

SELECTMEN'S MEETING
TUESDAY, FEBRUARY 25, 1992
SECOND FLOOR MEETING HALL
TOWN HALL, MAIN ST., AYER, MA. 01432

7:30P.M. THE BOARD MET WITH CHAIRMAN MCKINNEY, SELECTMAN SLARSKY AND SELECTMEN JONES.

CHAIRMAN MCKINNEY ANNOUNCED THE AGENDA BEING CHANGED WITH THE REMOVAL OF A TAXI LICENSE APPLICANT.

THE BOARD SIGNED THE PRIMARY ELECTION WARRANT OF MARCH 10, 1992.

THE MINUTES OF FEB. 11, 1992 WERE AMENDED TO REFLECT DISCLAIMER STATEMENT BY TOWN COUNSEL, ROBERT GARDNER RE: HIS RELATIONSHIP TO JOHN J. LORDEN, TRUSTEE OF BARNUM POINT REALTY TRUST, BEING HIS COUSIN. ALSO COPY OF AGREEMENT TO BE ATTACHED TO MINUTES OF 2/11/92.

THE WEEKLY WARRANT WAS EXAMINED AND SIGNED IN THE FOLLOWING AMOUNTS:
PAYROLL: \$37,358.83
BILLS: \$395,493.74

THE BOARD APPROVED A ONE DAY BEER & WINE LICENSE FOR THE AYER SPORTSMEN'S CLUB FOR 3/7/92 AND 3/14/92.

THE BOARD MET WITH ROBERT DONELL, MARK FLAGG AND MATHEW FLAGG, RE: THE AGREEMENT WITH THE TOWN AND FIRST AYER REALTY TRUST. RELATIVE TO PARK SQUARE SHOPPING CENTER.

PRESENT FOR THE DISCUSSION WAS TOWN COUNSEL, ROBERT GARDNER.

CHAIRMAN MCKINNEY DIRECTED EVERYONE'S ATTENTION TO THE AGREEMENT DATED AND REQUESTED THE BOARD GO OVER THE AGREEMENT TO BE SURE THAT EVERYTHING IS EMBODIED IN THE AGREEMENT THAT WAS AGREED UPON., MR. HIGGINS ADVISED THE BOARD THAT THERE WERE AMENDMENTS RECEIVED AS LATE AS THIS AFTERNOON IN AREAS AS SURETY AND OTHER AREAS. CHAIRMAN MCKINNEY ASKED IF TOWN COUNSEL WAS PREPARED TO ADDRESS THESE RECENT DEVELOPMENTS.

A QUESTION CAME UP RELATIVE TO THE ISSUE OF A PERFORMANCE BOND OR OTHER SURETY. MCCARTHY FAXED DOWN AN AMENDMENT TO THAT AND THE AMENDMENT BEFORE THAT BOARD IS ON PAGE 2-PARAGRAPH 3- LINE 2 STATES WITH A PERFORMANCE BOND OR OTHER APPROPRIATE CASH TYPE SURETY, BUT EXCLUDING COVENANTS AND/OR TRI-PARTY AGREEMENTS SUFFICIENT TO COVER THE COST OF THE WORK DEFINED IN ATTACHMENTS A & B PRIOR TO THE COMMENCEMENT OF THE WORK DEFINED IN THE WORK OF ATTACHMENTS A & B. AND SUCH BOND OR OTHER SURETY.

TOWN COUNSEL STATED THAT OTHER SURETY LANGUAGE SHOULD HAVE REFLECTED THE CHANGE ABOVE OTHER CASH SURETY EXCLUDING...THAT WAS

CERTAINLY THE INTENT OF THE DISCUSSION SHALL BE IN CONFORMANCE WITH THE STANDARDS, REQUIREMENTS AND PROCEDURES OF THE TOWN OF AYER D.P.W.

THIS WAS TOSSED BACK AND FORTH WITH TIM ON THE TELEPHONE AND BY THE TIME TOWN COUNSEL CALLED BACK DAN MCCARTHY HE HAD ALREADY LEFT FOR THE DAY, AFTER 5:00P.M. TOWN COUNSEL STATED AS HE IS INFORMED THERE IS CONCERN RE: THE BOND AND/OR ANY OTHER SECURITY. THATS ONE ISSUE ON THE TABLE. THE OTHER ISSUE WHICH TOWN COUNSEL BELIEVED WAS REMIED, IS, ALTHOUGH TOWN COUNSEL READ THE LANGUAGE OF THE DRAFT TWO WEEKS AGO, INTENDING THE WORK ON ATTACHMENTS A & B TO BE PERFORMED BEFORE OR AFTER THE TIME OF ISSUANCE OF THE CERTIFICATE OF OCCUPANCY PERMIT...IT HAS BEEN AMENDED TO STATE THAT THE WORK ON ATTACHMENTS A & B SHALL BE A CONDITION PRECEDENT TO ISSUANCE TO THE CERTIFICATE OF OCCUPANCY. TOWN COUNSEL STATED WHAT THAT MEANS IS THAT THE WORK ON ATTACHMENTS A & B MUST BE DONE BEFORE THE CERTIFICATE OF OCCUPANCY WOULD BE ISSUED. THAT WAS THE INTENTION OF ALL THE PARTIES AS OF TWO WEEKS AGO. TOWN COUNSEL STATED THAT WAS HIS INTERPRETATION OF THE LANGUAGE BUT WHEN HE TALKED WITH TIM, AND HE FELT THAT SOME ONE COULD MISCONSTRUE THAT AND MR. MCCARTHY STATED HE WOULD CHANGE THAT AND THAT'S TOWN COUNSEL'S LANGUAGE ABOUT A CONDITION PRECEDENT WHICH IS A LEGAL TERM WHICH MEANS BEFORE X CAN HAPPEN T MUST HAPPEN, BEFORE 3 HAPPENS 1 MUST HAPPEN. IN THIS CASE BEFORE THE CERTIFICATE OF OCCUPANCY IS RELEASED ALL THE WORK IN ATTACHMENT A & B MUST BE COMPLETED. THOSE ARE THE TWO ISSUES THAT WERE DISCUSSED THIS AFTERNOON.

