

Selectmen's Meeting
June 19, 1995
Selectmen's Office-Room #5
Town Hall, Main St., Ayer, MA

7:00p.m.

The Board met at 61 Washington St., Ayer, MA the home of Hazel Cummings for the presentation of the Boston Post Cane. Attending this event was Chairman Charles Miller & Selectman Pauline Hamel and secretary Janet Lewis. Selectman Slarsky absent due to prior commitment. Mrs. Cummings was born on May 26, 1896, 99 years ago- in Nova Scotia-moved to the U.S. in her early twenties-met and married Lester Cummings in Ipswich, MA-she moved to Cambridge and later to Watertown before settling in Ayer in 1937. Mrs. Cummings has two children: a daughter Jean who resides with her at 61 Washington St. and a son Robert who resides in Andover, Ma.

Present for the Boston Post Cane - (Golden Cane) presentation were family members, relatives and friends of the family as well as local reporters and Cable TV. Chairman Charles Miller made the presentation and addressed all those present. Selectman Pauline Hamel pinned corsages on Mrs. Hazel Cummings and Daughter Jean. Mrs. Cummings gave a brief history of historical events in her life and truly enjoyed the honor of receiving the "Golden Cane". Chairman Miller thanked the Cummings family for their hospitality and for allowing the Board the courtesy of presenting the cane in their home and advised everyone present the Selectmen's Office would notify the family when the event was to be aired on Cable.

7:35p.m. The Board adjourned from 61 Washington St., to continue the Selectmen's Meeting at the Town Hall.

Chairman Miller apologized to those present for the short delay in opening the meeting due to Golden Cane Presentation.

Chairman Miller opened the meeting by requesting if there was anyone present wishing to be heard. The following people requested to meet with the Selectmen regarding discrepancies in their water & sewer arrears billing: Mr. Conrad Donell of Madigan Lane, Michael Gray of Washington St., John O'Reilly of Devenscrest and George Bell of Fletcher St.

Mr. John Columbus, MSCP Program Director regarding extension of 1993 program.

Steve Thomas of VHB regarding HUD application/Phase II of the Town of Ayer's Comprehensive Plan.

Town Accountant, re: Fy-95 Reserve Fund Transfers.

Chairman Miller called for a motion to accept the Agenda as amended. Selectman Hamel moved the Board approve the Agenda of 6-19-95 as amended, 2nd by Chairman Miller.

Chairman Miller advised those present of the policy the Board of Selectmen have authorized regarding water/sewer bill arrears. Chairman Miller reviewed with every one the policy which would allow customers to pay the arrears in twelve monthly installments, or the other alternative being to have their water shut off. Chairman Miller advised those present to the Agreement prepared with the customer and the Town, copies of which were sent to them for their comment this evening. The Agreement would allow the payment process for the arrears to be paid within twelve months by the customers and also bind them for keeping their current bills paid as well. Selectman Hamel moved the Board endorse this policy, 2nd by Chairman Miller, VOTE: unanimous. so moved.

Chairman Miller opened the floor for discussion. The Board met with Conrad Donell who stated he has been trying to resolve a discrepancy in his bill for the past several years. Mr. Donell stated he has installed a sprinkler system on his lawn and requested a rebate of his sewer bill due to the water not going into the sewer but on to his lawn. The Board instructed Supt. Ouellette to meet with Mr. Donell and install a separate meter for this system and adjust his billing to reflect the correct usage.

The Board met with Michael Gray of 57 Washington St. Mr. Gray stated that he too had a discrepancy in his billing. Mr. Gray requested assistance due to excessive charges re: his billing based upon only four people living in the house. Mr. Gray stated the Town's policy being to charge solely based upon the number of bedrooms in the house, which he felt was excessive. Chairman Miller requested Supt. Ouellette monitor Mr. Gray's meter for a three month period to establish an actual consumption use. Once this number is established Mr. Gray to begin payment plan.

The Board met with John O'Reilly of Willard St. re: his concerns with the Selectmen's policy re: water/sewer arrears. Mr. O'Reilly stated he has never had a water meter and has been assessed a "no meter rate" which is subsequently higher than the residential rate. Mr. O'Reilly stated there are three people living at the residence and he is out of work/cannot work due to a automobile accident, which he is expecting a settlement on. The Board requested Mr. O'Reilly get on the payment plan once a comparison of rates (residential vs. no meter rate) has been conducted and a amicable rate is determined by the Supt. of Public Works.

