

SELECTMEN'S MEETING
TUESDAY, MAY 28, 1991
SECOND FLOOR, TOWN HALL, MAIN ST., AYER, MA.

7:30P.M. OPEN SESSION

THE BOARD MET WITH SELECTMAN JONES AND SELECTMAN MCKINNEY, CHAIRMAN SLARSKY TO BE DELAYED DUE TO PRIOR ENGAGEMENT.

THE MINUTES OF APRIL 16, 1991 WERE AMENDED TO REFLECT TYPE ERROR, SECOND SENTENCE FROM BOTTOM CHANGE THERE ARE TO THEY'RE AND MINUTES OF APRIL 29, 1991 CORRECT SPELLING OF ABUTTERS. THE MINUTES WERE THEN APPROVED WITH AMENDMENTS.

THE WEEKLY WARRANT WAS EXAMINED AND SIGNED IN THE FOLLOWING AMOUNTS: PAYROLL: \$334,895.04
 BILLS: \$ 50,536.34

THE BOARD APPROVED A ONE (1) DAY BEER & WINE LICENSE FOR THE AYER SPORTSMEN'S CLUB FOR THE FOLLOWING DATES: JUNE 1, 8, 15, & 29, 1991.

THE BOARD REVIEWED THE TEMPORARY COMMON VICTUALLER'S LICENSE ISSUED TO NORMAN & CINDY WEEKS WHICH IS TO EXPIRE ON JUNE 1, 1991. THE BOARD REQUESTED BUILDING COMMISSIONER, WILLIAM HALLIGAN INSPECT THE MOBIL FOOD TRUCK LOCATION ON LITTLETON RD. SITE OF THE FORMER MILLSTREAM RESTAURANT FOR STATUS OF CLEAN-UP OF THE SITE AS REQUIRED IN THE TEMPORARY LICENSE. THE BOARD MOVED TO PASS ON THE AUTHORITY OF SIGNING THE COMMON VICTUALLER'S LICENSE FOR MR. & MRS. WEEKS TO MR. HIGGINS AS LONG AS ALL THE STIPULATIONS WERE MET LISTED ON THE TEMPORARY LICENSE. SELECTMAN MCKINNEY MOVED THE MOTION, SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS, SO MOVED.

THE BOARD MET WITH WILLIAM HALLIGAN, BUILDING COMMISSIONER REGARDING A TEMPORARY BUILDING INSPECTOR APPOINTMENT TO COVER FOR THE BUILDING DEPT. WHEN THE COMMISSIONER IS ON VACATION/LEAVE FOR EMERGENCY INSPECTIONS. MR. HALLIGAN RECOMMENDED THE BOARD HIRE MR. ARTHUR PEDRAZZI TO FILL THIS TEMPORARY VACANCY CREATED BY BRUCE WINCHESTER'S ACTIVATION TO DESERT STORM. THE BOARD MOVED TO APPROVE THE TEMPORARY BLDG. INSPECTOR'S APPOINTMENT OF ARTHUR PEDRAZZI EFFECTIVE UNTIL MR. WINCHESTER'S RETURN AND TO TERMINATE
JUNE 30, 1991. MOTION MOVED BY SELECTMAN MCKINNEY AND SECONDED BY SELECTMAN JONES. VOTE: UNANIMOUS, SO MOVED.

THE BOARD MET WITH RESIDENT JEAN OBERTUCK, RE: DAMAGES TO HER AUTOMOBILE ALLEDEGLY BY THE TOWN OF AYER D.P.W. STREET SWEEPER. PRESENT FOR THIS MEETING WAS SUPT. REDFIELD. MRS. OBERTUCK STATED THAT ON APRIL 8, 1991 SHE DROVE HER CAR UP WASHINGTON