MR. HIGGINS STATED FOR THE RECORD, ATTACHMENTS A & B SPEAK TO THE TRAFFIC MITIGATION MEASURES AND TO THE WATER LINE IMPROVEMENTS. A-WATER LINE/B-TRAFFIC MITIGATION.

CHAIRMAN MCKINNEY REQUESTED IF THE THREE DEVELOPERS WERE AWARE OF THESE CHANGES, THEY STATED, YES. CHAIRMAN MCKINNEY STATED THIS WAS ALL NEW TO THE BOARD. CHAIRMAN MCKINNEY STATED AS A MATTER OF PERFORMANCE HE WOULD LIKE TO SEE THOSE CHANGES MADE. THOSE CHANGES BE EMBODIED INTO THE AGREEMENT BEFORE THE BOARD SIGNS IT.

TOWN COUNSEL STATED THE NEW DOCUMENTS ARE INCLUDED IN THE DOCUMENTATION HERE THIS EVENING. THE BOARD AGAIN REVIEWED THE LANGUAGE RE: OTHER APPROPRIATE SURETY. THE CONCERN WITH MCCARTHY IS WOULD THE TOWN ONLY WANT A BOND OR WOULD SOMETHING ELSE BE SATISFACTORY. TOWN COUNSEL STATED THE BOARD HAS CONCERNS WITH COVENANTS AND TRI-PARTY AGREEMENTS FOR VARIOUS REASONS, I.E ECONOMIC CLIMATE, THE SITUATION WITH BANKS, THE SITUATION WITH COVENANTS-WOULD NOT NECESSARILY OBLIGATE SOMEONE TO DO SOMETHING AT A CERTIAN TIME BUT IT MIGHT RESTRICT THEM FROM USING THE LAND IN ANOTHER FASHION. MR. MCCARTHY CONCERN WAS HIS CLIENTS WOULD HAVE A CONCERN IF IT WAS ONLY LIMITED TO A PERFORMANCE BOND.

THE OTHER CHANGE WAS THE OLD PARAGRAPH TWO STATED WORK BY THE TRUST IN ACCORDANCE WITH ATTACHMENTS A & B HERETO SHALL BE

COMPLETED ON OR BEFORE THE DATE OF SUBSTANTIAL OCCUPANCY HEREIN DEFINED WHICH IS THE DATE THE CERTIFICATE OF OCCUPANCY WILL HAVE BEEN ISSUED FOR BOTH THE SUPERMARKET AND PHARMACY AREA OF THE SUBJECT RETAIL CENTER. IN TOWN COUNSEL'S INTERPRETATION IT MEANT ON OR BEFORE AND THAT MEANT THE WORK WOULD BE DONE ON OR BEFORE THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

SELECTMAN JONES ASKED FOR EITHER? SUPERMARKET OR PHARMACY, TOWN COUNSEL STATED NO ITS AND, SO ITS CONJUNCTIVE, FOR BOTH.

SELECTMAN JONES REQUESTED IF ONE COULD BE ISSUED SEPARATE FROM THE OTHER? TOWN COUNSEL STATED ONE CERTIFICATE OF OCCUPANCY COULD NOT BE ISSUED TO EITHER WITHOUT A & B BEING DONE.

SELECTMAN SLARSKY STATED SHOULDN'T IT JUST SAY THE PROJECT WHY DEFINE ANYTHING, IT SHOULD SAY THE WHOLE PROJECT.

SELECTMAN SLARSKY STATED HE FELT IT SHOULD STATE THE ENTIRE PROJECT SHOULD BE COMPLETED, NOT DEFINING ANY SPECIFIC BUSINESSES JUST THE PROJECT SHOULD BE COMPLETED. YOU MAY DECIDE TO PUT IN SOMETHING Different. TOWN COUNSEL REQUESTED IF ANYTHING HAD BEEN DISCUSSED REGARDING A PHASING? MARK FLAGG REQUESTED IF THAT WOULD RESTRICT THEM FROM PUTTING IN 3 OUT OF 8 STORES? THE BOARD STATED NO. ROBERT DONELL STATED ALL THE TOWN WANTS IS TO BE SURE THE WATER LINE GETS PUT IN.