The Board met with Mr. Bell of 5 High St., Ayer, MA who stated he had no problems with the policy and would begin making payments immediately. Mr. Bell stated his difficulty with tenants and associated problems lead to his arrears status.

The Board met with John Columbus, Housing Rehabilitation Director for the Town's Mass. Small Cities Program. Mr. Columbus stated that the Town's FY-93 MSCP Program expires on June 30, 1995. In order to complete the program the Town needs a three month extension to September 30, 1995. The delay was necessitated by legal problems which are currently in the process of being resolved. Mr. Columbus stated he would also request of the Board to approve two program amendments. One for lowering the Town's goal for rehabilitating 27 units down to 21, this triggered by the costs associated with lead paint removal. Mr. Columbus stated nearly 1/3 of \$339,500 budgeted for housing rehabilitation was being utilized for lead paint removal. The seconded amendment was for a revised budget of the 93 program. Mr. Columbus advised the Board the revised budget would cover administrative costs for the proposed extension and to allow the transfer of a sum of money from administrative to housing rehabilitation.

Selectman Hamel moved the Board accept the amendments to and the request for extension of the Town's 93 MSCP as recommended by Mr. Columbus. 2nd by Chairman Miller, VOTE: unanimous, so moved.

The Board met with Steve Thomas of VHB (Vanasse Hangen Brustlin) re: the Town's Comprehensive Plan Phase II. Mr. Thomas stated he was present this evening due to the absence of Robert Hubbard the Town's Economic Development Director. Mr. Thomas stated Phase I of the Comprehensive Plan has been completed and the Town is now entering Phase II. Mr. Thomas requested the Board's permission to seek Federal & State Funding Grants for the funding of this phase. Mr. Thomas stated there is funding available to communities facing base closure. Selectman Hamel moved the Board approve to apply for funding State/Federal for the continuation of Phase II of the Town's Comprehensive Plan.

Mr. Thomas advised the Board to a Public Hearing being conducted on Thursday, June 21, 1995 at 7:00p.m. regarding the Devenscrest water & sewer lines. Chairman Miller urged all residents in the Devenscrest area to plan on attending due to important information being made available to the home owners re: work to be done in area and of reports to water and streets being shut off being rumor but that the probability of some inconveniences may occur as the projects goes along, due to the size and scope of the project.

SUPT. OUELLETTE'S REPORT: see report dated 6-19-95

1. Selectman Hamel moved the Chairman be authorized to endorse the following approved water & sewer permits: Central Ave.-Finney, Oakridge Drive-Veal, and Wachusett Ave-Hederson.
2. The Board approved the following Bids as recommended by the Superintendent: FUEL OIL- (gasoline) C.W. Lordon-Pepperell, MA-\$0.94 (fuel) Shattuck-Pepperell .038.5
ROCK SALT Eastern Chemical \$37.00/ton

The Board met with Lisa Gabree, Town Accountant, re: Fy-95 Reserve Fund Transfer request submitted by the following departments:

Town Account: \$500.00 (raise to Asst. Town Accountant)
Computer Acct: \$500.00 (new software)
Postage: \$850.00
Fire Dept: \$2,550.00
Town Counsel: \$21,000.00

The Board reviewed the individual transfer requests with the Town Accountant. Ms. Gabree stated all of the requests were impacted due to unforeseen and unprojected impacts. The Postage reflected a increase in the volume of mailing, Fire Dept. reflected call department payroll underfunding, and Town Counsel Budget being impacted by budget being cut back two years ago and of new cases pending and volume increasing. Ms. Gabree stated after she meets with the Selectmen she is meeting upstairs this evening with the Advisory Board to also get their approval of the above requests. Selectman Hamel moved the Board approve the Reserve Fund Requests submitted by the Department Heads and recommended to be approved by the Town Accountant. The Board thanked Ms. Gabree for coming in this evening.

The Board met with Mrs. Yi and Ted Gentile regarding All Alcohol License for Jang Soo Bar-B-Que located at 3-15 West Main St., Ayer, Ma. Present for the discussion was Town Counsel Robert Gardner. The Board requested why Mr. Gentile was present. Mr. Gentile stated he was present this evening as an interpreter to help Mrs. Yi understand the discussion.