STREET WHILE THE D.P.W. STREET SWEEPER WAS COMING DOWN WASHINGTON STREET, MRS. OBERTUCK STATED THAT SHE DROVE HER CAR THROUGH A CLOUD OF DUST. SHE DIDN'T NOTICE ANY DAMAGE TO HER VEHICLE UNTIL THE JANITOR AT THE COURT HOUSE POINTED OUT THE PITS AND DISCOLORATION TO HER IN THE COURTHOUSE PARKING LOT. MRS. OBERTUCK PRESENTED TO THE BOARD PHOTOS OF HER VEHICLE TAKEN BY D&H MOTORS WHERE SHE TOOK HER CAR FOR DAMAGE ESTIMATE. MRS. OBERTUCK STATED THAT D&H MOTORS OWNER, MR. FINNEY TOLD HER THE DAMAGE DONE TO HER CAR WAS DONE BY ACID OR STONE. SUPT. REDFIELD STATED THAT THE DPW DOES NOT USE CAUSTIC ACIDS IN THE SWEEPER ONLY WATER. MRS. OBERTUCK STATED THAT THE SWEEPER DOES HAVE A BATTERY INSIDE OF IT. MR. REDFIELD STATED THE BATTERY IS ENCLOSED WITHIN A ENGINE COVERED BY A HOOD AND THAT THE BATTERY WOULD HAVE HAD TO EXPLODE TO HAVE CAUSED THAT MUCH DAMAGE, WHICH IT CHECKED OUT FINE. MRS. OBERTUCK STATED THAT SHE HAD SPOKEN WITH ROBERT SMITH AT THE D.P.W. WHO STATED THAT SHE SHOULD GO THROUGH HER OWN INSURANCE FOR REPAIR. MRS. OBERTUCK STATED THAT SHE HAD HER CAR WASHED ON SUNDAY 4/7/91 AND THAT THERE WAS NO DAMAGE TO HER VEHICLE AT THAT TIME, WHY SHOULD SHE HAVE TO PAY THE DEDUCTIBLE OF \$500.00 WHEN THE RESPONSIBILITY FOR THE DAMAGE WAS THE TOWN'S D.P.W. STREET SWEEPER. SELECTMAN JONES REQUESTED IF SHE WAS DRIVING FROM MAIN ST. UP WASHINGTON WHY WAS THERE NO DAMAGE TO THE HOOD OF HER VEHICLE OR DRIVERS SIDE, ALL THE DAMAGES APPEARED TO BE ON THE ROOF AND REAR BUMPER AREA OF THE VEHICLE. SELECTMEN MCKINNEY STATED THAT FORD MOTOR CO. HAS HAD PROBLEMS IN THE PAST WITH THE PAINT PITTING ON LATER YEAR MODELS. MRS. OBERTUCK STATED AGAIN THAT D&H MOTORS FELT THE DAMAGE WAS DUE TO ACID. SELECTMAN JONES BASED UPON THE EVIDENCE PRESENTED AND LOCATION OF THE DAMAGE TO THE VEHICLE WHICH DOES NOT COLLATE THAT THERE IS NOT ENOUGH EVIDENCE TO FIND THE TOWN WAS LIABLE FOR THE DAMAGES TO HER VEHICLE. SELECTMAN MCKINNEY STATED THAT THE DAMAGE DOES NOT APPEAR TO HAVE BEEN DONE BY THE SWEEPER. SELECTMAN JONES MOVED TO DENY THE REQUEST FOR DAMAGES BASED UPON THE EVIDENCE PRESENTED, AND THAT THE TOWN DOES NOT USE CAUSTIC CHEMICALS IN THIS LINE OF MAINTENANCE, SECONDED BY SELECTMAN MCKINNEY. MRS. OBERTUCK STATED AS SHE LEFT THE TABLE "SEE YOU IN COURT BOYS".

8:00P.M. PUBLIC HEARING: EARTH REMOVAL PERMIT-COUTU FAMILY TRUST, WILLOW ROAD, AYER, MA. BY E.T.L. CONSTRUCTION, INC. SELECTMAN JONES READ INTO THE RECORD THE LEGAL NOTICE ADVERTISED FOR 5/15/91 & 5/22/91 IN THE NASHOBA PUBLICATIONS NEWSPAPER. THE BOARD MET WITH GARY BALBONI OF E.T.L. CONSTRUCTION SEEKING A RENEWAL OF THE EARTH REMOVAL PERMIT FOR WILLOWS ROAD, AYER, MA. FOR THE REMOVAL OF 100,000 YARDS OF EARTH. MR. BALBONI STATED THAT THERE HAS NOT BEEN ANY ACTIVITY ON THE SITE FOR THE PAST YEAR AND DOUBTFUL THAT THERE WOULD BE ANY THIS YEAR. THE PERMIT WAS ONLY FOR UPKEEP PURPOSES. SELECTMAN JONES REQUESTED IF THERE WERE ANY ABUTTERS PRESENT FOR THE HEARING. MR. RICHARD KRUEGER CAME FORWARD AND STATED HIS CONCERN THAT THE WILLOW ROAD BE KEPT FREE FROM DUST AND TO CONTINUE WITH THE WATERING DOWN OF THE ROAD ALONG WITH THE SWEEPER TO ALLEVIATE DUST PROBLEMS. MR. BALBONI STATED THIS MEASURE WAS INDEED INCORPORATED INTO THE OPERATIONAL STRUCTURE. MR. JONES THANKED MR KRUEGER FOR COMING