SELECTMAN SLARSKY STATED WHATEVER YOU PUT IN THERE DOESN'T MAKE ANY DIFFERENCE TO THE TOWN OF AYER, THE ONLY DIFFERENCE IS THAT NOTHING GO IN THERE UNTIL THE PROJECT IS COMPLETED. THE PROJECT DOESN'T INCLUDE WHAT YOU PUT IN THERE, THAT'S UP TO YOU, THE PROJECT AS DEFINED BY THE TOWN OF AYER IS CONSTRUCTION READY FOR OCCUPANCY.

TOWN COUNSEL STATED IN SUMMARY BEFORE ANY OCCUPANCY OF ANY SQUARE FOOTAGE A & B BE DONE. THE DEVELOPERS AGREED TO ALL OF THIS.

SELECTMEN SLARSKY MOVED THE LANGUAGE THAT NO OCCUPANCY FOR ANY STRUCTURES REGARDLESS OF WHAT IT IS UNTIL A & B IS COMPLETED.

CHAIRMAN MCKINNEY REQUESTED TO GO BACK TO SUB_PARAGRAPH 3, ONLY ONE WORD THATS VAGUE AND SUBJECTIVE OTHER APPROPRIATE CASH TYPE SURETY. CHAIRMAN MCKINNEY REQUESTED WHAT THEY (THE DEVELOPER) WAS LOOKING FOR. ROBERT DONELL STATED THEY WERE LOOKING FOR A LINE OF CREDIT OR CASH UP OR CASH PASSBOOK OR DIFFERENT TYPE OF CASH SECURITY. APPROPRIATE BEING DEFINED AS SOMETHING THE TOWN COULD GET THEIR HANDS ONTO.

SELECTMEN JONES REQUESTED WHAT IF THE PROJECT DID NOT GO FORWARD FOR ONE REASON OR THE OTHER, COULD THE TOWN GO AGAINST ONE OF THESE LINES OF CREDIT FOR COMPLETION. TOWN COUNSEL STATED THAT IN MOST INSTANCES YOU COULD, THE QUESTION WOULD BE IF X BANK ISSUES THE LINE OF CREDIT AND IS TAKEN OVER BY THE FDIC, THEN

WHAT THE FDIC DOES IS SEND OUT A LETTER STATING ALL EXECUTORY CONTRACTS ARE NULL AND VOID COULD BE LEGAL SERVICES TO JANITORIAL SERVICES TO LEASES. ROBERT DONELL STATED THAT WHAT MAKES THIS LINE OF CREDIT EASIER IS THAT WE WOULD BE ABLE TO GET A BUILDING PERMIT, BUT WE WONT BE ABLE TO OCCUPY THE FACILITY, WITHOUT THAT ANYWAYS SO THE FDIC WOULD BE CAUGHT BETWEEN A ROCK AND A HARD PLACE, THEY WOULD HAVE TO FINISH THIS LINE TO GET OCCUPANCY TO MOVE DOWN THE LINE.

SELECTMAN SLARSKY STATED THE BOARD HAS BEEN CONSISTENT IN TERMS OF A BOND, AND EVERYONE ELSE THAT HAS COME BEFORE US, WE HAVE SAID A BOND AND THAT WAS THE LANGUAGE. THERE HAS BEEN NOTHING IN TERMS OF APPROPRIATENESS CASH TYPE SURETY. NOW IF YOU WANT TO CHANGE IT PUT A BOND OR OTHER APPROPRIATE TYPE SURETY TO BE REVIEWED AND ACCEPTED BY THE BOARD OF SELECTMEN. SELECTMAN SLARSKY STATED HE OWN FEELINGS IT SHOULD BE A BOND OR OTHER SUBSTANTIAL TYPE SURETY TO BE APPROVED BY THE BOARD OF SELECTMEN AT SOME OTHER FUTURE MEETING. THAT WOULD GIVE YOU THE OPPORTUNITY TO COME FORWARD WITH SOMETHING ELSE.

SELECTMAN JONES MOVED TOWN COUNSEL TO REVIEW, AND THE BOARD OF SELECTMEN APPROVE THE AGREEMENT BASED UPON TOWN COUNSEL'S REVIEW AND CHANGES. SELECTMAN SLARSKY ADDED: BASED ON NO OMISSIONS IDENTIFIED BY TOWN COUNSEL. SECONDED BY SELECTMAN SLARSKY, VOTE UNANIMOUS.

TOWN COUNSEL REPEATED THE MOTION AS HE UNDERSTOOD IT:

BOND ISSUE:

GOING BACK TO THE OLD LANGUAGE OR OTHER APPROPRIATE SURETY TO BE APPROVED SOLELY BY THE BOARD OF SELECTMEN.

CERTIFICATE OF OCCUPANCY:

A & B MUST BE DONE BEFORE ANY CERTIFICATE OF OCCUPANCY IS ISSUED FOR ANY PART OF THE PROJECT.

