

Selectmen's Meeting
Tuesday, July 27, 1993
2nd Floor Meeting Room
Town Hall, Main St., Ayer, Ma.

6:30P.M. Reception: Dr. Richard Warren, Supt. of Schools, Ayer Town Hall, 2nd Floor Meeting Hall, Main St., Ayer, Ma. The Board of Selectmen welcomed Dr. Warren to the position of Superintendent of Schools by holding a reception for Dr. Warren, for Town officials to meet and welcome Dr. Warren. Town officials present were: Town Clerk, Treasurer, Town Counsel, Assessors, Police Chief, Fire Chief, Town Accountant, School Committee, Library Trustees, Advisory Board, Supt. of Public Works, & Chamber of Commerce. Dr. Warren thanked all those present and stated he looked forward to working with all Town officials during this significant time of transition and challenge. Dr. Warren stated he anticipates Town support in his efforts to promote a quality educational program for the Town of Ayer.

7:30P.M. SELECTMEN'S MEETING

Open Session

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

Chairman Slarsky called for a motion to accept the Agenda. Selectman Jones moved the Board accept the Agenda, seconded by Selectman Hamel.

The Minutes of 5/22/93 were read and accepted.
The Minutes of 6/15/93 were read and accepted.
The Minutes of 6/29/93 were read and accepted.
The Minutes of 7/13/93 were read and accepted.

The weekly warrant was examined and approved in the following amounts: P/R: \$39,981.15
Exp: \$368,617.61

The Board addressed items to be placed under Public Input. The Board requested the Library Grant be scheduled under public input and the F.D. Ambulance coverage update.

Chairman Slarsky requested if there was anyone present who wished to be heard: Chairman Slarsky recognized the following: Beatrice Briggs, re: opposition to MSCP-Case #02-0/I receiving funding: Charles McKinney: re: opposition to MSCP-Case #02-0/I receiving funding, Rita Cooper, re: opposition to MSCP-Case #02-0/I receiving funding, John Avila, re: MSCP-Case #02-0/I receiving funding.

Mrs. Briggs stated she opposed granting one half of the grant for that property, which has been troublesome to neighbors for the

last five to six years due to renters. Mrs. Briggs stated the police department could verify problems there.

Charles McKinney stated the intent of the program was to improve the housing stock in Town. To award so much to one individual would be an injustice.

Mrs. Cooper stated she lived in the neighborhood and has watched this property deteriorate more and more each year, rubbish, nuisance by-laws ignored and the request was too much for one property.

John Avila stated he owned the property for ten years and had no offers from anyone to better the property. Mr. Avila stated people from Ft. Devens descended on his property and took up residence like squatters and damaged the property at will. Mr. Avila stated he has twelve units he could provide homes for people. If he is refused the grant he said he would allow tenants back in like he had before. Mr. Avila stated that neighborhood is your neighborhood, its your property and after tonight your problem. Chairman Slarsky stated his thanks to those present for their input.

Chairman Slarsky took this opportunity to address the situation re: emergency ambulance service provided to Fort Devens by the Town of Ayer. Chairman Slarsky stated he had a letter submitted to the Board from Town Counsel dated 7/27/93. Town Counsel stated he had reviewed Federal & State statutes. Chapter 48 Section 59A provides that Towns may enter into agreements for mutual aid. This statute permits communities to enter into voluntary agreements of cooperation with aid in an emergency. It does not mandate that such aid must be given in the event of an emergency in the absence of an agreement. Furthermore it limits the extent to which aid will be given to the parameters set forth in such agreements. The Town of Ayer entered into an Agreement with Fort Devens for mutual aid in January of 1983 whereby the parties agreed to provide assistance in Fire Prevention. Therefore, in accordance with the express terms of this agreement for mutual aid, such aid may only be provided for fire protection. Absent authority no other obligation would exist or may be imposed upon the Town under state or federal law for aid. Based upon Town Counsels research, it is his opinion that no affirmative duty may be imposed on the Town relative to assistance to Fort Devens in the form of emergency ambulance service and such obligation would only arise if a mutually acceptable agreement for such aid were to be entered into between the parties. Chairman Slarsky stated the Fire Chief could respond at his discretion. The Board requested Mr. Higgins contact Col. Nuttall of this information and grant Col. Nuttall seven (7) days to resolve situation. Chairman Slarsky called for a motion to accept Town Counsels opinion that the town of Ayer will not provide emergency ambulance service to Fort Devens,

Motion moved by Selectman Hamel, seconded by Selectman Jones, VOTE: unanimous, so moved.

