

SELECTMEN'S MEETING
TUESDAY JUNE 29, 1993
2ND FLOOR MEETING ROOM
TOWN HALL, MAIN ST., AYER, MA.

7:00P.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-Payroll: \$36,155.85.

Chairman Slarsky requested a motion to accept the Agenda. Selectman Hamel moved the Board accept the Agenda, seconded by Selectman Jones, VOTE: unanimous, so moved.

SUPERINTENDENT OF PUBLIC WORKS INTERVIEWS:

The Board met with Donald Ouellette of Townsend, Ma. Mr. Ouellette stated he would bring to the position twelve (12) years of experience as an Army Captain which developed him as a versatile manager and engineer. Mr. Ouellette stated his engineering experience is both civil and environmental having over five (5) years of construction management with the Army Corp. of engineers. Mr. Ouellette stated major projects he has been involved in were: Bourne, Sagamore and verticle lift railroad bridges. Mr. Ouellettes experience encompassed Desert Storm in which he was the resident engineer who restored the Kuwait Water System after the Gulf War. Mr. Ouellette's last assignment as an Army officer was Project Manager in the Regulatory Division with the U.S. Army Corp. of Engineers. In this position Mr. Ouellette gained valuable wetlands experience and environmental concerns. Mr. Ouellette stated he would also bring considerable financial management skills managing \$30M in contracts and as a Battalion Logistic Officer he maintained a yearly budget of \$700,000.00. Mr. Ouellette stated he was a Registered Professional Engineer and completed his Masters Degree in Engineering Management. Mr. Ouellette stated that his desire would be to work for a municipality. Mr. Ouellette is no longer in the Army. He is currently a GS11 he took the early out. The Board thanked Mr. Ouellette for coming in and stated the Board would review and would be making a decision in two (2) weeks.

7:30P.M. The Board met with Ronald Harper of Pepperell, Ma. Mr. Harper is presently the Town Engineer in Pepperell, Ma. Mr. Harper has held this position since 1988. Mr. Harper has a BS in Civil Engineering, a Masters in Public Administration and is a Registered Profession Engineer in Massachusetts. Mr. Harper stated as Town Engineer in Pepperell he is responsible for providing technical and engineering services to all Town Boards and Departments to include highway, water, sewer, planning, health, conservation, parks and Selectmen. Mr. Harper stated his duties include design, field surveys, inspections, septic reviews, contract administration, ADA surveys, sub-division

reviews etc. Mr. Harper stated he felt the challenges and opportunities facing Ayer are exciting. With the closing of Fort Devens and the attempt to convert much of the post to civilian or commercial use, a real challenge exists for the Town of Ayer to take advantage of this situation. Mr. Harper stated of the host communities Ayer is the only one with the internal expertise and work force to handle the challenge of managing an increased infrastructure. Mr. Harper stated his dealings with engineering and technical issues regarding all phases of public works with the Town of Pepperell had been terminated due to budget cuts. The Board thanked Mr. Harper for coming in and advised Mr. Harper that the Board would review and make a decision within two (2) weeks.

PUBLIC HEARING: Common Victualler's License-Temptations-31-33 Main St., Ayer, Ma. The Board met with Stephen St. Onge and Michael Harmon. Chairman Slarsky read the legal notice into the record. Mr. St. Onge stated the business is an ice cream and bakery with candy to come later. Seating for eighteen people with a small soda fountain, fountain tables & chairs. Mr. St. Onge stated he operated Colonial Oven Bakery Too previously located on Park Street, Ayer, Ma. Chairman Slarsky requested if there was anyone present wishing to speak for or against the license. No one stepped forward. Mr. St. Onge presented to the Board a floor plan for the establishment depicting the layout. Chairman Slarsky requested if the Food Handlers License has been obtained. Mr. St. Onge stated everything had been approved except for minor problems. Mrs. Lewis stated Nashoba submitted a final inspection report dated 6-29-93 approving all but minor problems. Food Handlers License to be submitted by Nashoba 6-30-93. Chairman Slarsky requested the hours of operation: Monday-Sunday, seven (7) days a week, 6-10p.m. during summer months, hours thereafter to be as demand calls for. Selectman Hamel moved the Board approve the Common Victualler's License contingent upon all requirements being met, seconded by Selectman Jones, VOTE: unanimous, so moved.

