

SELECTMEN'S MEETING
TUESDAY, FEBRUARY 23, 1993
2ND FLOOR MEETING ROOM
TOWN HALL, MAIN ST., AYER, MA.

7:00P.M. OPEN SESSION

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

The Weekly Warrant was examined and signed in the following amounts:

Expenses:	\$239,091.66
Payroll:	\$ 43,904.77

Chairman Jones opened the meeting by announcing that Supt. William G. Redfield had submitted a letter of resignation effective March 19, 1993. Chairman Jones read Supt. William Redfield's letter of resignation into the record. (see attached)

Mr. Higgins stated Supt. Redfield was unable to present this letter himself to the Board due to him being ill.

Selectman Slarsky moved to accept Supt. Redfield's letter with regrets stating Bill is a dedicated, hard working professional and he wished him the best of luck in his new job. Selectman McKinney seconded the motion adding he hoped the Town would find a credible professional replacement just as qualified as Bill. VOTE: unanimous, so moved.

EXECUTIVE SECRETARY'S REPORT: (see report dated 2-16-93)

1. Mr. Higgins advised the Board that he will prepare a job description and employment notice for the Board's next meeting.

2. Selectman Slarsky moved the Board appoint Robert Smith, Chief Plant Operator/Asst. Supt of the D.P.W. to the position of Acting Supt. of Public Works during this transition period. Mr. Smith will act in the capacity of Supt. while search is on, 2nd by Selectman McKinney, VOTE: unanimous. Mr. Higgins to work out details and salary.

The Board suggested a search committee be formed to review applicants, this to be taken up at a later date.

3. Mr. Higgins presented to the Board the language for the Amendment to the Water & Sewer Rate Schedule. This amendment for High Use Fee-Single Family Home Exemption. "Any single family home owner whose usage exceeds the low use threshold, may be eligible for an abatement to the low use rate structure". The Home Owner shall request that the DPW review the bill to determine if the usage results from excessive external uses (pool, excessive lawn care, auto washing, etc.) If no such

excessive external use is identified, the DPW shall calculate the bill in accordance with the low use rate. The DPW shall create and maintain a system for processing requests for Single Family Home Exemptions to include an application form, to be reviewed and signed by the Supt. or his designee. Selectman McKinney moved this amendment be added to the Town's Water/Sewer Rules and Regulations, 2nd by Selectman Slarsky, VOTE; unanimous, so moved.

4. Mr. Higgins advised the Board that three (3) bids were received re: Printing for the 1992 Annual Town Report.

4/COLOR COVER BIDS:

1. Marshall/Cameron, Groton, Ma. - \$4,729.00
2. Irving Graphics, Braintree, Ma. - \$4,550.00
3. William R. Brown, Providence, R.I. \$4,950.00

Mr. Higgins recommended the Board award Irving Graphics of Braintree, Ma. the bid for Printing/Minting of the 1992 Annual Town Report. Selectman Slarsky moved the Board accept the recommendation of the Executive Secretary and award Irving Graphics the contract for printing the 1992 Annual Town Report, 2nd, by Selectman McKinney, VOTE: unanimous, so moved.

5. Mr. Higgins advised the Board that the Town of Ayer Request for Proposals and Qualifications re: the 1992 MSCP grant administration and implementation closed on Friday, February 5, 1993 at 12:00 noon. The Board was advised the Town went through the procurement process and received only one (1) qualified bid. Two responses were received:

1. Community Opportunity Group (COG) - \$83,000.00
2. James Lally-Bid only as contractor/resume.

Mr. Higgins recommended the Board award the contract for administration of the Housing Rehab. Program and the Loaves and Fishes Program to Community Opportunities Group (COG) for the bid award of \$83,000.00. Selectman McKinney moved the Board award the Contract to COG for the bid award of \$83,000.00, Selectman Slarsky seconded the motion for discussion, Selectman Slarsky requesting if all the start up costs have been eliminated? and if the Hous. Rehab. Program will change sequence? Mr. Higgins stated all start up costs and costs related to the water line installation and costs re: advertising and selecting program applicants is unnecessary and eliminated from the bid. Selectman Slarsky seconded the motion. VOTE: unanimous, so moved. Mr. Higgins stated he will have Town Counsel review the contract prior to the next Selectmen's Meeting.

6. Mr. Higgins relayed to the Board that the Redevelopment Board Meeting scheduled for 2/23/93-7:00P.M. was cancelled.

7. Mr. Higgins presented to the Board all of the Town's current AD HOC Committees and membership for their review.

8. The Board was advised of new Financial Impact re: the analysis conducted by the Department of the Army which greatly under estimated the civilian and military presence which is estimated at \$500 million. This financial analysis impacts locally and beyond and underplays economic impacts to region. Bret to address this at the next Joint Boards Meeting. Chamber of Commerce to be contacted for statement rebuttal.