Chairman Slarsky called upon Librarian Mary Ann Lutch to update the Board to the Library Grant. Ms. Lutch was not present. The Chairman set this matter back for later review.

The Board met with former Supt. of Schools Neville Markham, and William Noeth, Chairman of the School Committee, re: Teachers Early Retirement Proposal. Mr. Markham stated the base realignment and closure commission determined that Fort Devens would close on or about October 1, 1995. The largest single Town of Ayer employee group impacted by this closure will be the school department. The School Committee and Ayer Teacher's Assoc., in order to minimize this impact requests the Board of Selectmen support of passage of an Early Retirement Bill for School Dept. employees only. Mr. Noeth stated the State would be responsible for assuming the cost for this proposed legislation. Mr. Noeth stated many of the State representatives indicated they would support assisting the community to adjust to the loss of Fort Devens. Mr. Markham introduced Carol Cooney, President of the ATA and Margaret Hartnett, Treasurer of the ATA. Ms. Cooney stated having the Boards support of this legislature would demonstrate the Towns concern and in order to carry this legislature through the School Dept. would need the Selectmen's endorsement. Chairman Slarsky stated the Board is in support of this legislation funding is the Boards only issue, its not budgeted and the Board would need approval of the Town. Selectman Jones requested Representative Geoff Hall be contacted by Mr. Higgins to investigate whether the Home Rule and the Education Reform Act would impact or overrule legislature. Chairman Slarsky called for a motion. Selectman Jones moved the Board support the proposed Early Retirement Bill for the School Dept. only contingent upon non-committal of Town of Ayer funding, Seconded by Selectman Hamel. Vote: unanimous, so moved.

ECONOMIC DEVELOPMENT DIRECTOR INTERVIEWS:

Town Administrator Timothy Higgins stated the Screening Committee had reviewed some 42 resumes regarding the position and recommended the three finalist coming before the Board this evening. The Screening Committee conducted twelve interviews from the field of 42 and felt the three presented this evening reflects the choice of the committee. The Screening Committee consisted of: Timothy Higgins, James Hashem-Industrial Assoc., Timothy Holland-Ayer Chamber of Commerce, Mark Goldstein-North Central Chamber of Commerce, and Brian Anderson-Businessman/Citizen at large.

Jean Johnson: Somerville, Ma.

The Board reviewed with Ms. Johnson her criteria for the position. Ms. Johnson stated she has had over ten years of experience as a project manager for a variety of planning and real estate projects. Ms. Johnson stated she is graduating this weekend with her Masters Degree in Business Administration, which she accomplished through five years of part-time coursework. Ms. Johnson stated this achievement helped to keep her focused, budgeting her time and juggle a hectic schedule while maintaining a positive attitude. Ms. Johnson stated she was last employed by the Mass. Bay Transit Authority. Duties included marketing MBTA properties and negotiating parameters of bid process to several national retail franchises including McDonalds', Pizza Hut, Pizria Uno and Mail Boxes Etc.

Promoting Subway retail concessions, significant capital improvements increasing rents in excess of 400% higher than previously. Created retail leasing opportunities between the MBTA and Videosmith, Bay Bank which resulted in over ten new retail outlets on MBTA property. Addressed problem re: squatters which resulted in renegotiated agreements and improved landlord-tenant relations.

Ms. Johnson was the senior project manager in the Office of Planning and Community Development, Somerville, Ma. and the Grant Program Administrator for two years as well. These duties included managed land disposition, zoning and permitting required for a 100,000 sq. ft. private office/retail/parking complex as part of the Somerville renewal project. Ms. Johnson oversaw small economic development staff. Administered Federal Urban Development Action Grants (UDAG) which contributed to six development projects valued at \$25 million.

Ms. Johnson was the City Planner for Everett and Lynn, Ma. working through the Community Development Office.

The Board conducted a question and response session with each of the candidates. Chairman Slarsky thanked Ms. Johnson for coming to the meeting and advised her the Board would be making a decision by the end of the week. The Board requested Ms. Johnson supply references to Mr. Higgins later this week.

Robert Hubbard, Otter River, Ma.

The Board reviewed with Mr. Hubbard his criteria for the position. Mr. Hubbard stated he is currently the Director for the City of Gardner Dept. of Community Development & Planning. Mr. Hubbard has held this position since 1989. Mr. Hubbard reviewed with the Board areas of expertise:

1. Organization and Implementation of programs for comprehensive planning and economic development.

2. Preparation of Grants and grant administration.
3. CoOrdination of independent Boards, Commissions & Committees.
4. Negotiation of loans, grants and contracts.
5. Written & oral communications.

