

Ayer Board of Selectmen's Meeting  
Tuesday, April 21, 1992  
Upper Town Hall Meeting Room  
Main Street, Ayer, Ma.

7:30P.M. Open Meeting

The Board met with Selectman Slarsky and Selectmen Jones, Chairman McKinney absent due to illness.

The Minutes of March 24, 1992 were read and accepted.  
The Minutes of April 8, 1992 were unavailable.

The Weekly Warrant was examined and approved in the following amounts:  
Payroll: \$40,722.90  
Expense: \$84,033.25

**EXECUTIVE SECRETARY'S REPORT:**

1. Mr. Higgins advised the Board to research being conducted by himself and the Town Accountant re: FICA/Deferred Compensation Plan. The Board was advised to MG. Chapter 494 allowing the Selectmen to vote to require part-time and elected officials to enroll in a deferred compensation plan. This would enable the Town to avoid paying a matching contribution to FICA with an estimated saving of \$10,000.00 a year to the Town.

Mr. Higgins elaborated on Chapter 494 and presented the Board with copies of the Statute as well as correspondence from the Secretary of State's Office.

Selectman Slarsky moved the Board vote to accept the provisions of Chapter 494, Acts of 1991, mandating the participation of certain employees in a qualified deferred compensation plan effective July 1, 1992, seconded by Selectman Jones, VOTE: unanimous, so moved.

2. The Board reviewed proposed FY-93 budget recommendations submitted by the Advisory Board. The Board was advised that both sets of recommendations (The Selectmen's & Advisory Board's) result in a balanced budget based upon current revenue projections.

3. Mr. Higgins submitted the names of six (6) individuals who wish to be considered to serve on the newly re-activated Industrial Commission: Frank Callahan, Gerry Quigley, Murray Clark, Don Haapakoski, Ed Kelly and Frank Maxant. Mr. Higgins recommended the Board appoint five of the above due to the town historically having five (5) members and this appears to be a manageable number. The Board took this under advisement until the 4/28/92 Selectmen's Meeting.

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4. The Board was advised of the State beginning the Mosquito control program in this area.

5. The Board was advised of draft of the Annual Town Meeting Warrant being prepared and to be made available for signatures for Tuesday, April 28, 1992, Selectmen's Meeting.

6. The Board was reminded to the following upcoming meetings:

1. 4/25/92 - 9:00A.M. Trip to Westover
2. 4/28/92 - 7:30P.M. Selectmen's Meeting
3. 4/30/92 - 7:00A.M. Joint Boards-Harvard Hosting
4. 5/4/92 - Senator Kennedy's visit
5. 5/6/92 - 7:00P.M. Ayer High School-Prison Forum

7. The Board was advised of the Town of Clinton requesting support from the Town of Ayer requesting that the State retain ownership of Clinton's Wastewater Treatment Plant. Mr. Higgins updated the Board to Clinton's dilemma. A brief background was given re: the Mass. Water Regulating Authority's attempt last year to transfer ownership and being overturned through public outrage. Prior to MWRA taking over Clinton's Wastewater Treatment Plant it was owned and operated by the Metropolitan District Commission (MDC). Clinton has lost (for the past 94 years) millions of dollars in tax revenue by having 40% of its land submerged for the benefit of the 43 cities and Towns around the Boston area. The provision recorded on March 24, 1898 states that maintenance of the same until the population of Clinton exceed 20,000 today Clinton's population is 14,000, this is all covered in Chapter 557 the Acts of 1889. Clinton applied for compensation in 1889 and was denied and told it was to receive free water & sewer instead. The Board was advised to court data recorded in 1923 MDC trying to transfer ownership, Clinton took the MDC to court and won, 1969 the MDC tried again, the matter was brought before the Atty. General and he found for Clinton.