7:50P.M. PUBLIC INPUT:

Chairman Slarsky requested if there was anyone present wishing to be heard. Selectman Jones stated the Board had received a letter from the Historical Commission regarding the Pleasant Street School which he took issue with. Selectman Jones stated that the letter quoted Chapter 40 Section 8D of the General Laws allowing local Historical Commissions to enter contracts without consulting the Selectmen. Selectman Jones stated that it would be a waste of taxpayers money to enter into a contract without legal representation. The Selectmen in the past have had legal issues with the Commission which entailed the use of Town Counsel which could have been avoided, and resulted in Tax Payers footing the bill. Selectman Jones stated the letter also implied that the Board is denying constituents the use and enjoyment of the museum. Selectman Jones the Board is not denying funds for

use of renovating a room for the American Legion. The Legion presently has facilities available to them.

Selectman Jones stated never has the Historical Commission come before the Board requesting a loan, only UDAG requests were received. Mr. Jones stated that the Town appointed a UDAG Committee who prioritized in a report to the Board use of UDAG funds. That report never addressed the Pleasant Street School. The closing of Fort Devens came about and the Board had to prioritize the use of the funds. Selectman Jones stated that the latest economic statistics for Massachusetts stated New England had the highest average for unemployment. The Board has to again prioritize funds and encourages employment through the UDAG recipients as well as recreational activities for the young. The UDAG funds are best spent on ways to encourage/provide employment by providing jobs, enhance tax base and off set infrastructure. Providing jobs and low tax rate has higher priority than museum. Selectman Jones suggested the Board take this under advisement and turn this matter over to the Economic Developer. Chairman Slarsky stated he couldn't comment due to not having the opportunity to review the letter. Selectman Hamel stepped down as a member of the Board to comment as a member of the Historical Commission. Selectman Hamel stated on three separate occasions since 1991 the Ayer Historical Commission has requested the Selectmen look at renovating the Pleasant St. School and loan the Historical Commission the \$15,000.00 necessary for the completion of the work so that the whole community can enjoy the museum and meeting room. Selectman Hamel stated under Section 570.202 Historic Preservation is a eligible activity and the Pleasant St. School is listed in the National Register and meets all criteria for UDAG funding. Chairman Slarsky called for a motion Selectman Jones requested this matter be taken under advisement until such time as the Town hire an Economic Developer to investigate this request, seconded by Selectman Slarsky. VOTE: Chairman Slarsky aye, Selectman Jones aye, Selectman Hamel abstained.

The Board met with Fire Chief Paul Fillebrown regarding the award of contract to Greenwood Fire Apparatus of North Attleborough to provide to the Town a custom fire truck for the bid price of \$197,974.00. Chief Fillebrown stated this was the sole bid received by the department. Chief Fillebrown stated this bid was advertised in the Central Register and advertised in local papers as well. The Board requested the Chief contact Town Counsel re: the Board accepting this bid to see if it meets the bidding regulations. Selectman Jones moved the Board approved the award to Greenwood Fire Apparatus in the amount of \$197,974.00 contingent upon Town Counsels review, seconded by Selectman Hamel, VOTE: unanimous, so moved. Mr. Higgins was requested to run this by the Town Accountant and Treasurer prior to expenditure being made.

The Board met with Philip Morris, Community Relations Officer, Fort Devens, Ma. re: Town of Ayer Ambulance Mutual Aid. Present for the discussion was Chief Fillebrown. Chairman Slarsky stated that the Town does have a mutual aid Agreement with Fort Devens regarding fire protection, but the Town does not have the resources for mutual aid regarding ambulance coverage. Fire Chief Fillebrown stated that it had come to his attention that Fort Devens had Ayer listed to respond for emergencies. Chief Fillebrown stated the Town's ambulance is a volunteer department and does not have the ability to provide this service. Mr. Morris stated it was never the intent of Fort Devens to expect Ayer to provide ambulance service to the base or as back up, this was never an issue. Mr. Morris relayed to the Board that CHAULK is providing this service to the base and he will re-visit this matter to ensure that Ayer is not listed as back up. Chief Fillebrown stated that CHAULK has Ayer listed as a back up. Mr. Morris stated this is a educational process with the military and he will look into situation. Chairman Slarsky stated his concern that innocent people may be placed in jeopardy in attempting to contact 911 from Fort Devens which may go to the Town of Ayer due to telephone exchanges or routine policies. The Board urged Mr. Morris to contact the telephone company to change the 911 system at the base. The Board thanked Mr. Morris for coming in to ratify this serious situation.