Initiated a major jobs creation/economic revitalization program for City of Gardner, Ma. Key aspects implemented:

1. Designed a Incentive Overlay District for mixed use: Industrial areas and downtown retail district.
2. Prepared a grant application to establish a regional loan program for small businesses.
3. Amended Zoning ordinance to provide for a new industrial park.
4. Re-established a Community Development Corporation for technical assistance to small businesses.
5. Developed a comprehensive marketing program to promote Gardner vi a grant from Exe. Office of Community Affairs.

Rebuilt Gardner's community development program. Updaed the City of Gardners subdivision control law and streamlined the development review process.

Designed and field tested a training manual, THE DESIGN & MANAGEMENT OF COMMUNITY PROJECTS--A TEAM APPROACH FOR LOCAL GOVERNMENT PERSONNEL.

Managed a grant program funded by the United States Agency for International Development.

Other Interests and Associations: Advisory Board, Templeton, Ma. Greater Gardner Chamber of Commerce, Northeast Industrial Developers Association, Mass. Assoc. of Planning Directors, American Planning Association.

The Board conducted a question and response session with each of the candidates. Mr. Hubbard was advised the Board would be taking under review the applicants criteria and would be making a decision within the week. The Board thanked Mr. Hubbard for coming in. The Board requested Mr. Hubbard submit to Mr. Higgins personal and professional references.

Thomas Cooney - York, Maine

The Board reviewed with Mr. Cooney his criteria for the position. Mr. Cooney is currently employed as an Economic Development Specialist by the Merrimack Valley Planning Commission in Haverhill, Ma.

Mr. Cooney has fifteen years as a professional planner and manager in community and regional development. Mr. Cooney stated his expertise in project skills, coordination and management, client relations, staff management and oral communications.

Mr. Cooney reviewed with the Board his work experience: Manager, planning and business development consultant for capital improvements plan in Vermont. Others projects included subdivisions, traffic impact, commercial expansion, feasibility study for commercial venture.

Special Consultant re: establishment of a planning division for planning component for U.S. Route 1 improvements for state of New Hampshire.

Team Leader for Tabuk Region planning project for international architectural engineering firm for the preparation of a 20 year development strategy for a frontier region in Saudi Arabia.

Chief of Architectural & Planning Department for international environment engineering firm ventured in Saudi Arabia.

Executive Director for planning commission in New Hampshire which encompassed Small Cities Community Development Block Grant Applications, municipal master plans.

Senior Planner for Planning Commission in Connecticut River Valley of Ma. to include regional land use.

Planner in Central Connecticut, re: Fair Share housing assistance.

Planning Assistant for Planning Commission in New Hampshire.

The Board conducted a question and response session with each of the candidates. The Board advised Mr. Cooney they would be reviewing each of the candidates criteria and would make a decision later in the week. The Board requested Mr. Cooney to submit personal and professional references to Mr. Higgins and thanked him for coming in to meet the Board.

9:00P.M. The Board took a five minute recess.

9:05P.M. The Board met with Mary Ann Lucht, Librarian for the Town of Ayer's Public Library. Present for this discussion was Town Counsel, Library Trustee nd Neville Markham, Library Trustee. Chairman Slarsky complimented Mrs. Lucht on her outstanding performance as the Library's Director. Ms. Lucht stated she was before the Board this evening to announce the Commission of Libraries has awarded the Town \$200,000.00 in grant money to be applied with Town raised money to build the proposed \$1.5 million library addition. Ms. Lucht stated this funding is contingent that the library raise enough funds within 24 months to break ground. Trustee Robert Gardner stated the library has a big challenge and a lot of work to do. Ms. Lucht Stated the Trustees would be kicking off the fund raising with a luncheon scheduled for August 24, 1993 with Senator Marty Meehan being

present. Ms. Lucht invited the Selectmen to participate in this luncheon. Selectman Hamel requested if funding of this grant consisted in matching funds from the Town. Ms. Lucht stated the Library Trustees would be conducting fund raising events and would come back to the Selectmen with a UDAG request if needed. Chairman Slarsky referred this request for funding be submitted to the Economic Development Director once that person is on board.

On another matter Ms. Lucht requested the Board appoint Paul McGuane to fill a vacancy on the Trustees until the next Town election. Selectman Hamel moved the Board appoint Paul K. McGuane, temporary Library Trustee, until the next Town election, seconded by Selectman Jones, VOTE: unanimous, so moved.