Selectman Jones stated he understands part of the problem the shifting of burdens from the State down to the local level at an increased cost to the local constituents. Selectmen Jones stated he was not sure to support the request or not knowing the arrangements. Selectman Slarsky stated he had no problem with assisting another community with something that's reasonable and something they are attempting to do. With the decrease in local receipts that we are all facing if there is something they are calling on us to do I'm sure we will also call upon them as well. If in both instances the courts have found in favor of the Town he's not sure what has changed since 1969 that would change the law. Selectman Slarsky stated he would have no problem on behalf of our community to try and assist Clinton in their fight. Selectman Jones stated same but reiterated its not to clear what's going on. The Board agreed to accept in principal and have Mr. Higgins research the matter. Selectman Slarsky moved The Board support the Town of Clinton in their efforts on the

contingency that it is researched by the Board's Executive Secretary and there is found nothing adverse in our support, Seconded by Selectman Jones, VOTE: unanimous, so moved.

Selectmen Slarsky took this opportunity to address a recent Associated Press newspaper article re: Philadelphia's suit against the Federal Government relevant to Philadelphia's Naval Shipyard and the court finding for Philadelphia. Selectman Slarsky stated he was unclear on the court ruling and how it could/would help Fort Devens. Selectman Slarsky stated he had contacted Senator Kennedy's office and that the Senator was looking into it. Selectman Slarsky elaborated on Philadelphia's suit being taken to the 3rd Circuit Court of Appeals found in favor of The City of Philadelphia as it related to the suit against the Navy and they found there was limited jurisdiction by the courts as it related to the base closure. Selectman Slarsky stated he spoke with Rep. Augusta Hornblower and Senator Robert Durand earlier today and requested them to look into it. and see if it was something the Town should dig our teeth into as it relates to the closing of Fort Devens. Selectman Slarsky stated he felt if there was anything that would give us greater bargaining power with the Federal Government as it relates to Fort Devens then we should look at it. If there may be a shot of saving the hospital, commissary, PX for the retirees then we would be missing an opportunity. Selectman Jones stated he agreed that the Board has met numerously with the Atty. General re: Fort Devens, and now with the Philadelphia findings this is an opportunity to take another look to see there is an advantage for the Town. Selectman Jones Stated dealing with the Fort Deven's issue one of the things that has been brought up several times is the need for a Strategic Planning. A lot of people are probably unaware that there was a Strategic Plan developed in 1986. The plan was developed through Montachusett Regional Planning Commission (MRPC) and funded through a grant by the Executive Office of Communities & Development (EOCD) plus funds from the Town of Ayer. Selectman Jones stated this was a very comprehensive plan developed in 1986 and covered a lot of contingencies. There is a need now to update the plan with the closing of Fort Devens. Selectman Slarsky stated his only concern is the need to know what is actually going to happen on Fort Deven's before we take any resources over. Selectman Slarsky requested the pleasure of the Board with regard to the Philadelphia suit? Selectman Slarsky moved the Board support the investigation of the Philadelphia Lawsuit as its applicability to the Town of Ayer and direct the Board's Executive Secretary to contact the Atty. General and Ayer's representatives urging their support, seconded by Selectman Jones, Vote: unanimous, so moved.

The Board met with New England Telephone Representatives re: Centrex Communications. The Board met with Dave Vegan, Richard PicKewicz, and Anthony Rodriquez.

Mr. Pickewicz gave the Board a presentation of features and cost consideration proposal for Intellipath Digital Centrex. Mr. Pickewicz highlighted features and benefits the system would provide for the Town of Ayer.

Standard features addressed were:

Direct Outward Dialing-Direct Inward Dialing- Intra-Office, call transfer-consultation hold-Add on Conference Hold-Touch tone service-Call forwarding-Call waiting-Speed calling and Call pick-up.

Mr. Pickewicz stated the above features would enhance the Town's present system by providing: no missed calls, callers get through immediately, outside lines are immediate, departments could easily set up three-way conference calls, transfer calls anywhere, link up with other departments, twenty-four hour reliability which would boost staff efficiency and speed residents service.