The Board met with Pauline Conley, Chairman of the Ayer 4th of July Committee. Present for this discussion were: Dennis Daudlin, Linda Garant, and William Oelfke members of the Advisory Committee. Selectman Jones stated the Committee's goal was to fund the 4th of July activities i.e. parade, booths, fireworks entirely through donations. This committee worked under the auspice of the Board of Selectmen raising money from raffles, dance, tee-shirts and donations. Unfortunately the Committee feels it will run short of its goal and request a Reserve Fund Transfer. Ms. Conley stated this funding request was in an attempt to secure funding should the bills for the fourth exceed what has been collected and anticipated. The amount of this request was anticipated at \$5,000.00, with remaining funds to returned after all of the activities had been paid. Selectman Hamel stated she just heard a lecture re: the spending of money in a poor economic climate. This event is for only one (1) day not something of permanent nature. William Oelfke stated as a member of the Advisory Board he could not authorize a Reserve Fund Transfer to a Committee. Committee's do not fall under the authority of a Reserve Fund applicant. Selectman Jones stated again that the Committee worked under the auspice of the Board of Selectmen which would qualify if the transfer was requested by the Selectmen for the 4th of July activities. The Selectmen's Office would process the bills in accordance with acceptable Accounting practices. Mr. Oelfke again stated the regulations do not authorize the Advisory Board to transfer money to a committee it is not legal and he would not support this.

Dennis Daudlin, Chairman of the Advisory Board suggested DOR be contacted re: liberal use of fund-unanticipated expense. Selectman Hamel questioned why doesn't the Committee wait until after all the bills have been paid through the donations before approaching the Board for a Reserve Fund Transfer. Chairman Slarsky stated the activities have been committed and there is danger of events pulling out. Mr. Higgins stated this activity qualifies under UDAG and perhaps the Board should consider UDAG funding for this activity. The Board requested Mr. Higgins to contact DOR regarding the legality of the transfer both with Reserve Fund and UDAG. Mr. Higgins to report back to the Board and Advisory Board.

On another matter the Board met with the Advisory Board re: RESERVE FUND transfers for: ASSESSORS - \$7,000.00 due to delay in Triennial revaluation due to CAMA implementation extended abatement process, reduction in DOR staffing & support.

COMPUTER SUPPORT: \$1,050.00

For the purchase of 150 megabyte tape drive.

ANIMAL CONTROL: \$1,550.45

For Mass. Elec. bill of \$650.00, mileage \$500.00 and salary for Animal Control Officer \$400.05.

TOWN COUNSEL; \$12,000.00

Fy-93 appropriation short legal expenditures.

Dennis Daudelin stated the Board had not reviewed these transfer requests and would be meeting after the Selectmen's meeting to review and act on them. Mr. Daudelin to advise the Board of the Advisory Boards decision.

The Board was advised to Dr. Warran beginning his duties as Supt. of Schools on July 19, 1993. The Board requested a small reception for Dr. Warren be conducted at a Selectmen's Meeting in late July to meet Town Officials.

Mr. Higgins advised the Board to the Town of Harvard purchasing a Weed Harvester amphibious machine. Ayer has offered to send in Ayer's DPW mechanic and offered to provide transportation and split the maintenance and repair costs if Ayer can use the Harvester for half of the remaining summer. This appears to be acceptable by Harvard.

The Board met with Town Counsel-Robert Gardner re: unsafe properties. Town Counsel advised the Board that Kinonian family was sent a letter by Bldg. Inspector William Halligan advising them of the building being dangerous and unsafe in accordance with MGL 780 s 123. The Building Inspector gave them twelve (12) days from May 18, 1993 to make the building safe. Town Counsel stated he has taken the next step being in touch with Kinonian's

attorney who is in charge of the estate. Town Counsel requested a committee of three disinterested people be appointed by the Board to make determination to raze the building. Another notice then is sent out to the estate. After forty eight hours from receipt of the letter the Town of Ayer can raze the building or place lien on real estate. The Board requested Arthur Pedrazzi, Robert Donell and William Madigan be contacted to serve in this capacity. Selectman Hamel moved the Board appoint these three people contingent upon their acceptance, seconded by Charles Jones, VOTE: unanimous, so moved.

