

Selectmen's Meeting
Tuesday, February 15, 1994
2nd Floor Meeting Room
Town Hall, Main St., Ayer, Ma.

7:30p.m. Open Session

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

The Weekly Warrant was examined and approved in the following amount: \$342,532.86.

Chairman Slarsky opened the meeting by requesting a moment of silence be conducted in memory of George Moore, a former Selectman and businessman in the Town of Ayer.

The Minutes of January 18, 1994 & February 1, 1994, were set back pending further review.

7:35p.m. Town Administrator-Timothy Higgins gave a presentation of the Education Reform Act's Mandatory Spending Formula regarding the Impact Analysis.

Present for this discussion was: State Representative Geoff Hall, Paul Glavey-representing Senator Durand and Diane Trauber representing Representative Augusta Hornblower.

Mr. Higgins opened the discussion by stating the formulas for determining local spending requirements contained in the recently enacted Education Reform Law do not make any allowances for the extraordinary circumstances the Town of Ayer is confronting.

Mr. Higgins elaborated on his remarks and report with an overhead projector.

Mr. Higgins stated the formula is mandating that the Town increase its contribution by nearly \$500,000 a 13% increase despite the fact that enrollments are expected to decline this summer by anywhere from 350-500 students a 20-30% drop. Equally outrageous is the fact this is being mandated at a time when the Federal Government is decreasing its contribution of PL-874 by \$464,000 or 17% and the Governor's budget proposes to reduce State Aid-Chapter 70 by \$523,000.

Mr. Higgins stated the avenues of appeal in the school reform act had been exhausted by the Town stating the Dept. of Ed. (DOE) had advised the Town earlier that their hands were tied that the new law made no provisions for the exceptions to Ayer as well as a representative from the Mass. Municipal Assoc. Mr. Higgins stated the new growth factor became inflated far above the State average for FY-94 due to the construction of the New England Power Plant which spiked the growth chart factored into the

formula used to determine the State and local share of money for education. Unfortunately the downsizing of Fort Devens and the loss of New England Shrimp Co. was not reflected nor the economic downturn affecting the area.

Mr. Higgins also advised that not anticipated in the formula was the drop in student enrollments, which Ayer is about to loose between 350-500 students. The Student enrollment was based upon enrollment figures of October 1993. Mr. Higgins explained another contributing factor is federal money to educate soldiers at Fort Devens dependents under PL-874-Impact Aid, cannot be counted as part of the local contribution in the current State formula, inspite of the fact Ayer is expected to include Fort Devens children as part of its students population.

The State formula required that the Town increase its share of spending for public school by \$477,000 or 13%, in addition the State share for education of Ayer students is receiving a reduction of \$525,000 a 14% shortfall, compounded by PL-874 reduction of 17% or \$460,000 for the coming fiscal year.

Mr. Higgins explained the Town cannot have the School Committee redirect funds intended for education to other town budgets. This would be illegal and not be the intent of the school legislation. Towards this end Mr. Higgins has been working together with the School Committee to resolve this dilemma.

Chairman Slarsky stated his concern with the School Aid formula placing the Town in a critical situation, stating it could cripple all services the Town currently provides. Selectman Jones expressed his frustration with the drop in enrollment factor expected this summer of 94, stating this legislation must be corrected to reflect this.

Representative Geoff Hall stated the Town has two (2) avenue:

1. Corrective Legislation, which is time prohibited or
2. Request supplemental budget funds from the State.

Representative Hall suggested the Town seek the supplemental funds first since this could be accomplished easily and sooner.

The Board requested Mr. Higgins to work with Rep. Hall to place this before the legislature. Rep. Hall stated he would need specific information to pass along to the House Ways & Means Committee to show the uniqueness of Ayer's dilemma. Diane Trauber stated Rep. Hornblowers support of the Town's action.