TO THE HEARING AND HEARING NO MORE CONCERNS CLOSED THE HEARING. SELECTMAN MCKINNEY MOVED THE BOARD APPROVE THE EARTH REMOVAL PERMIT FOR COUTU FAMILY TRUST WITH CURRENT RESTRICTIONS TO STAY IN PLACE, SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS, SO MOVED.

8:20P.M. PUBLIC HEARING: N.E. TELEPHONE CO.-UNION ST./W. MAIN

CHAIRMAN JONES OPENED THE HEARING BY READING INTO THE RECORD THE LEGAL PUBLICATION PUBLISHED IN THE NASHOBA PUBLICATIONS NEWSPAPER THE WEEKS OF 5/15/91 & 5/22/91. CHAIRMAN JONES REQUESTED IF THERE WAS ANYONE PRESENT REPRESENTING N.E. TELEPHONE. MR. JONES WAS ADVISED THAT N.E. TELEPHONE STATED THAT THIS CURB CUT DID NOT NEED A HEARING DUE TO THE REQUEST BY N.E. TELEPHONE BEING FOR MAINTENANCE OF AN EXISTING CONDUIT THAT HAD BURNED OUT. CHAIRMAN JONES LOOKING OVER THE PROJECT PLANS STATED THAT THIS WAS NOT A CURB CUT BUT A PAVEMENT CUT WHICH WOULD INCUR OPENING THE ROAD AND PATCHING. CHAIRMAN JONES REQUESTED TO CONTACT N.E. TELEPHONE AND REQUEST A REPRESENTATIVE ATTEND THE NEXT SELECTMEN'S MEETING, RE-ADVERTISE THE PUBLIC HEARING AS WELL AS NOTIFY ABUTTERS IN THE AREA.

8:30P.M. CHAIRMAN SLARSKY ENTERED THE MEETING.

EXECUTIVE SECRETARY'S REPORT

1. MR. HIGGINS ADVISED THE BOARD OF THE STATE AID DEVELOPMENTS AND OF THE NUMBERS NOT BEING FINALIZED AND THE HOUSE VERSION REDUCTION BEING \$70,000 HIGHER THAN ORIGINALLY PROJECTED IN THE EARLIER FIGURE OF \$270,000 CUT. MR. HIGGINS ADVISED THE BOARD OF REP. HALL TO CALL HIM WHEN HARDER NUMBERS WERE AVAILABLE/PER CAPITA BASIS AND OF THE LATEST VERSION BEING MADE AVAILABLE 5/29.

2. THE BOARD WAS ADVISED OF THE ADVISORY BOARD MEETING ON 5/30/91 TO REVIEW TRANSFERS FROM THE RESERVE FUND FOR THE FOLLOWING:

MIDDLESEX COUNTY RETIREMENT:	\$9,000.00
TAX COLLECTOR:	2,400.00
ASSESSORS:	1,000.00
M.R.P.C.:	64.00

THE ADVISORY BOARD'S RECOMMENDATION TO BE PRESENTED TO THE BOARD OF SELECTMEN AT THEIR NEXT MEETING SCHEDULED FOR 6/10/91.

3. THE BOARD WAS ADVISED OF A LETTER BEING RECEIVED BY MR. ERNST THE SON OF THE LATE EDWARD ERNST, EXPRESSING INTEREST IN THE FORMATION OF A BOYS & GIRLS CLUB TO BE LOCATED IN THE PLEASANT STREET SCHOOL BY THE USE OF UDAG FUNDS. THE BOARD REQUESTED MR. HIGGINS CONTACT MR. ERNST AND RECEIVE ADDITIONAL INFORMATION FROM HIM CONCERNING PLANS, FUNDING.