Town Counsel on another matter advised the Board to the boundary dispute re: 52 Pleasant St. Town Counsel advised the Board that the Town's roadway is on private property. Town Counsel stated he is negotiating with the property owners attorney to resolve this matter.

Town Counsel advised the Board of \$50,000.00 being made available by EPA for a Technical Assistance Grant (TAG) re: hiring a environmental consultant re: clean up of Fort Devens as it may effect the Town of Ayer resources. Town Counsel advised the Board applicants must be non-profit organizations with a committee of five (5) people from the Town of Ayer to oversee the project. Town Counsel stated he has three out of the five residents willing to serve, Calvin Moore, Pauline Conley, and Tim Holland. Chairman Slarsky moved the Board endorse this proposal, seconded by Selectman Hamel, VOTE: unanimous, so moved.

FY-94 APPOINTMENTS: (see attached)

The Board reviewed the FY-94 appointment. Mr. Higgins stated that Marvin McMiller has been requested by the Park Dept. to be appointed to serve as a permanent volunteer to that dept. and the Commission of Disabilities have submitted their members: 1 year: Bruce Page, Joyce Paar, & Timothy Higgins, - 2 years: Georgia Newell, Donna Elam and Paul Brennan, - 3 years: Walter Paar, Gail Masci and Lauri Brennan. Special Police Officer: Littleton & Shirley (see Lists). The Board approved the additions to the FY-94 Appointment list.

Mr. Higgins advised the Board to the resignation of Christopher Kelley, telecommunicator, Ayer Police Dept. The Board requested Chief Boisseau to join them at the table. Chief Boisseau stated Mr. Kelley has accepted a position with the Town of Groton Police Dept. as a full-time Telecommunicator. The Board praised Mr. Kelley as a dedicated and loyal employee and sorry to see him leave. The Board requested a letter be sent to Mr. Kelley accepting his resignation with regrets. The Chairman called for a motion to accept the resignation of Mr. Kelley effective July 14, 1993 at 12:00 midnight. Motion moved by Selectman Hamel seconded by Selectman Jones, VOTE: unanimous, so moved.

Chief Boisseau requested at this time to appoint Jody Carroll to the vacant position left by Chris Kelley. Chief Boisseau stated Jody Carroll is presently a part-time telecommunicator in Shirley. This recommendation is endorsed by Fire Chief Paul Fillebrown. Chairman Slarsky called for a motion. Selectman Hamel moved the Board accept the recommendation of Chief Boisseau and appoint Jody Carroll as full-time Telecommunicator to the Ayer Police Dept. contingent upon his successful completion of a physical examination and other eligibility requirements, seconded by Selectman Jones, VOTE: unanimous, so moved.

The Board requested Bruce Winchester be contacted re: assisting while search is on for new Building Inspector. Mr. Higgins presented to the Board changes to Titles of Town officials:

OLD APPOINTMENT TITLE

NEW FY-94 APPOINTMENT TITLE

Executive Secretary
Building Commissioner
Acting Supt. of Public Works
Computer Co-Ordinator

Town Administrator
Building Inspector
Asst. Supt. of Public Works
Systems Administrator

Selectman Jones moved to accept the list of FY-94 Appointments as presented, with adjustments, and changes to Town Officials titles, seconded by Chairman Slarsky. Selectman Hamel abstaining from vote due to conflict of interest re: Historical Commission.

The Board met with Karen Makaisu owner of Larry's Inc. D/B/A karens. Present for the discussion was Mrs. Makaisu's Attorney Barry Dynice and Town Counsel-Robert Gardner.

Town Counsel read into the record the Selectmen's letter of June 18, 1993. Chairman Slarsky requested if Mrs. Makaisu received the letter, Mrs. Makaisu stated yes. Chairman Slarsky requested if Mrs. Makaisu requested Open Session or Executive Session. Mrs. Makaisu stated open.

