

Selectmen's Meeting  
Tuesday, January 28, 1992  
Second Floor Meeting Hall, Main St.  
Ayer, Ma. 01432

7:30p.m. Open Session

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

The Minutes of November 25, 1991, December 16, 1991 and January 6, 1992 were read and approved.

The Weekly Warrant was examined and approved in the following amounts: P/R: \$33,716.50  
Bills: \$440,213.97

The Board announced the change in the Selectmen's Meetings changed from Monday to Tuesday/Bi-Weekly.

The Board met with Paul Cormier, President of the I.B.P.O. and David Bonner. Mr. Higgins stated that the Police Dept. Union Contract had been finalized and ready for signatures. Mr. Higgins stated that he would like to thank the Union for their co-operation with the Union negotiations. The Union recognized that the Town is in a difficult financial situation. Mr. Cormier reviewed the revenue projections for the next year and was made aware of the constraints facing the Town and agreed to accept zero (0) pay increase for FY-93 to help protect jobs and provide a reasonable level of services. Mr. Higgins again stated he would like to thank them for their cooperation.

Chairman McKinney opened the floor for comments by the Board. Selectman Jones echoed Tim's statements and added he appreciated the cooperative attitudes and efforts that went into the negotiations by Tim & the Union and applauded the Union for their cooperation. Selectman Slarsky stated this is his third police contract that he has had the pleasure of signing and it is his understanding this is the best negotiations Tim has gone through. The air of cooperation exhibited by the Police Union and by Officer Cormier was just outstanding, on behalf of the Town the Board owes him a great deal of thanks for that and the sacrifices being made by the Police Dept., and they won't be alone. The Board's mission is to keep everyone employed and with sacrifices being made by the individual departments will save jobs/layoffs. The Union did not want this to occur and took that

into consideration. Selectman Slarsky stated he felt the Union has established an example that he hoped other departments in the Town will follow.

Chairman McKinney called for a motion. Selectman Jones moved the Board sign the I.B.P.O. Local 346-A Contract (four (4) contracts) effective July 1, 1991 through June 30, 1993 seconded by Selectman Slarsky, Vote: Unanimous, so moved.

Chairman McKinney took this moment to reiterate the Board's delight with the cooperative efforts demonstrated by the IBPO-Local 346A. This is very admirable, so often we think about ourselves and not the Town as a whole and it's effects townwide and well as department wide. Chairman McKinney thanked the Union representatives again for their forbearance.

Chairman McKinney stated at this time he would like to open up the floor per Selectman Slarsky's request. Selectman Slarsky stated as a point of information, Mr. Higgins and he is talking with an industry which is looking at the Town of Ayer for possible relocation it would be premature to say a lot who this industry is or what they are because there is still a lot of internal negotiations on the corporate side and there will be a lot of discussion re: the Town if it becomes apparent that they do want to come to the Town of Ayer. The industry at this time is looking a piece of land in the Town of Ayer they would be looking at constructing a factory on the site which would be some \$200 million dollars, fifty permanent full time employees the real kicker to the Town is their tax revenue generated to the Town of Ayer would be in the vicinity of \$2 million dollars a year. As information becomes more available the Board would be pleased to announce more but at this point in time it would be imprudent to say more than that. It is an industry that would add a lot to the Town but any other information than that, he would not be privileged to discuss. Selectman Slarsky stated that is a very positive note in the Town going forward with the industrial base that we have supported with hopes that we continue to support.

The only other comment Selectman Slarsky wished to address was a article in a local daily newspaper in which they continue to flatter him and he stated this tongue in cheek. The Sunday edition depicted a Dick McPherson, who Selectman Slarsky does not know, and Natalie Jacobson which he is flattered being depicted with her. The Article states a new and improved Selectman Slarsky which he did not feel that he is new or improved. In all seriousness, the fact that he had a great deal of apprehension regarding the Selectmen's Meetings being televised, but the one thing that it does bring to light is the fact that people have the opportunity to know what we are saying when we are saying it and not read something in a newspaper that either has been misinterpreted or intentionally mis-stated and he is not suggesting that this newspaper did that, but with the television coverage the people know what was said and there is no misinterpretation from that.

8:00 PUBLIC HEARING-POLE PETITION-N.E. TELEPHONE & MASS.  
ELECTRIC: PLEASANT STREET, AYER, MA.

