

SELECTMEN'S MEETING
MONDAY, APRIL 29, 1991
SECOND FLOOR, TOWN HALL
MAIN STREET, AYER, MA.

7:30P.M. OPEN SESSION

THE BOARD MET WITH CHAIRMAN SLARSKY, SELECTMAN JONES AND SELECTMAN MCKINNEY.

THE MINUTES OF APRIL 16, 1991 TO BE REVIEWED 5/14/91.

THE WEEKLY WARRANT WAS EXAMINED AND APPROVED IN THE FOLLOWING AMOUNTS: PAYROLL: \$374,627.03
BILLS: \$217,072.72

THE BOARD APPROVED A ONE DAY BEER & WINE LICENSE FOR THE AYER GUN CLUB FOR THE FOLLOWING DATES: MAY 4, 11, 18 & 25, 1991.

EXECUTIVE SECRETARY'S REPORT:

MR. HIGGINS ADVISED THE BOARD THAT A DRAFT OF THE ANNUAL TOWN MEETING WARRANT WILL BE AVAILABLE FOR THE BOARD'S REVIEW THIS WEEK. THE BOARD REVIEWED ARTICLES FOR INCLUSION:

1. TREASURER'S POSITION
2. NASHOBA ASSOC. BOARDS OF HEALTH
3. SICK LEAVE BUY BACK
4. ASSESSORS-CAMA/\$15,000.00
5. VETERANS-\$15,000.00 ASSISTANCE
6. POLICE DEPT.-DETECTIVE/\$34,000.00
7. POLICE DEPT.-CRUISERS/ \$30,000.00
8. DPW-TRACTOR/LOADER- \$60,000.00
9. SCHOOL ARTICLE - \$150,000.00

THE BOARD WAS ADVISED OF THE FY-92 BUDGET BEING \$15,680.00 AND OF REVENUE PROJECTIONS BEING \$15,694.00 WITH A POSSIBLE RESERVE FUND OF \$14,000.00.

THE BOARD REVIEWED THE HYBRICON UDAG. TOWN COUNSEL REQUESTED THE BOARD TO SIGN THE AMENDED NINE (9) PROMISSORY NOTES BRINGING THE NOTES INTO CONFORMITY WITH THE AGREEMENT.

1. 1/22/88 - \$96,190.67 MADE AVAILABLE 1/26/88.
2. 5/4/88 - \$79,289.73 MADE AVAILABLE 5/24/88.
3. 11/1/88 - \$58,676.22 MADE AVAILABLE 1/5/89.
4. 3/10/89 - \$92,474.06 MADE AVAILABLE 3/22/89.
5. 4/14/89 - \$95,406.07 MADE AVAILABLE 5/19/89.
6. 6/26/89 - \$44,395.41 MADE AVAILABLE 7/25/89.
7. 6/26/89 - \$83,065.96 MADE AVAILABLE 5/16/90.
8. 7/17/90 -\$149,511.51 MADE AVAILABLE 8/15/90.
9. 12/7/90 -\$100,788.60 MADE AVAILABLE 1/21/91.

THE MATURITY DATE OF THE NOTE CONTAINED IN THE FIRST PARAGRAPH OF THE NOTE DESCRIBED BETWEEN THE PROMISEE AND THE PROMISER SHALL BE DELETED AND AMENDED TO READ JANUARY 25, 1998 ALL OTHER CONDITIONS AND TERMS OF SAID NOTE SHALL BE IN FULL FORCE AND EFFECT.

ON ANOTHER MATTER THE BOARD MOVED AND SECONDED TO APPROVE THE NEW ENGLAND SHRIMP PAYDOWN OF \$300,000.00 UPFRONT LOWERING THE RATE AND EXTENDING THE PAYMENT PERIOD BY TWO (2) YEARS-PAYBACK AS STIPULATED. SELECTMAN JONES MOVED THE MOTION AND SECONDED BY SELECTMAN MCKINNEY VOTE: UNANIMOUS, SO MOVED.

7:45P.M. PUBLIC HEARING-COMMON VICTUALLER'S LICENSE

THE BOARD MET WITH NORMAN AND CINDY WEEKS OF 2205 LUNENBURG RD., SHIRLEY, MA. REGARDING THEIR REQUEST FOR A COMMON VICTUALLER'S LICENSE FOR A MOBIL LUNCH TRUCK TO BE LOCATED AT LITTLETON ROAD, AYER, MA. (RT. 2A-110/SITE OF OLD MILLSTREAM RESTAURANT)

CHAIRMAN SLARSKY READ INTO THE RECORD THE PUBLIC HEARING NOTICE RELEASED IN THE NASHOBA PUBLICATIONS NEWSPAPER DATED 4/24/91.