THE BOARD MET WITH THE SCREENING COMMITTEE REGARDING THE AYER POLICE CHIEF'S RECOMMENDATIONS: PRESENT FOR THE DISCUSSION WAS REVEREND PHILIP GOFF, FIRE CHIEF- WELLMAN PARKER, GROTON POLICE CHIEF-JAY RIDER, HARVARD- EXECUTIVE SECRETARY, JOHN PETRIN AND AYER EXECUTIVE SECRETARY, TIMOTHY HIGGINS. THE BOARD SUBMITTED A REPORT DATED 2/25/92-REPORT OF THE POLICE CHIEF SEARCH COMMITTEE TO THE BOARD OF SELECTMEN RE: THEIR SELECTION OF THE THREE MOST QUALIFIED CANDIDATES, ONE OF WHICH THE ACTING POLICE CHIEF, ARTHUR BOISSEAU, 12 CANDIDATES WERE INTERVIEWED ON THE 12TH AND 13TH OF FEBRUARY, 1992. OF THE TWELVE INTERVIEWED 3 WERE FROM THE AYER POLICE DEPT. THE COMMITTEE PREPARED A COMPREHENSIVE LIST OF QUESTIONS AND HYPOTHETICAL SITUATIONS IN AREAS: OF COMMUNITY INVOLVEMENT & INTERACTION, INTEGRITY AND CHARACTER, APPEARANCE & PRESENTATION, COMMUNICATION SKILLS, TECHNICAL

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PROFICIENCY, GENERAL KNOWLEDGE, SELF IMPROVEMENT, MANAGEMENT STYLE AND OTHER GENERAL AREAS. THE POLICE CHIEF SEARCH COMMITTEE RECOMMENDED THE FOLLOWING CANDIDATES FOR THE POSITION OF POLICE CHIEF: WILLIAM MORRISON-LUNENBURG, MA., LEONARD WETHERBEE, HARVARD, MA., JOSEPH PICCIOTTI, JR, N.Y. AND ARTHUR BOISSEAU ACTING POLICE CHIEF.

CHAIRMAN MCKINNEY CONGRATULATED THE FIVE COMMITTEE MEMBERS STATING THEY MET AND COMPLETED CHARGE VERY PROFESSIONALLY. SELECTMAN SLARSKY COMMENDED THE COMMITTEE FOR ALL THE TIME AND ARGUOUS TASK, AND COMMENTED ON THE THOROUGH REPORT. SELECTMAN JONES STATED HE GRATEFULLY APPRECIATED THE COMMITTEE FOR VOLUNTEERING THEIR TIME, DEEPLY APPRECIATED.

CHAIRMAN MCKINNEY REQUESTED A MOTION TO ACCEPT THE REPORT FROM THE COMMITTEE:

SELECTMAN SLARSKY MOVED THE BOARD ACCEPT THE REPORT AS PART OF THE PROCEDURE FOR THE SELECTION OF A POLICE CHIEF. SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS, SO MOVED.

CHAIRMAN MCKINNEY REQUESTED A BACKGROUND INVESTIGATIONS ON ALL FOUR APPLICANTS BE DONE BY THE COMMITTEE AND REPORT BACK TO THE BOARD.

THE BOARD SET TUESDAY, MARCH 17, 1992 TO INTERVIEW THE FOUR CANDIDATES BEGINNING AT 6:30P.M.

8:25P.M. THE BOARD CALLED A FIVE MINUTE BREAK.

8:30P.M. THE BOARD CALLED THE MEETING BACK TO ORDER.

8:30P.M. PUBLIC HEARING: BEER & WINE ALCOHOL LICENSE

THE BOARD MET WITH ROBERT PICA AND REBECCA REYNOLDS OF CONYNGHAM-FRANCIS, LTD. REGARDING THEIR APPLICATION FOR A BEER & WINE LICENSE FOR THE SHAKER HILLS GOLF COURSE CLUB HOUSE RESTAURANT.

MR. PICA STATED HE HAD APPLIED FOR SUCH A LICENSE THREE MONTHS AGO UNDER THE SEASONED CHEF BUT SINCE THAT TIME THE COMPANY INCORPORATED AND HE RE-APPLIED UNDER THE NEW CORPORATION.

MR. PICA STATED THAT THERE WAS NOTHING NEW IN THE APPLICATION OTHER THAN DEBRA REYNOLDS, OF ACTON, MA. BEING PLACED ON THE APPLICATION AS MANAGER. MR. PICA STATED THE COMPANY HAS A VALID COM. OF MASS. BUSINESS LICENSE AND LOCAL LICENSE.

MR. PICA STATED THAT HE WAS NOT A CITIZEN OR JEROME PICA. REBECCA REYNOLDS WOULD BE MANAGER WHO IS A CITIZEN AND WOULD BE ON THE PREMISES 40 HOURS OR MORE A WEEK DURING OPERATION.

SELECTMAN SLARSKY MOVED THE BOARD APPROVE THE LICENSE APPLICATION AND FORWARD TO THE ABCC FOR LICENSE, SECONDED BY SELECTMEN JONES,

VOTE: UNANIMOUS, SO MOVED.

THE BOARD MET WITH MICHAEL SHANNAHAN OF WESTFORD ROAD, AYER, MA. MR. SHANNAHAN THANKED THE BOARD FOR THE OPPORTUNITY TO COME BEFORE THEM.

MR. SHANNAHAN STATED HE WAS BEFORE THE BOARD ONLY FOR HIMSELF AND NOT AS A REPRESENTATIVE OF NO-COAL.

MR. SHANNAHAN REQUESTED HOW DID OGDEN MARTIN APPROACH THE BOARD ON THIS PROPOSAL? WHERE WERE THEY GOING TO SITE A PLANT AND HOW.

SELECTMAN SLARSKY STATED THAT THERE HAS BEEN NOTHING DISCUSSED RE: THE SITING OF OGDEN MARTIN IN THE TOWN OF AYER.