Chairman McKinney requested if there was anyone representing the Utility Company present. Mr. Matt Hurley of N.E. Telephone came forward. Chairman McKinney opened the Hearing by reading the legal advertisement released in the Nashoba Publications the weeks of January 8 and 15, 1992. Mr. Hurley explained to the Selectmen that the petition was proposed by a Ayer resident wishing to relocate the pole due to a driveway being widened. Chairman McKinney requested if there were abutters present to speak for or against the petition, no one came forward. Selectman Jones stated that he looked at the site and spoke with the family looking to have the pole relocated approximately five feet (5') to give them better access to the driveway. Selectman Slarsky moved the Board approve the petition, seconded by Selectman Jones, Vote: unanimous, so moved.

Chairman McKinney took this opportunity to address the educational forum held earlier today at the Ayer High School in conjunction with the Land Bank. Chairman Mckinney stated that he had the pleasure of opening the forum. Chairman McKinney stated the purpose of the conference was to address the impact of the closing of Fort Devens on the Ayer School District. This avenue was an excellent opportunity to inform all of the school district employees and town residents about the immediate future of our schools as well as update all of the attendees on the progress of the Regionalization Planning Committee's tasking. Chairman Mckinney stated the Land Bank shares the concern of Ayer officials regarding this impact on the school system and of School personnel that will be dislocated when Fort Devens closes.

The Land Bank brought to the conference state experts on employment, training, unemployment compensation, health benefits and retirement issues.

Conference speakers noted were: Timothy Bassett- Land Bank, Neville Markham-Supt. of Schools, Lt. Col. John Johnson-Ft. Deven's Liaison to the School Committee, Irene Miller- Chairman Ayer Regionalization Planning Committee, Michael Sentance-State Regionalization Assistance and Governor's Education Bill, Tim Higgins-Fy-93 School Budget, Barbara Baran-Industrial Services Program, William McClory-Unemployment compensation/Dept. of Employment Training, Carol Van Deusen Lukas-Unemployment Benefits, Peter Hapgood-Deputy Director/Mass. State Teacher's Retirement Board.

Chairman McKinney stated that the Regionalization Planning Committee represented by Irene Miller was very informative, spoke about the process, the direction, data needed and the tower we want it to reach.

Following the speakers there was an question and answer period.

Selectman Slarsky stated that from the date that Fort Devens was notified of Closing this Board has been very aggressive seeking support of the Governor and the State Board of Education because we knew the greatest impact of the closing of Devens would be on the Schools and their personnel. Businesses also but that area is beyond the Board's control but the Schools we endeavored to seek all the support for the Committee, Teachers and education in the Town of Ayer. Selectman Slarsky stated he would like to thank the Governor for the commitment he made and cooperation he has followed through with. Selectman Slarsky echoed the Chairman's remarks on the excellent presentation by the Regionalization Chairman, Mrs. Miller. Mrs. Miller did an outstanding job on the reality of what we are facing and potential solutions to those realities.

Selectman Slarsky stated he felt that the comments made were not all that everyone wanted to hear. The comments were that the school was going to change, the system is basically going to disappear, that people are going to loose their jobs, and that our goal is to provide the best possible education for our community anyway that we can. The stark reality hopefully has begun to sink in, that things are not going to be the same.

Selectman Slarsky stated the big thing is that we still do not have the information that we should have had back in December as to when people are leaving. We still don't know when, how many people, but-Devens anticipates between 300-500 students won't be here in September. This makes budgeting almost an impossibility. All in all the conference was very good and applaud all that was there and participated.

Chairman McKinney concluded that he is of the opinion that this little Town is becoming more and more parochial, by that he means that as Selectman Slarsky mentioned earlier there is a possibility of an industry seeking to relocate in the Town of Ayer and somewhere down the line the Town is going to be thrown into a marketing mode exclusively regarding the future of this Town. The lack of information has left us in this position that we have to become bold enough to reach out and do those things which we feel are in the best interest of the Town. This was the feeling he came away with from the conference. That we are going to be moving along under our own steam around 1995.

Selectman Jones stated this is a point of frustration to him. Part of it comes from the military, historically, their reluctance to talk about troop movement, to maintain that secrecy. But it definitely has had its effect. Selectman Jones stated he knows that the military process has identified the units that are leaving. They should have an idea who is assigned to those units and it should be a relatively easy process, using computers, to determine who they are, how many dependents, and

what schools they are attending. They are reluctant to release this information due to the maintenance of military secrets.

Selectman Jones stated he agreed with Chairman McKinney that the Town will have to start looking at marketing and try to bring industry into the Town to replace what we are losing.