9. The Board was advised of School Committee requesting a member of the Board of Selectmen to sit on the Search Committee for the new Superintendent of Schools. Selectman Slarsky moved Charles Jones be appointed to serve on this Committee and Selectman McKinney serve as alternate, 2nd by Selectman McKinney, VOTE: unanimous, so moved.

10. The Board was alerted to a potential shortfall in the salary and wage acct. in the DPW budget and of possibility of offsetting the shortfall in other areas in the DPW budget. The Board to be kept advised.

Chairman Jones requested at this time for Selectman Slarksy to elaborate on the Meeting conducted at the State House, Monday, February 21, 1993 re:

Selectman Slarsky stated he, Tim Higgins, Bob Gardner, Pat Casevecchia, Pat Walsh, Neville Markham and Jack Berberian met with Representative Hornblower at the State House. Rep. Hornblower arranged a meeting with the Department of Education-Jim Anderson and state Atty. Bloomenthal to discuss new legislation obligating the Town of Ayer to educate all military students residing on Fort Devens due to classification as residents. Selectman Slarsky stated the Town needs to send a strong rebuttal. Borderline students should be born by community in which they reside. This legislation will have far reaching impacts on Town revenues and infrastructure. Town of Ayer should not be penalized. Town Counsel was requested to draft a strong letter to be forwarded to the State Department of Education apposing this legislation.

Proposed legislation on School choice tuition payments and adjustments on account of students residing on Fort Devens:

"Notwithstanding the provisions of any general or special law to the contrary, all children residing on Fort Devens, a Federal reservation, who have been admitted to a public school under the provisions of Section Twelve -B of chapter 76 of the General laws shall be considered residents of the Town of Ayer for the purposes of said section Twelve-B and Section six of Chapter 133 of the Acts of Nineteen Hundred and Ninety Two".

11. The Board moved to appoint Barbara Wilson as Registrar of Voters for FY-93, a three (3) year appointment. Ms. Wilson to be placed on the Upcoming FY-94 Appointments. This recommendation forwarded to the Board from Ann Callahan, Town Clerk.

12. The Board was advised on the status of the Wheeler property by Town Counsel. Town Counsel to be contacting the Registry of Deeds for a Title Search.

13. Mr. Higgins presented the Board copies of the FY-93 Audit. Audit responses to be submitted by Department Heads.

The Board was made aware of a potential FY-93 budget shortfall from the School Dept. by William Oelfke, Chairman of the Advisory Board, re: Vocational Education.

Mr. Oelfke stated that it had come to the Boards attention that the Vocational Budget may again be short approximately \$40,000. The Schools contention is that this Budget falls under the Selectmen's purview. Mr. Oelfke stated the Advisory Board does not share this contention, feeling it is an educational program.

The Board met with Ruth Rhoemus and Donald Messengill re: the SOS Committee's request for UDAG Funding in honor of the Pleasant Street School's 100 Anniversary this year. The Committee stated they are currently working with the 4th of July Celebration and wish to create a Museum in the library and have it open for the 4th of July festivities. Mrs. Rhoemus stated the Committee is seeking \$15,000.00 for this restoration. These figures were projected on the earlier construction in 1987. Mr. Higgins advised the Board that approval for this activity has to come from HUD. Mr. Higgins stated he had contacted Fran Cloonan, the Town's agent re: this matter and is still awaiting correspondence. The Board rescheduled this matter upon receiving approval from the HUD Office. The Board also requested the Committee get up to date cost estimates and insurance breakouts while waiting on approvals.

The Board met with Alan Davis, President of Nashoba Cable and Cathy Richardson, General Manager re: Cable Complaints received by the Board from Town of Ayer subscribers relevant to rate increases, billing practices, interruption in program services, poor/no complaint services provided, and charges re: remote and cable boxes.