Town Counsel Robert Gardner suggested a restraining order could be sought to stop the process. Chairman Slarsky stated his concerns of layoffs in the Town due to flaws in the Ed Reform Act, and cost of procedure. Rep. Hall stated this may be the only route to move the request along - taking the Commonwealth to court. Rep. Hall stated he would advise the Board in a couple of weeks if the Town should request a postponement of the Annual Town Meeting in order to give the legislation more time to be

acted upon. Chairman Slarsky requested the Advisory Board and Town Dept. Heads meet on Saturday, March 5, 1994 at 8:00a.m. at the Town Hall and be prepared to act upon budget cuts should the town receive no corrective action.

Supt. Donald Ouellette stated seriousness of situation if DPW has to place two very important projects off: Grove Pond Wells and a Water Meter Replacement project in which both of these projects has a substantial potential of monetary return for the community.

The Board took a five minute recess.

Chairman Slarsky requested the Board discuss the role of the Joint Board now that the Devens Enterprise Commission has passed. Chairman Slarsky stated appointments to the Governors Council for the DEC would be made by in March and by April the Commission would be functioning. This information was provided by Richard Anderson, Chairman of the Fort Devens Redevelopment Board. Two appointments would be from the Business community, and two from the communities from each of the four towns. Selectman Jones stated his concerns regarding the usefulness of the Joint Boards coming to an end stating its purpose was to bring about the DEC. The Towns will still have a voice should the need arise. Chairman Slarsky stated his concerns with the bureaucracy created around the Joint Boards, stating his concern regarding to many people stirring the pot and suggested Ayer remove itself by the end of April provided the Commission is in place. Selectman Hamel stated her concern with the grant application for funding from the Office of Economic Adjustment/DOR being made jointly by the Joint Boards and Land Bank. The role the Joint Boards will play is now being worked out by Peter Alsopp, Development Co-Ordinator. Selectman Hamel stated this organization is looked at nationally as being unique as a working cooperative effort for base reuse and for this reason it should not be dissolved. Selectman Slarsky stated the organizations future needs to be made on a town by town basis stating it is now time to go beyond what the Joint Boards has done.

Chairman Slarsky called for a vote for the Town of Ayer remove itself from the Joint Boards by the end of April 1994. Selectman Jones moved the Board remove itself from the Joint Boards by the end of April 94, provided the DEC is in place, seconded by Chairman Slarsky, VOTE: Selectman Jones aye, Chairman Slarsky aye, Selectman Hamel no. Motion passes 2-1.

Chairman Slarsky called for a motion for the Board to recommend to the Governor Paul Routhier and James Hashem from the business community to serve on the Devens Enterprise Commission DEC, Selectman Jones moved Paul Routhier and James Hashem be recommended to the Governor to serve on the DEC from the Town of Ayer business community, seconded by Selectman Hamel, Vote: unanimous, so moved. The Board to solicit nominees from the community at large to serve on the DEC at the next Selectmen's

March 1, 1994.

PUBLIC HEARING: Earth Removal Permit Renewal-F&P Willow Trust/Willow Rd.

The Board met with Paul Routhier who was seeking a renewal of his 1993 Earth Removal Permit for his Willow Rd. Tire Recycling area issued on August 12, 1993.

Chairman Slarsky read into the record the legal notice published in the Nashoba Publications Newspaper for the weeks of February 3, 1994 and February 10, 1994.

The Board reviewed with Mr. Routhier the amount of material/clay earth to be removed 30,000-40,000 cubic yards and method removal being trucks, hours of operation Monday-Friday from 7:00A.M. to 5:00p.m. and Saturday from 7:00a.m. to 5:00p.m., method to control dust being a water truck and route used to transport to be Rt.2A. The Permit requested was for a six (6) month period at a cost of \$500.00.

Chairman Slarsky requested if there was anyone present to speak for or against the permit. No one stepped forward. Chairman Slarsky called for a motion. Selectman Hamel moved to approve the Earth Removal Renewal FOR F&P WILLOW TRUST to expire on August 15, 1994 at a fee of \$500.00, seconded by Selectman Jones, VOTE: unanimous, so moved.

Chairman Slarsky took this opportunity to congratulate and thank Mr. Routhier for his past community service of donating earth to the Towns landfill covering, and also for his commitment to the Town upon serving on the Devens Enterprise Commission.