Selectman Slarsky stated one of the things at the conference he was pleased to hear was that Under Secretary of Education, Michael Santance stressed that they do recognize that the Town of Ayer was unique as to the other 350 communities in the commonwealth. They do realize that the Town is going through an extraordinary effort right now and that can only be to our advantage. Selectman Slarsky stated he was very pleased that Ayer has been identified by the State Board of Education that they will work with the Town and provide as much assistance as they could.

Chairman McKinney stated he had heard that the Governor is trying to get additional money to Towns/Cities, roughly \$186 million dollars earmarked for education.

Mr. Higgins stated it remains to be seen what formula will be used to determine allocations but it should be alluded to the fact that it would be driven on a needs basis. The Town of Ayer would be quite competitive for those funds.

Selectman Slarsky requested the Board take up additional business at this time re: The Gun Club seeking a One Day Beer & Wine License for January & February 1992. Selectman Slarsky moved the Board approve the License, seconded by Selectmen Jones. Selectman Slarsky requested the Gun Club be contacted re: getting their requests in on time, not to request after the fact.

The Board met with Supt. Redfield regarding unaccepted roads follow-up of January 25, 1992 site tour by the Board of Selectmen.

The Board requested Supt. Redfield describe a Private Way: A Road privately owned and could be restricted in its use by the owner or comptroller of that particular way. Supt. Redfield also described a Public Way: is open to anyone who wishes to use it with minor restrictions, i.e. truck traffic, open to anyone who wishes to pass on it and is owned by the Town of Ayer.

Chairman McKinney requested if we are plowing public and private ways? Supt. Redfield stated the Town is plowing public ways and about 25 private ways. Of these private ways some are maintained due to Lift Stations or pump stations located on them/ Wright Way and Hedgeway. Chairman McKinney stated what the Board has before it presently is what was past practice and certain standards. Chairman McKinney stated the Boards main concern is liability of plowing these private ways. Chairman McKinney stated he felt standards should be set re: criteria for plowing.

A Public Hearing should be held to establish this criteria and then place it on the Town Meeting Warrant for a vote of the citizens.

Selectman Slarsky stated the Board's discussion on Saturday morning was centered around being consistent in terms of application of policy. The Board all felt that after looking at the streets that if the property was Town Owned than the Town should maintain it. If it was a Private Rd. to bring it before Town Meeting and let the people decide if they wanted to spend public money to plow private roads.

Selectman Jones stated that M.G.L. gives the authority to the Town for the plowing of private ways if it goes before Town Meeting and is approved by the Town Meeting.

At this time Mr. William Adamson requested to speak, as part owner of the property off Washington St., before the Board presently, he took exception to comment: spending public money to plow private roads. Stating we who reside on private roads pay real estate taxes like every one else, our tax money supports the Public Works as do those who live on public roads. Mr. Adamson took exception to differentiation our tax money is based on the same formula as those who live on i.e. Washington St. also Lincoln St. is plowed on the other side of the woods as a public road. Selectman Slarsky stated his concern with this comment was that this comment could be expanded to anyone with a drive way that pays taxes to the Town of Ayer it could be expanded to Victory Parking Lot, Nashoba Community Hospital, there has to be clear delineation. It is not the Board's decision to plow private ways its the Town's decision.

Selectman Slarsky went on to state the only standards that were passed go back into the 70's and falls under the Planning Board's auspices if someone wanted to put in a traveled way a public road then they would have to meet the Town's standards for the construction of the road which would require so many feet of gravel, bituminous concrete, lighting, drainage & width which is 40 or 50 feet, a lot different than putting in a driveway or passage. Another instance is if a developer puts in a subdivision, he puts the road in, he has widths for that road, the Town will plow it until it comes before a Town Meeting to accept it or reject it as a public way. All the Board is saying is that what is good for one should be good for everyone, all we are doing is trying to be fair.

Mrs. Adamson requested to speak at this time. Mrs. Adamson stated that she had spoken with Supt. Redfield following the meeting with the Board of January 6, 1992 and he stated that she should contact the Board of Assessors re: getting an abatement. Supt. Redfield stated that on Real Estate appraisals they do mark off form if you live on a private road, the appraisal should show a lesser value if they do live on a private road.

Selectman Jones stated that he personally is not in favor of adding more roads to the list presently before the Board until the Board gets some determination from the Town.

Selectman Slarsky stated he tends to agree with Selectman Jones, his biggest concern is liability. If the Town truck is damaged or there is damage to the property or individual on the road. If the Town should do this, plow the road, until the Spring of the year and the Adamsons waive all liability, would you be willing to do this? in writing? all the roads in Town not just hers until Town Meeting.

Selectman Jones stated private roads are private roads, what do you do to fund the DPW for plowing for overtime? there are a large number of roads out there.