Town Counsel opened the discussion by updating the Board to process which has occurred to date. The Building which Mrs. Yi rented space and now owns, went into tax title due to non payment of taxes by previous owner (\$83,961.36). A Mortgage Company purchased the property and they negotiated with Yi to purchase the property. The Town was contacted re: allowing the purchase of the property. An Agreement was drawn up allowing the purchase and payment plan put in place for the unpaid taxes and water & sewer bills. This agreement-Addendum was requested by the Board of Selectmen to be attached to the license as a surety that should Mrs. Yi fail to pay off the taxes or water & sewer bills then the Alcohol License would be cancelled. The agreement was first run by Mrs. Yi's first Atty. Raphealson and then through her 2nd attorney in Groton in which Mrs. Yi would pay all above rather than pursue Land Court. Atty. Gardner stated since then he has been corresponding back and forth with two attorneys hired by Mrs. Yi. The Board requested a Addendum be attached to the ABCC Alcohol License acknowledging that their is an outstanding tax liability on the property at 3-15 W. Main St., Ayer, MA. in the amount of \$83,961.36 as of May 15, 1995. The Addendum to be incorporated to the ABCC License application with the Alcoholic Beverage Control Commission application.

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Mrs. Yi stating she was concerned that she would be personally/individually held responsible and requested the Board modify the Agreement and place the Corporation (Orienta) on Agreement. The Board agreed to this change and requested Town Counsel prepare the documentation taking Mrs. Yi off the documentation on the Addendum individually and placing the Corporation responsible (Orienta).

The Board met with Jerry Smith of Aquatic Control Technology. The Board was advised to window of opportunity being missed re: treatment of Flannigan's Pond. The Weed growth far exceeded expectations. The plant growth exploding within the last month's monitoring. Mr. Smith suggested the Board consider treatment for next spring when the plants were less dense. Mr. Smith stated Sandy Pond could be treated this year re: lily pads. Mr. Smith suggested the Board go with a Two (2) Phase Program for nuisance aquatic vegetation for Fletches and Sandy Pond for the years 1995 and 1996. Mr. Smith stated Sandy Pond would be treated with "Rodeo" for the treatment of the water lilies in the vicinity of the Town Beach at Sandy Pond. The price for this Phase would be \$4,000.00 and the remainder of \$25,950.00 would be for Phase 2. Mr. Smith stated he would guarantee 80% reduction in lily density through June 1996 otherwise a second spot treatment would be preformed by the Contractor at no additional cost. Phase 2 of this contract would be for treatment of nuisance aquatic vegetation at Flannigan's Fletchers Pond over the entire waterbody (approximately 78 acres) commencing early Spring 1996. The Board expressed their concern re: chemicals being safe and of proper notice to abutters being sent out warning residents of the treatment dates. Mr. Smith stated only state licensed chemicals would be used "Sonar" would be used at Fletchers. Mr. Smith stated prior to treatment he would post signs along the shoreline warning of the temporary water restrictions: restrict swimming, boating, irrigation of gardens with pond water for the first day of treatment only. The Board requested Town Counsel move forward with the contract.

The Board on another matter met with Town Counsel re: the Dog Bite incident re: Akita/Littleton. The Board was advised to the dog "Akita" being restrained in Ayer-Willow Rd. Town Counsel reminded the Board that the Littleton Board of Selectmen had ordered the dog be destroyed due to the seriousness of the injuries to the child. As a result of the litigation going on the dog is spending a great deal of time in Ayer. Chairman Miller requested if the dog was being properly restrained pending court action. The Board was advised the Dog's owner was ordered not to allow the dog out of yard. The Board requested the Town of Ayer Dog Officer be advised that the dog is being restrained in Ayer and to monitor the dog and keep the Board apprised of court action.

Selectman Hamel moved the Board enter into Executive Session

BOSMIN6-19-95/PG.6

pursuant to M.G.L. chapter 39 Section 23 B, Exemption 2, 2nd by
Chairman Miller, VOTE: unanimous so moved.

Pauline J. Hamel
Pauline Hamel, Clerk
AYER BOARD OF SELECTMEN

DATE

10-3-95