PUBLIC HEARING: EARTH REMOVAL PERMIT

The Board met with Paul Routhier re: F&P Willows Group, Central Ave., Ayer, Ma. seeking a Earth Removal Permit for Willows Rd. (Tire Recycling Area) for the removal of 30,000-40,000 cubic yards of earth (clay).

Chairman Slarsky opened the Hearing by reading the legal notice which ran in the Nashoba Publications newspaper the weeks of 7/14/93 & 7/21/93.

Mr. Routhier stated the earth was impervious material/clay and he would be willing to donate this material to the town for the landfill. Supt. Ouellette to investigate. Mr. Routhier stated there is no top soil being removed. Mr. Routhier presented plans to the Selectmen depicting the removal site and facility. Chairman Slarsky requested if there was anyone present to speak for or against this permit. Mr. Routhier presented to the Board certified mail receipts mailed to all abutters in the area. No one stepped forward. Chairman Slarsky requested if Mr. Routhier would be taking appropriate steps to minimize dust by means of watering truck and by what means earth to be removed and what route would be used. Mr. Routhier stated trucks and route would be Willow Rd. to Rte. 2. Operation hours to be 7:00A.M. to 5:00P.M. Monday through Saturday.

Selectman Jones moved to approve the Earth Removal Permit for six (6) months contingent upon customary restriction being included on the permit, seconded by Selectman Hamel, Vote: unanimous, so moved.

TOWN ADMINISTRATORS REPORT: (see report dated 7-27-93)

Mr. Higgins stated he only had a few items for the Board this evening and requested the Board to review his written report.

1. Mr. Higgins presented to the Board 3 copies of Supt. Donald

Ouellettes employment contract. Mr. Higgins stated Mr. Ouellette and he had come to agreement and everything was in order for the Board's review. Selectman Hamel moved the Board endorse Supt. Ouellettes Employment Contract, seconded by Selectman Jones, VOTE: unanimous, so moved.

2. Mr. Higgins received the Boards support for him to be able to participate with Dr. Warren on Legislation work/shops.

3. The Board was advised to Nashoba Valley Express Co.'s Mass. Community Capital Grant being awarded in the amount of \$122,660.00. Mr. Higgins stated the Grant Agreement has not been received to date.

The Board met with Town Counsel, Robert Gardner, Vicki Paret of Community Opportunities Group, consultant for the MSCP Program, and Daniel Paret, Rehabilitation Specialist for the Program. regarding Case #2-O/I continuation of July 13, 1993 discussion.

Chairman Slarsky advised all present that this was not a Public Hearing or Town Meeting, confusion was due to incorrect signage, regarding the Selectmen's Meeting this evening.

The Board reviewed with Ms. Paret the request of funding. Ms. Paret advised the Board that an estimate of the cost of renovations would involve a minimum of \$91,000.00 to rehabilitate two (2) of the applicants structures. The Board reviewed the Forbearance Agreement which the grant specifically stated the applicant cannot be in a state of default. Town Counsel stated pages 5 & 6 and part of page 7 addresses this issue. Selectman Jones stated as he understood it the Bank has foreclosed on this property all the Forbearance Agreement does is promise not to take action if the applicant lives up to payment/legal obligations set forth. Selectman Jones stated the MSCP Grant will grant \$20,000.00 per unit times 7 units which equals \$140,000.00. Mr. Paret has submitted a cost analysis stating just to meet safety and sanitary codes would cost over \$180,000.00. Selectman Hamel stated the applicant would have to invest an additional \$40,000.00. Chairman Slarsky called for a motion. Selectman Jones moved the Board reject the application. Chairman Slarsky stepped down from the chair in order to second the motion, VOTE: Selectman Jones yes, Chairman Slarsky yes, Selectman Hamel no. VOTE: 2 votes to reject application 1 vote not to reject application.

The Board met with IBPO Union 346A Representatives Patrolman Edward Denmark and Patrolman David Hoffman re: Patrolman's FY93-96 Contract signing. The Board applauded the Unions cooperation. Negotiations were positive and Board appreciated the team effort of the bargaining agents.

10:10P.M. Selectman Jones moved the Board adjourn the meeting,
seconded by Selectman Hamel, VOTE: unanimous, so moved.

10:10P.M. Meeting adjourned.

Pauline J. Hamel
~~Charles H. Jones~~, Clerk
AYER BOARD OF SELECTMEN

DATE: August 10, 1993