SELECTMAN SLARSKY STATED AS MANY PROPOSALS COME FORWARD IT WOULD BE THE SAME THING IF SOMEONE WANTED TO BUILD A ROCKET FUEL REFINERY IN THE TOWN OF AYER AND SOMEONE WOULD LISTEN TO THEM. FOR THE PROCESS TO GO FORWARD DOESN'T START OR STOP WITH SOMEONE COMING FORWARD WITH A PROPOSAL. SELECTMAN SLARSKY STATED A GENTLEMAN CAME IN LAST TUESDAY WANTING TO PUT A RACE TRACK IN THE TOWN OF AYER, THAT DOESN'T MEAN THERE'S GOING TO BE A RACE TRACK HERE. THAT DOESN'T MEAN THERE'S GOING TO BE A INCINERATOR HERE, IT DOESN'T MEAN THERE'S GOING TO BE A COAL PLANT HERE. IT CAME FORWARD, THEY SAID THEY HAVE A NEED TO DO SOMETHING, AND THEY WANTED TO LOOK AT THE TOWN OF AYER, PERIOD. THAT'S AS FAR AS THE PROCESS HAS GONE.

MR. SHANNAHAN REPLIED "THEY HAVE NOT CHOSEN A SITE AT THIS TIME IN THE TOWN OF AYER?" (SS) ABSOLUTELY NOT.

SELECTMAN JONES STATED THEY HAD CONTACTED MR. HIGGINS, WHO IN TURN CONTACTED MR. SLARSKY STATING THERE WAS A INTEREST IN THE POSSIBILITY/POTENTIAL OF SITING A FACILITY HERE. SELECTMAN JONES STATED HE DID NOT KNOW WHAT HE WAS ALLUDING TO.

CHAIRMAN MCKINNEY STATED AS IT IS THE PRACTICE IF ANY BUSINESS WANTS TO COME TO THE TOWN OF AYER, IF THEY ARE DOING A MARKETING ANALYSIS, THEY NEED A REPRESENTATIVE FROM THIS BOARD WHO WOULD SIT DOWN AND TALK TO THEM. THERE IS NO COMMITMENT TO THEM.

CHAIRMAN MCKINNEY TURNED THE FLOOR OVER TO MR HIGGINS FOR CLARIFICATION. MR. HIGGINS STATED HE WAS THE INITIAL POINT OF CONTACT. SELECTMAN SLARSKY HAPPENED TO COME INTO THE OFFICE LAST WEEK WHEN A GENTLEMAN WAS INQUIRING ON THE POSSIBILITY OF PLACING A AUTO RACE TRACK IN THE TOWN OF AYER. I WOULD DEAL WITH THAT GENTLEMEN LIKE I WOULD ANY OTHER PROSPECT. ZONING BOOKS WOULD BE GIVEN, INFORMATION RE: TOWN OFFICES WOULD BE SUPPLIED. THAT IS HOW THE CONTACT WAS INITIATED TO ANSWER MR. SHANNAHAN'S QUESTION.

MR. SHANNAHAN REQUESTED IF THERE WAS ANYONE ELSE INVOLVED OTHER

THAN MR. HIGGINS & MR. SLARSKY?

ON SITE VISIT? JUST MR. SLARSKY AND MR. HIGGINS.

SELECTMAN JONES STATED HE HAD NOT BEEN INVOLVED IN ANY MEETINGS THAT MR. SLARSKY AND MR. HIGGINS HAD MENTIONED.

SELECTMAN SLARSKY STATED HE WAS A LITTLE BIT CONCERNED WHAT THE BASIS FOR THE QUESTIONS ARE.

MR. SHANNAHAN STATED HE JUST WANTED TO GET THIS INFORMATION FOR HIS OWN MIND AS TO WHAT'S GOING ON. ALL OF A SUDDEN HE READ SOMETHING IN THE PAPER THAT A MEMBER OF THIS BOARD HAS LET SOMETHING OUT OF THE BAG. WHAT IS THE SECRECY? WHY THE SECRECY? SELECTMAN SLARSKY STATED THERE IS NO SECRECY. THERE IS NO PROPOSAL BEFORE THE TOWN OF AYER TO PUT ANYTHING HERE SELECTMAN SLARSKY STATED. LIKE WE STATED BEFORE RE: THE RACETRACK, IF THEY CAME FORWARD WITH A SITE PLAN REVIEW THEN IT WOULD BECOME A PUBLIC HEARING AND THE ENTIRE PUBLIC PROCESS WOULD GO FORWARD. THE SAME WAY IT DID WITH THE COAL PLANT. WHEN THE INFORMATION CAME IN WE LET IT GO. YOUR ILLUSIONS OF SECRECY IS INCORRECT.

MR. SHANNAHAN STATED HE GOT HIS ILLUSIONS FROM WHAT WAS APPEARING IN THE PAPER. SELECTMAN SLARSKY STATED THAT IS WHY HE CALLED HIM BECAUSE OF MIS-INFORMATION THAT WAS IN THE PAPERS. MR. SHANNAHAN STATED HE WANTED EVERYONE TO KNOW WHAT IS GOING ON AND THAT IS WHY HE IS HERE TONIGHT.

CHAIRMAN MCKINNEY STATED THERE IS NO SECRETS EMANATING FROM THIS TABLE TO THE PUBLIC.