TOWN ADMINISTRATOR'S REPORT: (see report dated 2-15-94)

1. Mr. Higgins advised the Board to a letter being submitted re: alleged improprieties by the Selectmen with regard to the Selectmen conducting Executive Sessions/Emergency Executive Sessions. Chairman Slarsky elaborated on the Selectmens past six months meeting schedules related to Executive Sessions/Emergency Executive Sessions. Chairman Slarsky stated over the past six months the Board has conducted four (4) Executive Sessions and two (2) Emergency Executive Sessions. Chairman Slarsky stated the emergency executive sessions pertained to a automobile accident and a confidential matter brought before the Selectmen by another Selectman. Chairman Slarsky stated the Selectmen believe that minutes of said executive sessions must remain secret as long as publication may defeat the lawful purposes of the executive session. Chairman Slarsky stated that Town Counsel has been in touch with the Atty. General regarding this matter. Town Counsel corrected Chairman Slarsky and stated he has been in contact with the District Attorney's Office.

2. The Board endorsed the Agreement between Recoll Management Corp. and the Town of Ayer terminating water & sewer charges incurred by New England Shrimp Co. (NESCO) for settlement of all outstanding charges owed to the Town of Ayer for past due water, sewer, industrial pretreatment charges and high strength surcharges as well as cost recovery owed by NESCO or G. Robert Randazzo Realty Trust to the Town of Ayer. Recoll to pay to the Town of Ayer \$328,012.49. Selectman Jones moved the Board accept Town Counsel's recommendation and endorse said agreement, seconded by Selectman Hamel, VOTE: unanimous, so moved.

3. Mr. Higgins submitted to the Board the FY-93 Mass. Small Cities Agreement (MSCP) for the Board's endorsement. Selectman Jones moved the Board endorse the FY-93 M.S.C.P. Grant Agreement, second by Selectman Hamel, VOTE: unanimous, so moved.

4. Mr. Higgins advised the Board that he had received a request from the Library Director- Mary Ann Lucht requesting the Trustees be appointed as Special Municipal Employees re: their campaign to solicit funding for the new library expansion project. Selectman Hamel moved the Library Trustees be appointed Special Municipal Employees, seconded by Selectman Jones, VOTE: unanimous, so moved.

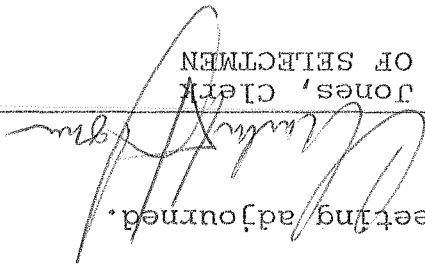
5. Mr. Higgins advised the Board to the meeting with the School Committee being scheduled for Wednesday, February 16, 1994 at 7:00P.M. which will be part of the School Committee's regular meeting. Discussion will center around the financial implications of Education Reform Act formula.

Selectman Hamel took this opportunity to advise the Board to the deadline fast approaching for surplus property requests re: Fort Devens. Mr. Higgins advised the Board to formal requests going in already for the M.P. Station and Fire equipment. Selectman Hamel stated the possibility of shared municipal services with Shirley or Harvard re: securing the sporting fields, pool, library, buildings, etc. the Board scheduled this matter for the Selectmen's Meeting of 3/1/94 for a list of personal property requests to be sent to the Reuse Office on behalf of the Town.

Selectman Slarsky took this opportunity to address a store located on Main St. which is blocking the sidewalk and passage of citizens due to merchandise being placed in front of the store. Mr. Higgins advised the Board to the Building Inspector issuing a cease and diciest order and advising Town Counsel of situation re: Towns legal avenues of pursuit. The Board advised the Police Dept. to take action if passage is blocked and citizens are unable to pass safely.

9:40p.m. Selectman Jones moved the Board adjourn the meeting, seconded by Selectman Hamel.

9:40P.M. Meeting adjourned.



Charles H. Jones, Clerk
AYER BOARD OF SELECTMEN

Date:

3/15/94