Mr. Pickewicz stated the Town currently has 47 lines which cover a five mile area. Financial options were presented to the Board. Unlimited vs. Measured Service viable were addressed. Presently the Town of Ayer is paying \$1,620.50/month for the 47 lines. Centrex cost comparison offered the Town the following:

Unlimited measured service for 47 lines \$1,061.55/84 month rate.  
Measured Service for 47 lines- \$651.36/84 month rate.  
Savings with measured service: \$969.14/mo.  
savings with unlimited service: \$558.95/mo.  
Cost to add a line would be \$40.00 one time charge.

Mr. Pickewicz stated the Town's emergency 9-1-1 service would not be incorporated into the system and maintained as a separate operation. Transition would not change the current merlin phones/Centrex is compatible, user instruction-training, listing in the white/yellow pages provided by Centrex, advertising to disseminate number changes would be provided via newspaper advertising/cable channels.

Time frame for implementation would be five (5) weeks. The Board requested Centrex prepare an Agreement for the next Selectmen's Meeting scheduled for May 5, 1992.

**SUPT. REDFIELD'S REPORT:**

1. The Board reviewed the Department of Public Works action list for April 16, 1992.

2. Supt. Redfield presented a draft reply to DEP's notice of non-compliance for the Board's review.

3. Supt. Redfield presented a copy of the Annual Utilization Report on the Wastewater Treatment facility's property use transferred to the Town in 1978 under the Federal Property Assistance Program. This report is to be submitted to the United States Department of Health and Human Services until the year 2008. The Board reviewed the documentation and Moved to approve Chairman McKinney to endorse the documentation.

4. The Board was advised of contact being made to the Mass. Dept. of Public Health re: the posting of notices around Grove Pond-Plow Shop Pond posing a health risk due to high levels of arsenic, cadmium, chromium, lead, iron, cooper, mercury, and nickel within the sediments of Plow Shop Pond. The Board of Selectmen's concerns re: public health risks, due to fishing conducted in these two ponds were also addressed.

Supt. Redfield stated the Dept. of Public Safety requested sampling of fish to be done and sent to the Dept. for investigation. The Board endorsed this to be done.

5. The Board was advised of MCI-Shirley Supt. Coalter being contacted requesting inmates to perform roadside trash and brush removal for the dates of April 27 or May 4, 1992. Two inmates will be needed for a one week period. The Town to provide a truck and driver and safety equipment. The Board requested Groton-Harvard Road be one area to be done as well as the Main Streets of Town, and rotary area.

6. Supt. Redfield presented the hydrant flushing schedule beginning April 27-May 15, 1992, published in the Public Spirit for 4-14-92/4-21-92.

4-27-92 - May 1, 1992 Westford Rd.-Sandy Pond- Littleton Rd.

5-4-92 - May 8, 1992 E. Main St., Groton Harvard Rd.

5-11-92 -May 15, 1992 Washington St, W. Main St., Groton/Sch Rd  
Fitchburg Rd.

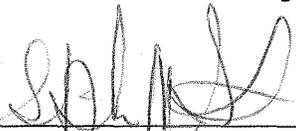
The Board requested Supt. Redfield to investigate and report on the possibility of extending the guard rail on both sides of the West Lane coming off the rotary.

The Board also requested an update of the progress of the cable service to the residents on Doug Rd.

Selectman Slarsky took this opportunity to thank the Board for their support over the past year and reflected back to his nine (9) years of service as a Selectman to the Town, stating it has been an experience of a lifetime. Selectman Slarsky pledged his commitment to the Town and hoped he would be back.

9:10P.M. Selectman Jones moved the meeting be adjourned, seconded by Selectman Slarsky, Vote: unanimous, so moved.

9:10P.M. Meeting adjourned.

  
STEPHEN M. SLARSKY, CLERK

DATE: 