Mr. Davis opened the discussion by advising the Board that Nashoba Cable notified residents re: changes in the Cable service that took place on January 1, 1993. Mr. Davis stated a number of new policies effected the subscriber including a major restructuring of Nashoba's rates and channel lineup. Mr. Davis stated most of the changes were prompted by the Cable bill which

Congress passed in October 1992. Mr. Davis stated some subscribers found that their bills decreased or stayed the same, other subscribers had an increase. Nashoba offered options including new discounted packages to help. Mr. Davis pointed out that the discounts were not brought about by rate regulation, which applies only to basic service. Mr. Davis stated as of January 1, 1993, there were adjustments in the rates for Super Basic Service and HBO and changes re: converters and remote controls, including a provision to let you use your own remote instead of Cables. Mr. Davis stated in order to confirm with the legal requirements in the new Cable bill, specifically the provision that lets economy basic customers subscribe to premium and pay-per-view services, channel line-up being rearranged as of Jan. 1, 1993. Mr. Davis stated in order to comply with the law this channel rearrangement had to be done. Mr. Davis stated this law passed due to the scrambling controversy, Nashoba felt trapping Super basic channels was the most desirable option. Mr. Davis stated Nashoba added staff to handle calls but stated the phones were busier than expected and calls were delayed somewhat during this period.

Mr. Davis ran down the rate adjustments:

Basic service/additional outlets:

from \$20.95 to \$23.95 per month-Economy Basic remaining at \$8.00
HBO from \$9.95 to \$11.95/per month
Remote controls formerly \$2.95/per month no additional charge by purchasing the unit for \$9.95 no additional rental charges.
Converter Box- a equipment fee of \$2.95/per month.

Selectman Slarsky stated those subscribers who can least afford the price increase are the one who were hit the hardest with having only the Basic Service. Mr. Davis agreed. Selectman Slarsky requested why subscribers have to pay for the converter box when TV sets are Cable Ready when purchased. Selectman Slarsky stating this is gouging. Chairman Jones stated his total dis-satisfaction prompted him to remove Cable entirely from his home. Mr. Davis stated to prevent unauthorized use both the sound and picture of many cable channels are scrambled, without one of Nashoba's converter boxes, most channels are unwatchable, even on Cable Ready T.V. sets. Nashoba requires you to have at least one converter to receive cable. Selectman McKinney challenged the current technology with cable ready sets and objected to this converter box charge. Mr. Davis stated a cable converter box is required as part of Nashoba's super basic service the new rate structure of \$2.95/per month will still apply. Selectman Slarsky requested Nashoba submit to the Board a complete subscribers information packet and filing requirements along with Nashoba's billings practices, sample bill, work order, programming information and rate sheets. Mr. Davis stated he would submit this packet within the next day or so. Chairman

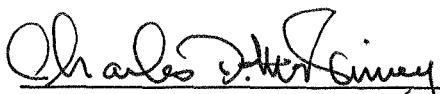
Jones reviewed Nashoba's correspondence of 1/25/93 the 4th quarter form 500b and significant interruption report for the Town of Ayer. Chairman Jones commented on the fluctuation of complaints as apposed to print-out. Chairman Jones read into the record the following re: complaints received: quality of picture 3 complaints received, interruption of service (5) complaints received, complaints other than TV, (6) received, inaccuracy in billing (1) received. Miscellaneous (92) received. Chairman Jones challenged the accuracy of this information and requested this information be passed along to the Cable Commission to investigate.

The Board met with Chief Boisseau re: deployment at the Ayer Police Department. The Board reviewed with Chief Boisseau his request to appoint a Lieutenant within the Department. The Board had reviewed earlier packets distributed re: the position and of qualifications for the position which identified qualified candidates within the department. Chairman Jones applauded the high caliber of people within the department who had applied for the position. Selectman McKinney stated he is ready to nominate a candidate for the Lieutenant's position. Selectman McKinney nominated Donald Haapakoski be appointed to the position of Lientenant At the Ayer Police Department, Selectman Slarsky seconded the nomination. VOTE: unanimous, so moved. The Board requested Mr. Higgins draft a contract contingent upon a probationary period and successful negotiations from the Union to separate this position to managerial position. The Board congratulated Mr. Haapakoski and welcomed him to the position.

The Board met with Chief Boisseau regarding the Chief requesting the Board investigate the empty bank building on Littleton Road as a possible site for a new police station. Chief Boisseau stated the building is listed with the FDIC. The building is only three (3) years old and is listed at \$310,000.00. The Board requested Mr. Higgins contact DiNesco Kretsch and request Mr. Kretsch come out and give the Board an assessment re: the feasibility of the building as a Police Station.

Selectman Slarsky moved the Board adjourn from Open Session and enter into Executive Session pursuant to MGL Chapter 39 Section 23B re: DPW Grievance, Seconded by Selectmen McKinney, VOTE: unanimous, so Moved.

9:10P.M. Open Session ended.


CHARLES D. MCKINNEY, CLERK
AYER BOARD OF SELECTMEN

DATE: Mar 30, 1993