SELECTMAN JONES STATED IT IS NOT UP TO ANY INDIVIDUAL MEMBER OR THIS BOARD AS A WHOLE TO APPROVE OR DISAPPROVE OF THE LOCATION OF A FACILITY IN THE TOWN OF AYER.

MR. SHANNAHAN REQUESTED WHO DOES? SELECTMAN SLARSKY STATED IN TERMS OF SUCH A FACILITY AS THIS-THE BOARD OF HEALTH IS THE SITING AUTHORITY.

MR. SHANNAHAN REQUESTED AT THIS TIME HOW MANY MEETING WERE HELD WITH YOU PEOPLE, OGDEN MARTIN AND THE BOARD OF SELECTMEN IN LITTLETON?

MR. HIGGINS STATED WITH THE INITIAL CONTACT HE HAD IT WOULD DEPENDS UPON WHAT AND HOW YOU QUALIFY A MEETING. THERE HAS NEVER BEEN A FULLY CONSTITUTED MEETING OF THE BOARD OF SELECTMEN TO TAKE THE ISSUE UP/ NOR HAS THERE EVER BEEN A QUORUM OF THE BOARD OF SELECTMEN PRESENT IN ANY DISCUSSIONS. THERE WAS A PRELIMINARY MEETING TO GET THE MAPS, A TRIP TO THE HAVERHILL FACILITY WHERE THERE WAS REPRESENTATION FROM OTHER COMMUNITIES PRESENT.

MR. SHANNAHAN REQUESTED IF THERE WERE ANY OTHER REPRESENTATIVE FROM ANY OTHER DEPARTMENTS IN THIS TOWN DOWN THERE EITHER WITH YOU OR AFTER YOU. SELECTMEN SLARSKY STATED SURE, WE TOOK BILL REDFIELD. SELECTMAN JONES STATED THE BOARD COULD NOT SPEAK FOR OTHER DEPARTMENTS.

MR. SHANNAHAN STATED HE HAD ANOTHER QUESTION RE: SECRECY, BUT YOU SAID THERE WAS NO SECRECY. MR. SHANNAHAN REQUESTED HOW COULD THE PEOPLE OF THE TOWN KNOW WHEN THERE IS SOMETHING OF THIS MAGNITUDE IS EVEN THOUGHT OF HERE? YOU WERE NOTIFIED, SELECTMAN SLARSKY REPLIED. NOT IN NOVEMBER. SELECTMAN SLARSKY STATED IF THERE WAS A FORMAL PROPOSAL BROUGHT BEFORE THE TOWN IT WOULD COME BEFORE THE BOARD AS A FORMAL PROPOSAL, THERE IS NO FORMAL PROPOSAL BEFORE THE TOWN, THERE IS NOTHING.

SELECTMAN JONES STATED WHY SHOULD THE BOARD GO BEFORE THE TOWN EVERY TIME SOME ONE COMES BEFORE US AND IS INTERESTED IN SOMETHING LIKE THIS. WE WERE APPROACHED WITH A COAL PLANT, A RACE TRACK A DOMED SPORTS ARENA, UNTIL SOMETHING IS FORMALIZED WHAT DO WE TELL YOU.

SELECTMAN SLARSKY STATED IF DOESN'T MEAN WE THINK IT IS GOOD OR BAD THAT WOULD COME OUT IN THE PROCESS. THE ENTIRE COMMUNITY WOULD MAKE THE DETERMINATION IF IT IS GOOD OR BAD.

MR. SHANNAHAN STATED THE ONLY REPORT IN THE PAPERS WAS THAT THEY WILL PUT 50 PEOPLE TO WORK AND PLACE \$2 MILLION IN THE TIL. SELECTMAN SLARSKY STATED THEY HAVEN'T OFFERED TO DO ANYTHING. THEY HAVE GIVEN INFORMATION OF WHAT BENEFITS THEY HAVE GIVEN TO OTHER COMMUNITIES WHERE THEY HAVE PUT PLANTS IN. IF THEY WERE TO GO FORWARD HERE IT WOULD BEHOVE THE TOWN TO SEE WHAT SOME OF THE BENEFITS MIGHT BE. SOME OF THOSE BENEFITS ARE: TAX MONEY, EMPLOYMENT, A HOST COMMUNITY AGREEMENT TO TAKE YOUR TRASH FOR NOTHING, OR MOST NOTHING, WASTE WATER. THEY HAVEN'T DECIDED TO COME HERE.

MR. SHANNAHAN STATED THE EMISSIONS FROM THE SMOKE STACKS WOULD BE THREE TIMES WORSE THAN A COAL PLANT. SELECTMAN SLARSKY STATED THEY ASKED THAT QUESTION, THERE IS A FACILITY IN DOWNTOWN WASHINGTON, D.C. OR ALEXANDER, VA., A SITE LESS THAN FOUR ACRES IN SIZE, OR MAYBE LESS THAN ONE ACRE, AND THERE ARE NO STACKS. NONE. BRIDGEPORT, CN. HAS NO STACKS, SELECTMAN SLARSKY STATED HE DOESN'T KNOW IF THIS IS TRUE BUT HE HAS AN OBLIGATION TO EXAMINE THOSE FACTS. MR. SHANNAHAN STATED HE HAS BEEN READING AND WHAT HE FINDS IS NOT GOOD.

