners. Selectman Hamel stated Board's concern with not putting berms in and a year from now or ten years later residents complaining that the Town did not put in berm and the town having to replace them. Selectman Hamel suggested having a formal form made up and signed off by the residents if they don't want a berm so that the Town would not be responsible to replace a berm ten years down the road.

Supt. Ouellette advised the Board to water & sewer bills going out and a few problems associated with this billing being reported. Supt. Ouellette stated "Ghost Accounts" (bills mailed out to undeveloped lots) unfortunately had gone out unnoticed; and of corrective action being taken to remedy the problem. Selectman Hamel advised Supt. Ouellette to a member of her family receiving one of these "ghost bills".

The Board approved the following water/sewer permits:

- 1. Shaker Hills Golf Club contingent upon Sweeney submitting letter approving tie-in*
- 2. New Hope Baptist Church-Willow Rd., Ayer, MA*
- 3. 52 Central Ave., Ayer, MA -HOLD FOR FURTHER INFORMATION*

Supt. Ouellette advised the Board to his running the practice of allowing residents to have their driveways paved while roadwork was being done on Town roads by the Attorney General's Office. Supt. Ouellette stated the construction laws are very different from Chapter 30b Supt. Ouellette stated he had spoken with Chip Flatterty of the A. G's Office who stated that it was good project management plus the town did not have the legal right to stop the contractor from doing business in Town. Supt. Ouellette stated this has always been a past practice with no conflict and done with the best interest of the Town. The Board requested this be run by Atty Pickett for clarification.

TOWN ADMINISTRATOR'S REPORT:

1. The Board approved Phil Shutt of Harvard to have the correct name of Fletcher's Pond be placed on the Federal Geological maps.

2. The Board was advised to Collective Bargaining Agreements traditionally not being submitted for legislative approval in the Town of Ayer. Mr. Kreidler stated under 150E the Town is mandated to have legislative approval of all new cost items in collective bargaining agreements. Mr. Kreidler suggested all collective bargaining agreements fire, police, dpw be completed prior to the Annual Town Meeting, and reviewed by labor counsel, prior to being approved by Selectmen.

3. Mr. Kriedler advised the Board to his clarification of Park Dept. Referees problem. Mr. Kreidler stated that payment for these services as defined by the Town Accountant could be placed on warrant prior to games but the actual check would never leave the Park Dept. personnel until the game had been played and services completed by the referee had been signed off by the Park Dept. officials.

4. Mr. Kreidler advised the board to the Classification Plan being before the Personnel Board presently and he is awaiting feedback from this board. The Board has been investigating the Town's adoption of a Town Charter. Mr. Kreidler to meet with Department Heads as this matter progresses.

5 The Board was advised to the Conservation requesting a Joint Meeting be conducted on Wednesday, September 11, 1996 at 7:00p.m. at the Ayer Town Hall, 2nd floor meeting hall re: Fletchers Pond Estates. Mr. Kreidler advised the board to their being able to attend the meeting but of having no jurisdiction in the matter.

6. Mr. Kreider presented the "SHAVE PROGRAM" Senior and Handicapped Ayer Volunteer Employees for the Board's review and approval. Mr. Kreidler presented the Board a program overview outlining the program goals, eligibility requirements, job opportunities, selection process, applicant responsibilities, funding and tax payment guidelines. (see attached) Mr. Kreidler reminded the Board to ten (10) positions being funded at \$500.00 each for fy-97. Mr. Kreidler stated if more than ten people applied a lottery system would be used to be fair to all participants. The Board approved of the deadline for this years program being set at October 18, 1996. Selectman Hamel moved the program be approved as presented, 2nd by Chairman Miller. VOTE: unanimous, so moved.

7.Mr. Kreidler advised the Board to the Annual Mass. Municipal Meeting being conducted on Jan. 16-18, 1997 and of reservations being made in their names.

8. The Board was advised to the Devens Commerce Ctr. Director Steven Joncas inviting the Town Administrator to serve on the Regional Waste Water Treatment Committee. Mr. Kreidler advised the Board to the first meeting be scheduled for Wednesday, Sept. 11, from 4-6pm at the Commerce Ctr. Mr. Kreidler stated he was planning on attending.

9. Mr. Kreidler requested the Board's permission to enroll at Clark University this fall through an education incentive. Chairman Miller requested what program: Mr. Kreidler stated he was planning on attending Ethics in Municipal Government on Tuesday evenings. Selectman Hamel moved to approve the education incentive for Town Administrator James Kreidler this fall, 2nd by Chairman Miller, Vote: unanimous, so moved.

The Board was advised to Stahl Assoc., the architect for the new police station being 80% complete re: site work with only test borings to come back. Mr. Kreidler requested the Board's approval of the design phase pending review by Town Counsel and test boring coming back clean. Selectman Hamel moved the motion as presented by Town Administrator, 2nd by Chairman Miller, Vote: unanimous.

Mr. Kreidler advised the Board due to the resignation of Selectman Slarsky this evening the earliest the Board could hold a election to fill Selectman Slarsky's unexpired term would be sixty four (64) days after receipt of his written notice of resignation; that being November 18, 1996. The last day to take out papers would be September 27, 1996, and the last day to turn in papers to the town Clerk being September 30, 1996. Selectman Hamel moved the Board approve the date of November 18, 1996 as the Town Election date to fill the vacated Selectmen's position, 2nd by Chairman Miller, VOTE: unanimous, so moved.

BOSMIN9-9-96/PG7

10:20P.M. Selectman Hamel moved the Board adjourn the meeting, 2nd by Chairman Miller, VOTE: unanimous, so moved.

10:20p.m. Selectmen's Meeting adjourned.

Pauline J. Hamel

DATE:

9/23/96

Pauline J. Hamel, Clerk

AYER BOARD OF SELECTMEN