4. THE BOARD REVIEWED A LETTER TO BE SUBMITTED TO JOHN DESMOND OF DEP CONCERNING THE TOWN OF AYER'S ORDER OF CONDITIONS REGARDING THE TOWN'S EXTENSION OF DECLARATION OF STATE OF THE WATER EMERGENCY AND ORDER PWS#2019000 DATED 12/14/91. THE BOARD REQUESTED THE FOLLOWING PROPOSED WATER ORDER OF CONDITIONS TO

HAVE INCLUDED IN THE DECLARATION:

1. MORATORIUM NOT TO EFFECT CURRENTLY PERMITTED CONNECTIONS AUTHORIZED BY THE WATER DIVISION.
 2. EXEMPTIONS BE ALLOWED TO PROTECT PUBLIC HEALTH AND SAFETY WITH WRITTEN APPROVAL BY DEP.
 3. THE MORATORIUM NOT TO EFFECT WATER CONNECTION APPLICATIONS SUBMITTED BEFORE 12/14/90.
5. THE BOARD REVIEWED A REQUEST FROM THE HISTORICAL COMMISSION REQUESTING UDAG FUNDING FOR A HISTORICAL MUSEUM, THE BOARD TO REVIEW THIS REQUEST AND PLACED THIS MATTER UNDER ADVISEMENT.
6. THE BOARD WAS ADVISED OF THE BUSACK/VACATION PAY GRIEVANCE BEING SCHEDULED FOR 10/28/91 IN BOSTON.
7. THE BOARD REVIEWED A REQUEST FROM THE HARVARD BOARD OF SELECTMEN RE: REGIONAL AGREEMENT FOR THE PURCHASE OF CAPITAL EQUIPMENT/SHARING THIS SERVICE. THE BOARD REQUESTED MR. HIGGINS TO PURSUE THIS REQUEST AND ADVISE BOARD OF SPECIFIC SERVICES THAT WOULD BE SHARED.

CHAIRMAN SLARSKY REQUESTED TO GO OFF THE AGENDA TO UPDATE THE COMMUNITY RE: THE BRAC HEARING CONDUCTED IN BOSTON ON TUESDAY, MAY 28, 1991 AT 10:00A.M. CHAIRMAN SLARSKY STATED THAT THE HEARING WAS VERY ENCOURAGING, JOHN SILBER DID AN EXCELLENT JOB STATING A STRONG CASE FOR CONSOLIDATING THE ISC IN THE BOSTON AREA, ONE OF THE COMPUTER CENTERS OF THE WORLD. GENERAL SKAFF ALSO ATTENDED THE HEARING AND STATED A STRONG CASE TO KEEP DEVENS OPEN AS A TRAINING BASE AND AN ACTIVE ARMY BASE. SELECTMAN JONES STATED THAT ON FRIDAY, MAY 31, 1991 THE BRAC COMMISSIONERS WOULD BE VISITING FORT DEVENS AND THE TOWN OF AYER TO VIEW THE COMMUNITY & BASE ON A FIRST HAND BASIS.

SUPT. REDFIELD'S REPORT:

1. THE BOARD ENDORSED FIVE (5) COPIES OF CONTRACT AWARDED TO CERTIFIED ENGINEERING ON 4/16/91 FOR THE INDUSTRIAL PRETREATMENT PROGRAM SAMPLING & TESTING SERVICES.
2. THE BOARD WAS ADVISED OF SUPT. REDFIELD ATTENDING THE AMERICAN COMMUNITIES FOR CLEANUP MEETING HELD ON WEDNESDAY, MAY 22, 1991. THE PURPOSE OF THIS ORGANIZATION IS TO REMOVE THE LIABILITY THAT MUNICIPALITIES WILL FACE UNDER THE HAZARDOUS WASTE SUPERFUND ACT & REGULATIONS. THE TOWN OF AYER COULD BE CHARGED THE HAZARDOUS WASTE CLEANUP COST OF OVER \$55.00 PER TON FOR THE CLEAN UP OF NON HAZARDOUS MUNICIPAL SOLID WASTE. THE TOWN'S COST FOR THIS CLEANUP COULD BE FOR AS MUCH AS \$10,000,000 UNDER THE CURRENT HAZARDOUS WASTE SUPERFUND REGULATIONS. SUPT. REDFIELD THEREFORE, REQUESTED THE BOARD TO JOIN ACCE FOR THE ANNUAL FEE OF \$250.00 TO AVOID THESE CLEANUP COSTS. THE BOARD REQUESTED MR. HIGGINS REVIEW THIS MATTER WITH TOWN COUNSEL AND M.M.A. TO SEE IF THEY WOULD BE SPEARHEADING A COALITION REGULATING THIS MEMBERSHIP. THE BOARD PUT THIS MATTER UNDER ADVISEMENT UNTIL MR. HIGGINS REVIEWED THIS WITH TOWN COUNSEL.