CHAIRMAN MCKINNEY STATED HE HAD ATTENDED A MEETING LAST WEEK RE: THE BUREAU OF PRISONS ON FORT DEVENS. THIS COULD HAVE BEEN AYER. I DIDN'T FEEL IT WAS NECESSARY TO INFORM THE COMMUNITY. WITH THE IMPENDING CLOSURE OF FORT DEVENS I WOULDN'T BE SURPRISED IF YOU SAW WAGON LOADS OF PEOPLE COMING THROUGH HERE. ITS GOING TO HAPPEN. CHAIRMAN MCKINNEY STATED HE UNDERSTOOD MR. SHANNAHAN'S

CONCERN ESPECIALLY IN HIS AREA BUT REST ASSURE THERE IS NOTHING BEING DONE IN SECRECY.

SELECTMAN SLARSKY STATED HE FELT IT WAS IMPORTANT IF SOMEONE IS ALLUDING TO COMING TO AYER, ITS POSITIVE, NO MATTER WHAT IT MIGHT BE, WHETHER ITS POSITIVE OR NEGATIVE THE COMMUNITY HAS TO DECIDE. IF IT'S GOING TO BENEFIT THE TOWN WE SHOULD LOOK AT IT AND IF IT'S NOT WE SHOULD NOT- BUT IN THESE ECONOMIC TIMES ANY POSITIVE NEWS IS BETTER THAN NEGATIVE NEWS.

MR. SHANNAHAN REQUESTED WHEN WILL THEY BE BACK? THE BOARD STATED THEY DIDN'T HAVE A CLUE. MR HIGGINS STATED THE TOWN HAS NOT HAD ANY COMMUNICATIONS EITHER BY WRITING OR PHONE IN OVER THREE WEEKS.

MR. SHANNAHAN STATED THE ASH FROM THIS INCINERATOR WILL BE TOXIC AND THE ONLY SITE HE CAN THINK OF TO GET RID OF IT WOULD BE LONE-STAR PROPERTY ESPECIALLY WITH THAT KIND OF LAND. SELECTMAN SLARSKY STATED THAT WAS ANOTHER QUESTION THAT CAME UP. THEIR ANSWER WAS THAT THE FACILITY HAD NO PLACE TO PLACE THE ASH AND IT WOULD BE TRUCKED AWAY. EITHER BY RAILROAD OR TRUCKS.

BACK OVER THE AQUIFER, THE RAILROAD RUNS OVER THE AQUIFER. TRUCKS OR RAILROAD THEY DIDN'T ALLUDE MORE. TRUCK TRAFFIC IS HEAVY NOW ON WESTFORD RD. (MS)

MR. HIGGINS STATED UNDER THE FREEDOM OF INFORMATION ACT THEY HAD ACCESS TO THE PATRIOT FILE, THEY KNOW WHAT THE CONCERNS OF THE COMMUNITY ARE.

MR SHANNAHAN REQUESTED IF HE WAS WRONG IN WONDERING IF THE ONLY VIABLE SITE IS OVER ON THE WESTFORD RD. AREA. THEY ARE LOOKING FOR 25 ACRES TO PUT THIS PLANT ON. SELECTMAN SLARSKY STATED HE DIDN'T THINK THERE WAS A AREA PICKED BUT THEY WERE LOOKING ON THE AYER/LITTLETON BORDER ON 2A. THEY ARE ALSO LOOKING AT FORT DEVENS AND GARDNER AS WELL.

SELECTMAN JONES STATED WE DON'T KNOW WHAT THEY ARE DOING. ITS THEM THEY ARE THE ONES DOING THE PLANNING. WE RESPONDED TO A REQUEST TO MEET WITH THEM AND TALK WITH THEM. UNTIL THEY COME UP WITH A FORMALIZED PLAN WE DON'T KNOW. WE Aren't LOOKING AT ANYTHING IN THE FORM OF A FORMALIZED PLAN.

MR. SHANNAHAN THANKED THE BOARD FOR THEIR TIME.

EXECUTIVE SECRETARY'S REPORT:

CHAIRMAN MCKINNEY TOOK THIS OPPORTUNITY TO UPDATE THE TOWN ON THE JOINT BOARD OF SELECTMEN'S MEETINGS WITH THE LAND BANK OR THE GOVERNORS REDEVELOPMENT BOARD. MR. MCKINNEY REVIEWED THE BOARD'S TRIP TO WASHINGTON ON THE 3RD & 4TH OF FEBRUARY RE: THE RESERVE ENCLAVE. THE JOINT BOARD'S HAD UP UNTIL 3/1/92 TO MODIFY THE PLAN PROPOSED BY DOD. THE JOINT BOARDS LOOKED AT THE MAP AND