Selectman Slarsky stated there is one month to go and part of March.

Chairman Mckinney called for a vote. Selectman Slarsky requested to discuss the policy before a vote was called.

Selectman Slarsky moved to call a Public Hearing no later than the end of February for the policy to go forward to be approved at the Annual Town Meeting in 1992. Any private ways that are privately owned would have to be approved by Town Meeting to be plowed. Seconded by Selectman Jones, Vote: unanimous, so moved.

Chairman McKinney called for a motion to be called to vote until such time we have the Public Hearing to plow the road in question with a caveat in writing stating all releases given by the owner of the property.

Chairman McKinney stated he could remove himself from the Chair and vote if needed.

Selectman Jones stated once again the DPW has been decimated as far as staff, if there is any kind of snow fall we have to augment the staffing for the DPW, call in extra people, pay overtime, pay for their equipment and have them plow the roads we currently maintain, just to keep Main St. open. We have to keep up the emergency access to the hospital, fire department and keep public safety key in their mind. We have very little staff at the DPW and very little money to maintain what we currently have now I am not in favor of adding to the burden of the DPW.

Selectman Slarsky stated he doesn't disagree with Selectman Jones but to be fair, after the Town Meeting either it will all be done or none of it.

Selectman Jones stated in fairness to the rest of the Town it would be fair to put any decision on plowing a road that has never been plowed off until after the Annual Town Meeting.

Chairman Mckinney asked if there was anymore discussion on the floor. The motion has been made and Chairman Mckinney removed himself from the table and seconded the motion. Vote: Selectman Slarsky aye, Selectman McKinney aye, Selectman Jones no.

Chairman McKinney requested Mrs. Adamson draft a letter to be reviewed by Town Counsel to be sure it is legal to waive their liability and if it is not legal than the vote would be null and void. Selectman Jones requested, for point of clarification if this vote was limited to the Adamson driveway, yes was response. Selectman Jones stated if anyone else would like to have their street or road plowed to contact Mr. Higgins at the Ayer Town Hall.

The Board met with Irene Miller, Chairman, of the Ayer Regionalization Planning Committee.

Mrs. Miller advised the Board that communication letters were sent out to the following Towns: Lunenburg, Shirley, Harvard, Littleton and as late as Groton/Dunstable. The Committee has met with all of the above except for Groton/Dunstable. All meetings addressed the need to have a profile of the Town of Ayer done. Mrs. Miller stated that the Committee is in the process of developing this profile and presented a rough draft to the Board to review.

Meetings with Christine Lynch of the Department of Education, James Anderson of the Dept. of Revenue re: state aid, as well as Town of Ayer school officials have also been held addressing the impact and exploring the regional approach to education due to the declining student enrollment.

Mrs. Miller went on to state the Town of Ayer has many attributes of which are: full gymnasium, the largest auditoriums in the area, football fields-lighted for night games, and one of the finest libraries, of which, area Librarians like to meet in Ayer because of the wonderful facilities.

Mrs Miller stated discussions with Lunenburg were very strong, Shirley to date does not have a Regionalization Committee, Harvard prefers regionalization with Littleton but left open room for discussion. Groton Dunstable would be contacted very soon.

Mrs. Miller relayed a gathering of school populations to the Board:

1970	-	3,459	students
1976	-	3,462	"

high school	1,044
Jr. High	511 (peak of enrollment)

1981 -	2,685	
H.S. -	743	
J.H. -	341	
1987 -	2,525	
H.S. -	632	
J.H. -	337	
1991 -	2,265	
H.S. -	462	
J.H.	253	
1992 -	1,903	(projected)
H.S.	400	
J.H.	244	

Mrs. Miller stated this declining enrollment has placed Ayer in a very difficult situation.

The Board thank Mrs. Miller for her update and requested if there was anything the Board of Selectmen could assist the Committee with. Mrs. Miller stated that the School Regionalization Planning Committee's next Meeting is at the Page School; on February 6, 1992 at 7:30P.M. the public is invited to attend. Mrs. Miller stated the more publicity the Committee gets the better. Mrs. Miller also requested any interested resident who would like to assist the Committee is welcome.