MR. WEEKS STATED THAT HE HAD BEEN BEFORE THE ZONING BOARD OF APPEALS AND HAD BEEN APPROVED FOR THE OPERATION OF A MOBIL LUNCH TRUCK AT THE RT. 2A ADDRESS. MR. WEEKS ALSO STATED THAT HE HAD BEEN ISSUED A FOOD HANDLERS LICENSE BY NASHOBA ASSOCIATED BOARDS OF HEALTH ON 3/19/91 AND ALSO HELD A STATE LICENSE AS WELL ISSUED BY THE COM. OF MASS ON 12/10/90. MR. WEEKS STATED HIS DISMAY WITH THE LICENSING PROCEDURES STATING HE HAD COMPLIED WITH ALL REQUIREMENTS BUT THAT THESE REQUIREMENTS WERE NOT ALL MADE AVAILABLE TO HIM WHEN HE FIRST APPROACHED THE TOWN REGARDING HIS BUSINESS. THE BOARD ENTERED INTO A BRIEF DISCUSSION WITH MR. WEEKS REGARDING HIS BUSINESS'S OPERATION AND REQUESTED IF ALL ABUTTERS HAD BEEN NOTIFIED OF THE PUBLIC HEARING, MR. WEEKS THEN PRESENTED TO THE BOARD THE CERTIFIED GREEN CARDS OF ABETTERS NOTIFIED. CHAIRMAN SLARSKY REQUESTED IF THERE WAS ANYONE PRESENT WISHING TO SPEAK FOR OR AGAINST THE LICENSE. NO ONE CAME FORWARD. SELECTMAN JONES STATED HIS CONCERN WITH THE AREA SPECIFICALLY THE FIRE DEBRIS FROM THE PRIOR RESTAURANT, DUMPING OF DEBRIS ON THE SITE, AND THE REMAINS OF THE FORMER BUILDING SITING SERIOUS SAFETY AND HEALTH CONCERNS. MR. WEEKS TO CONTACT STANLEY MCNIFF THE PRESENT LAND OWNER FOR A TIME FRAME FOR TOTAL CLEAN-UP OF THE SITE. THE BOARD REQUESTED TO VISIT THE SITE BEFORE ISSUING A LICENSE. CHAIRMAN SLARSKY AND SELECTMAN MCKINNEY TO WALK THE SITE ON TUESDAY, APRIL 30, 1991.

8:00P.M. PUBLIC HEARING-BOSTON GAS

THE BOARD CONDUCTED A PUBLIC HEARING RE: BOSTON GAS'S PETITION DATED 4/17/91 FOR APPROXIMATELY 550 FEET OF 8" GAS MAIN IN MAIN ST. TO WEST ST, TO CAMBRIDGE ST., TO COLUMBIA ST., TO CENTRAL AVE. ENDING AT GROTON HARVARD RD. THE BOARD MET WITH FRANCIS X. O'LEARY AND AREA DIRECTOR, STANLEY NEWSHAM, ALONG WITH SUPT. BILL REDFIELD AND FIRE CHIEF WELLMAN PARKER. CHAIRMAN SLARSKY READ INTO THE RECORD THE LEGAL NOTICE WHICH APPEARED IN THE NASHOBA