The Board requested Chief Boisseau and Detective Mark Coalter of the Ayer Police Department to be part of the discussion.

Chairman Slarsky opened the discussion by stating this meeting is a continuation of the June 15, 1993 hearing, to determine whether the Selectmen should impose any additional action as a result of the ABCC ruling closing the establishment for twenty (20) days from June 9, 1993 to June 29, 1993 due to ABCC violations: ABCC Regulation 204 CMR 2.05 (2) to wit C 138 s23
MGL Chapter 138, s23
ABCC Regulation 204 CMR 4.03 (1) (b)
ABCC Regulation 204 CMR 2.16 (1)
ABCC Regulation 204 CMR 2.05 (2) to wit. C138, s69

All above violations were read into the record.

Chairman Slarsky stated the Board's responsibility is different from the ABCC's. It is for the safe operation of the club for

the citizens of Ayer. Chairman Slarsky stated it is no easy job to operate such a business, the responsibility of the owner is tremendous. Chairman Slarsky stated it is not easy to deprive a business owner of her livelihood but the Selectmen have that authority should further punishment be deemed necessary.

Atty. Dynice argued that should the Selectmen impose further punishment, would be punishing the owner for something she had already been punished for. Chairman Slarsky stated this would not be double jeopardy. Atty. Dynice stated Mrs. Makaisu had taken the findings of the ABCC very seriously and had taken appropriate action to avoid ABCC violations in the future.

Chairman Slarsky requested Chief Boisseau disclose Ayer Police Dept. logs depicting reported incidents occurring at Karen's. Chief Boisseau reported on twenty (20) incidents, stating Officer Coalter could testify to six (6) of the incidents involving the Ayer Police. Officer Coulter reported on incidents ranging from fights inside the establishment and outside to a automatic weapon being fired outside the establishment. Drunk driving citations from the Atty. Generals Office forty two (42) to date were reported on: motor vehicle violations which involved driving under the influence of intoxicating liquors and arrestee naming Karen's where they were served. Atty. Dynice challenged the accuracy of these citations and stated the lack of real proof re: patrons disclosing where they were provided their last drink.

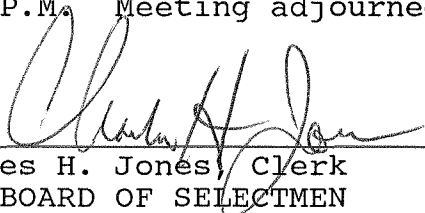
Chairman Slarsky stated the Board has the authority to institute a warning, suspension or modify the operation of the establishment. Selectman Jones stated he would consider the Board modify the hours of operation of the establishment for a period of time. Chairman Slarsky requested time/length of modification. Selectman Jones stated he would consider to change the hours of from opening to 11:00A.M. and closing at 11:00p.m. Selectman Jones stated he is reluctant to go with six (6) months, until the end of the year due to the holiday season and suggested three (3) months be considered by the Board. Selectman Hamel moved the Club be allowed to close at its usual closing time of 1:00A.M. on weekend evenings. Selectman Jones seconded this for discussion. Selectman Jones stated with no more incidents reported within the next three (3) months the Board would consider changing back the operation to its previous hours. Chairman Slarsky called for the amended motion. Selectman Jones moved the Board modify the hours of Karen's establishment commencing immediately to open at 11:00A.M. and close by 11:00P.M. Monday through Sunday for the next three (3) months, (July-September 1993) seconded by Selectman Hamel, VOTE: Unanimous. Mrs. Makaisu stated that she had booked a wedding for August 21, 1993 and requested the hours of operation be amended for that one (1) day. Chairman Slarsky stated upon written receipt by the Board from Mrs. Makaisu requesting that one day (8-21-93) the Board would amend the

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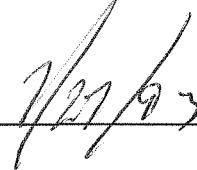
hours to open at 8:00A.M. and closing at 1:00A.M. for August 21, 1993 only.

Chairman Slarsky called for a motion to adjourn. Selectman Hamel moved the Board adjourn the meeting, seconded by Selectman Jones, VOTE: unanimous, so moved.

10:35P.M. Meeting adjourned.



Charles H. Jones, Clerk
AYER BOARD OF SELECTMEN

Date:  _____