**EXECUTIVE SECRETARY'S REPORT:**

1. The Board was advised of correspondence being received from Atty. Judith Pickett advising the Board that the Building Commissioner must appoint the Gas/Plumbing Inspectors. This appointment must be made from a classified civil service list. The only way the Town could avoid this is to seek special legislation exempting the Town from the Civil Service requirements of G.L.C.142. s11 and G.L.-C.31s52. This would also require a vote at Town Meeting. The Board stated that the Town does not have a qualified list in the town. Mr. Higgins stated the problem at hand is that the present inspectors cannot inspect their own permits and Mr. Halligan request the Board appoint Mr. Clifford McNulty, Asst. Plumb/Gas Inspector. Mr. Higgins stated that Mr. McNulty is a licensed Plumber for over twenty years. The Board requested a temporary contract be issued until the appointing issue has been resolved. Selectman Slarsky moved the Board appoint Clifford McNulty to the Position of temporary Plumb/Gas Inspector, seconded by Selectman Jones, Vote: unanimous, so moved.

2. The Board was advised to Irving Graphics being the Low bidder for the printing and binding of the annual town report. Selectman Jones moved the Board award the Minting & Binding of

the 1991 Annual Town Report to Irving Graphics for the Bid award of \$4,790.00, seconded by Selectman Slarsky, Vote: unanimous, so moved.

3. The Board was advised to the arbitrator ruling in favor of the Town re: payment of benefits out on OJI. The Board congratulated Mr. Higgins on an outstanding job.

4. The Board was advised of a Reserve Fund Transfer request coming in from the Tree Warden to replenish his budget which was almost fully exhausted as a result of Hurricane Bob. The board was advised Mr. Pinard, Tree Warden, has already met with the Advisory Board on January 8, 1992 and the Advisory Board authorized the transfer at that time. Selectman Slarsky moved the Board approve the Transfer of \$2,500.00 from the Reserve Fund to the Tree Warden's Budget, seconded by Selectman Jones, Vote: unanimous, so moved.

5. The Board moved and seconded the Board's approval for the Chairman to sign three (3) copies of the FY-91 Mass. Small Cities Grant Program Agreement. Selectman Slarsky moved the motion seconded by Selectman Jones, Vote: unanimous, so moved.

6. The Board was advised to their FY-92 Budget which appears to be overdrawn at the years end due to substantial travel expenses, printing expenses and other costs related to Fort Devens Re-Use which were not planned for into the FY-92 Budget. Mr. Higgins strongly advised the Board to transfer funds from the UDAG into a separate account for Fort Devens related expenses. Selectman Jones moved the Board approve the transfer of \$10,000.00 from the UDAG Account into a separate fund for Fort Devens Redevelopment and other matters related to Fort Devens, seconded by Selectman Slarsky, Vote: unanimous, so moved.

7. The Board was advised of Police Chief candidates being interviewed February 12th and 13th by the Screening Committee

8. The Board was advised also of the RFP being advertised in the Boston Globe February 2, 1992 and Nashoba Publications February 5, 1992. for the Mass. Small Cities Program Administrator.

#### SUPT. REDFIELD'S REPORT:

1. The Board was advised that the Belt Filter Press installation contract will have to be re-bid. Deputy General Counsel of the Dept. of Labor & Industry, Sheila Morton directed the Town to reschedule the bidding of this project under Chapter 149. The re-bid opening date is February 21, 1992.

2. The Board moved and seconded to table vacation & sick leave benefits re: the Recycling/Permit Co-ordinator until a policy has been established addressing benefit for non-collective bargaining employees of the Town of Ayer. Motion moved by Selectman Slarsky, seconded by Selectman Jones, Vote:

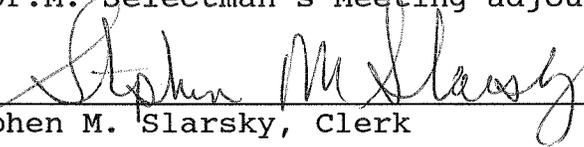
unanimous, so moved.

3. The Board was advised of grievance being received on 1/15/92 concerning safety shoes being issued to DPW employees assigned to the Solid Waste Transfer Station. Selectman Jones moved the Town supply the non-union employees shoes for work at the Transfer Station.

The Board met with William Oelfke, Chairman of the Advisory Board re: Two (2) appointments: Mr. William Oelfke requested the Board appoint Linda Garant of Cambridge St., Ayer, Ma. and Coleen Norstrom of Shirley Street, Ayer Ma. Selectman Slarsky moved the Board appoint Linda Garant and Coleen Norstrom to the Finance Advisory Board, seconded by Selectman Jones, Vote: unanimous, so moved.

Selectman Slarsky moved the Board adjourn, Seconded by Selectman Jones, Vote: unanimous, so moved.

9:50P.M. Selectman's Meeting adjourned.

 DATE: 11 Feb 92  
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Stephen M. Slarsky, Clerk