LOOKED AT THE RESERVE ENCLAVE AND SUGGESTED MODIFICATIONS. THESE MODIFICATIONS WERE THEN GIVEN TO THE REDEVELOPMENT BOARD AND THE REDEVELOPMENT BOARD WILL THEN ATTACH A LETTER AND DELIVER BACK TO THE ARMY. THE MODIFICATIONS WERE DELEGATED TO THE JOINT BOARD'S ADMINISTRATIVE ASSISTANTS TO DRAFT AND THEY DID A WONDERFUL JOB. CHAIRMAN MCKINNEY READ EXCERPTS FROM THIS REPORT THAT THE JOINT BOARDS HAD CONCERNS WITH BEING SMALL THINGS SUCH AS THE FIRE STATION THE SWIMMING POOL AND THE NATIONAL GUARD ACTIVITY. EACH TOWN HAD A CONCERN-THE TOWN OF HARVARD WANTED THE FIRE STATION TURNED BACK TO THEM, SHIRLEY WANTED THE POOL FILLED IN AND AYER WANTED CONTROL WITH REGARD TO MOORE ARMY AIR FIELD, THE ARMY INDICATED THEY WOULD ONLY NEED A HELIPAD NOT THE RUNWAYS, IT WAS THE FEELING OF AYERS REPRESENTATIVE WE NEEDED THE AIRPORT FOR FURTHER DEVELOPMENT. THE AIRPORT WOULD BE VERY ATTRACTIVE FOR FURTHER DEVELOPMENT OF THIS AREA. COMPLEMENTS WERE EXTENDED TO THE REDEVELOPMENT BOARD. SELECTMAN SLARSKY ADDED THE ONLY CHANGES WE SUGGESTED TO THE PENTAGON WERE: LANCASTER GET 70 ACRES OF LAND ALONG ROUTE 70, THE MUNITIONS STORAGE DUMP BE REMOVED TO THE SOUTH PART OF THE BASE IF POSSIBLE AND THE AREAS SHIRLEY WERE CONCERNED ABOUT AN ACREAGE BE CUT DOWN BE CONVEYED TO CARTER HUNT THROUGH THE REDEVELOPMENT BOARD TO TAKE BACK TO THE PENTAGON. THERE IS GOING TO BE A MEETING AT THE WESTOVER AIR FORCE BASE WITH THE REDEVELOPMENT BOARD TO SEE THE ACCOMPLISHMENT THEY HAD MADE AND TO LOOK AT THAT AS A POTENTIAL MODEL FOR LOOKING AT THE REDEVELOPMENT OF FORT DEVENS. SELECTMAN JONES STATED AGAIN HE WAS VERY PLEASED WITH WHAT THE ARMY HAS DONE. THE ARMY SEEMED TO VERY AMENABLE TO MAKING MINOR MODIFICATIONS TO MEET THE NEEDS OF THE TOWNS AND THE REDEVELOPMENT BOARD IS WORKING VERY MUCH WITH US IN ORDER THAT THE DESIRES OF THE LOCALITIES ARE MET.

SELECTMAN JONES READ A LETTER DATED 2/14/92 FROM BEATRICE BRIGGS TOWN CLERK/TAX COLLECTOR SUBMITTING HER RESIGNATION AS TOWN CLERK AND TAX COLLECTOR EFFECTIVE APRIL 27, 1992. MRS BRIGGS ACTUAL RETIREMENT DATE WILL BE MAY 10, 1992. TWENTY SIX YEARS OF SERVICE TO THE TOWN OF AYER. SELECTMAN JONES MOVED TO ACCEPT THE RESIGNATION WITH REGRETS, SECONDED BY SELECTMAN SLARSKY, VOTE: UNANIMOUS, SO MOVED.

SELECTMAN SLARSKY STATED MRS. BRIGGS IS TRULY ONE OF THE WONDERFUL PEOPLE THAT MAKES UP SMALL COMMUNITIES ESPECIALLY THE TOWN OF AYER. SELECTMAN JONES STATED SHE'S LEAVING SOME AWFULLY BIG SHOES TO BE FILLED. CHAIRMAN MCKINNEY ECHOED THEIR SENTIMENTS STATING IT'S ALWAYS HARD TO LOOSE A FAITHFUL AND DEDICATED EMPLOYEE SUCH AS MRS. BRIGGS.

CHAIRMAN MCKINNEY ALSO ADVISED THE BOARD TO A INVITATION COMING FROM FT. DEVENS FOR A MEETING RELATING TO FT. DEVENS ON MARCH 11, 1992 AT THE OFFICERS CLUB.

CHAIRMAN MCKINNEY REVIEWED THE ADVISORY BOARD'S LETTER DATED 2/24. MR. HIGGINS UPDATED THE BOARD RE: THE RESERVE FUND

PROCESS. MR. HIGGINS REQUESTED TO MEET WITH THE TOWN ACCOUNTANT AND CHAIRMAN OF THE ADVISORY BOARD WILLIAM OELFKE AND DRAFT A FORMAL POLICY AS TO HOW A RESERVE FUND TRANSFER WILL TAKE PLACE. A ALLOWANCE SHOULD BE MADE IN THE POLICY FOR DEPARTMENTS IN THE CONTROL OF THE BOARD OF SELECTMEN AND PERHAPS A SEPARATE PROCESS FOR DEPARTMENTS INDEPENDENTLY ELECTED. THE GENERAL LAWS APPEARS THAT THERE IS A PROCESS AND WE WOULD LIKE TO IRON THAT OUT. MR. HIGGINS REQUESTED THIS BE PREPARED FOR THE NEXT SELECTMEN'S MEETING.

9:10P.M SELECTMEN JONES MOVED THE MEETING BE ADJOURNED, SECONDED BY SELECTMAN SLARSKY, VOTE: UNANIMOUS, SO MOVED.