3. THE BOARD WAS ADVISED OF REPORT COMING IN FROM ROBERT R. MERITHEW RE: HIS INSPECTION REPORTS OF THE TWO TOWN OF AYER WATER STORAGE STANDPIPES.

1. INTERIOR OF TWO TANKS IN VERY GOOD SHAPE.
2. REPAINT IN FOUR (4) OR FIVE (5) YEARS.
3. MINOR STRUCTURAL PROBLEMS RE: ROOF.
4. EXTERIOR PAINT OF TANKS SHOWED MINOR RUSTING
5. EXTERIOR RUST AREAS ONLY AESTHETIC SHOULD BE ADDRESSED IN FOUR (4) OR FIVE (5) YEARS.
6. PAINT ON SMALL TANK FOUND TO HAVE 9.9 LEAD BY VOLUME.
7. RE-INSPECT TANKS IN 1993 AND ACCESS IF STANDPIPES ARE TO REMAIN IN SERVICE.
8. IF STANDPIPES ARE TO REMAIN SHOULD PERFORM STRUCTURAL REPAIRS.
9. RECOMMEND THE BOARD INSTALL A 6' HIGH CHAIN LINK FENCE AROUND THE STANDPIPES TO ISOLATE THE TANKS FROM THE GENERAL PUBLIC DUE TO POSSIBLE LEAD CONTAMINATION FROM THE PAINT ON THE EXTERIORS OF THE TANKS.

SELECTMAN MCKINNEY MOVED THE BOARD APPROVE THE INSTALLATION OF A 6' CHAIN LINK FENCE TO BE PLACED AROUND THE TOWNS STANDPIPES, FUNDING FOR THE FENCE TO COME OUT OF THE DPW 91 OPERATING & MAINTENANCE BUDGET. SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS, SO MOVED.

4. THE BOARD WAS ADVISED OF LETTER DATED 5/14/91 GOING TO JIM FULLER AT DEP CENTRAL OFFICE IN WORCESTER REQUESTING AN EXTENSION OF THE AYER PUBLIC WATER SUPPLY WATER EMERGENCY DECLARATION OF DECEMBER 14, 1990. A MEETING WITH MR. FULLER IS SCHEDULED FOR 5/28/91 AT DEP RE: THIS MATTER.

5. THE BOARD APPROVED A SEWER CONNECTION FOR OFF GROTON SCHOOL RD. FOR DEBRA WILLIAMS. THE BOARD STATED THEY WISHED A LETTER BE SENT TO MS. WILLIAMS STATING WATER REQUIRES A WELL, CANNOT TIE INTO TOWN WATER.

6. SUPT. REDFIELD STATED FLUSHING OF TOWN WATER HYDRANTS WAS COMPLETED ON MAY 6, 1991. THE DPW REPAIRED FIVE (5) HYDRANTS ANOTHER TWELVE (12) ARE STILL ON LIST TO BE REPAIRED.

THE BOARD REQUESTED THE MAIN STREET, W. MAIN ST. AND E. MAIN ST. FOR 5/31/91 VISIT BY THE BRAC COMMISSION.

9:10P.M. SELECTMAN JONES MOVED THE BOARD ADJOURN THE MEETING, SECONDED BY SELECTMAN MCKINNEY, VOTE: UNANIMOUS, SO MOVED.


CHARLES H. JONES, MEMBER

DATE: 6/10/91