PUBLICATIONS NEWSPAPER THE WEEK OF APRIL 24, 1991. MR. NEWSHAM PRESENTED THE BOARD AN UPDATED MAP OF THE PROPOSED GAS LINE ROUTE. CHAIRMAN SLARSKY REQUESTED IF THERE WERE ABUTTERS PRESENT FOR OR AGAINST THE PETITION. ABETTERS PRESENT WERE: MR. TOOKER ON BEHALF OF THE FEDERATED CHURCH, CONNIE LIND, OWNER OF LEN ART SY., AS WELL AS AREA RESIDENTS. THE BOARD REVIEWED RECOMMENDATIONS FROM THE FIRE DEPT. RE: STREET PASSAGE FOR FIRE APPARATUS AND FROM THE FEDERATED CHURCH RE: KINDERGARTEN STUDENTS BEING STILL IN SESSION AND AREA OF IMPACT WOULD CREATE A MAJOR PROBLEM FOR PARENTS PICKING UP THEIR CHILDREN SHOULD THE WORK BE CONDUCTED DURING SCHOOL HOURS. MR. TOOKER REQUESTED BOSTON GAS NOT TO BEGIN CONSTRUCTION UNTIL SCHOOL IS OVER. MR. NEWSHAM STATED THAT WORK IN THIS AREA (CAMBRIDGE ST.) COULD REALISTICALLY BE DONE ON A SATURDAY. THIS WOULD BE A FAVORABLE DAY. THE BOARD ALSO HEARD FROM MRS. LIND WHO FELT THE WORK TO COLUMBIA ST. WOULD IMPACT HER BUSINESS, BOSTON GAS OFFICIALS STATED THAT THIS AREA OF IMPACT WOULD TAKE APPROXIMATELY A HALF DAY TO COMPLETE. TOTAL CONSTRUCTION TIME TO BE 20 DAYS FROM START TO FINISH. SUPT. REDFIELD REVIEWED WITH BOSTON GAS OFFICIALS CONDITIONS PLACED ON THIS WORK. (SEE SUPT. REDFIELD'S CONDITIONS DATED 4/30/91 TO INCLUDE 18 CONDITIONS) CHAIRMAN SLARSKY REQUESTED START UP DATE, MAY 14 OR MAY 15, 1991. SELECTMAN JONES MOVED THE BOARD APPROVE THE PETITION BASED UPON CONDITIONS STIPULATED BY SUPT. REDFIELD, SECONDED BY SELECTMAN MCKINNEY, VOTE: UNANIMOUS, SO MOVED.

THE BOARD MET WITH JANET TAYLOR AND RUTH COKE FROM THE WATER SUPPLY PROTECTION COMMITTEE FORMED AT LAST YEARS ANNUAL TOWN MEETING. MRS. TAYLOR PRESENTED TO THE BOARD THE COMMITTEES AMENDED PROPOSED BY-LAW. SUPT. REDFIELD PRESENTED A MAP OF THE WATER PROTECTION DISTRICT AND GAVE A BRIEF UPDATE REGARDING ZONES I, II, AND III. MRS. TAYLOR STATED THE BY-LAW WAS VERY CONFUSING DUE TO ZONES BEING CONFUSED WITH ZONING. RESIDENTS AT LAST YEARS TOWN MEETING MISINTERPRETED THE TOWNS ZONING FOR THE WATER SUPPLY PROTECTION MAP AND THAT THE COMMITTEE CLARIFIED THIS MISUNDERSTANDING. THE BOARD WAS ADVISED THAT A PUBLIC HEARING HAD BEEN CONDUCTED BY THE PLANNING BOARD ON APRIL 25, 1991 AND THAT THE PLANNING BOARD HAD UNANIMOUSLY APPROVED THE PROPOSED BY-LAW. THE SELECTMEN THANKED MRS. TAYLOR AND THE COMMITTEE FOR THE EXCELLENT JOB DONE AND REQUESTED HANDOUTS BE PREPARED BY THE COMMITTEE EXPLAINING HOW THIS BY-LAW WILL EFFECT THE RESIDENTS.

8:40P.M. CHAIRMAN SLARSKY DECLARED THE PUBLIC HEARING CLOSED.

THE BOARD MET WITH FIRE CHIEF, WELLMAN PARKER RE: THE EXXON STATION/PARK ST. AYOUB ENGINEERING THE COMPANY'S CONTRACTOR REQUESTED TO AMEND THE UNDERGROUND PERMIT ISSUED ON DECEMBER 7, 1990 FROM 1,000 GALLON UNDERGROUND STORAGE TANK TO A 275 GALLON ABOVEGROUND STORAGE TANK. THE BOARD STATED THIS AMENDMENT WOULD BE TO THE FIRE CHIEF'S DISCRETION. THE BOARD APPROVED THIS AMENDMENT PER THE FIRE CHIEF'S RECOMMENDATION.

CHAIRMAN SLARSKY REQUESTED TO GO OFF THE AGENDA TO UPDATE THE RESIDENTS TO THE INSTALLATION OF THE TOWN'S NEW EMERGENCY "9-1-1"

LINE. THIS NEW TELEPHONE NUMBER WILL REACH POLICE, FIRE OR AMBULANCE SERVICE AND SHOULD ONLY BE UTILIZED FOR EMERGENCIES ONLY. THE NEW SERVICE BECAME EFFECTIVE APRIL 29, 1991.

CHAIRMAN SLARSKY AND SELECTMAN MCKINNEY TOOK THIS OPPORTUNITY TO CONGRATULATE CHARLIE JONES ON HIS SUCCESSFUL ELECTION TO HIS SECOND TERM OF OFFICE AS SELECTMAN. CHAIRMAN SLARSKY STATED THE BOARD WOULD RE-ORGANIZE FOLLOWING THE ANNUAL TOWN MEETING (5/13/91)

SELECTMAN MCKINNEY REQUESTED TO SPEAK AT THIS TIME REGARDING DIG-91 TO INFORM TOWN OF AYER RESIDENTS THAT THIS GROUP THE DEVENS IMPACT GROUP WAS FOUNDED BY LOCAL INTEREST GROUPS SPECIFICALLY THE CHAMBER OF COMMERCE, AYER TEACHERS ASSOC., RETIRED COMMUNITY, THE INDUSTRIAL COMMUNITY AND OTHER INTERESTED PEOPLE TO COMBAT THE FORT DEVENS CLOSURE. THE ORGANIZATION IS TOTALLY FUNDED BY DONATIONS FROM THE COMMUNITY NOT BY THE TOWN OF AYER. SELECTMAN MCKINNEY READ INTO THE RECORD THE DIG-91 NEWSLETTER. (SEE ENCLOSED)

SUPT. REDFIELD'S REPORT:

1. THE BOARD UPON THE RECOMMENDATION OF SUPT. REDFIELD AWARDED THE BID FOR THE WASTEWATER TREATMENT FACILITY'S BELT FILTER PRESS EQUIPMENT TO PHEONIX PROCESS EQUIP, CO.. OF NORTH READING, MA. FOR THE BID PRICE OF \$121,200.00 FUNDING TO BE BY N.E. POWER.

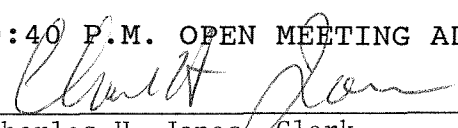
2. THE BOARD UPON THE RECOMMENDATION OF SUPT. REDFIELD MOVED TO REQUEST AN EXTENSION OF THE WATER EMERGENCY DECLARATION FROM DEP FOR ONE MORE YEAR AND TO ADOPT A TOWN VOLUNTARY WATER USE RESTRICTION #1 PROHIBITING THE USE OF ANY OUTSIDE WATER - EXCEPT BETWEEN THE HOURS OF 6:00P.M. TO 5:00A.M. EFFECTIVE JUNE 1, 1991. PRESENT FOR THIS DISCUSSION WERE AREA RESIDENTS CONCERNED WITH THE WATER EXTENSION WITH REGARD TO NEW GROWTH. MRS. JUDITH SIMERS STATED HER CONCERN WITH HER CHILDREN TRYING TO BUILD A NEW HOME IN AYER, SITING WATER CONNECTIONS NOT BEING APPROVED FOR NEW HOMES DURING THIS DECLARATION.

3. THE BOARD TOOK THE IMPLEMENTATING OF COMPUTERIZED IN-HOUSE WATER & SEWER BILLING UNDER ADVISEMENT UNTIL THE BOARD HAS HAD A CHANCE TO REVIEW IT.

4. THE BOARD REVIEWED THE LEGAL NOTICE RE: THE PROPOSAL FOR A STUDY AND REPORT ON THE GROVE POND WELLS/IRON & MANGANESE REMOVAL TREATMENT FACILITY.

9:40P.M. SELECTMAN JONES MOVED THE BOARD ADJOURN AND ENTER INTO EXECUTIVE SESSION PURSUANT TO M.G.L. CHAPTER 30 SECTION 23B REGARDING DAMAGE TO REAL ESTATE/20 LAWTON ST., AYER, MA. ADJOURN AND RE-ENTER EXECUTIVE SESSION PURSUANT TO M.G.L. CHAPTER 39 SECTION 23B RE: PENDING LITIGATION/NILES TO ADJOURN AND RE-ENTER OPEN SESSION FOR THE SOLE PURPOSE OF ADJOURNING.

9:40 P.M. OPEN MEETING ADJOURNED.


Charles H. Jones, Clerk

DATE: 5/28/91

unanimous, so moved.

3. The Board reviewed a warning issued by DEP concerning shortage of staff at the Wastewater Treatment Facility.

4. The Board reviewed a equipment and vehicle maintenance goals and objectives along with an inventory of equipment at the DPW.

5. The Board reviewed a street lighting request for Madigan Lane. The Board stated that they cannot a practice of installing utilities on private property. The road has be accepted by Town Meeting. The Board is aware of the Agreement between Harold Madigan and Nashoba Community Hospital allowing Madigan Lane an easement to the Hospital sewer line. This Agreement must be submitted to Supt. Redfield prior to the road being accepted by the Town.

6. The Board was advised of the Stand pipes both of them being cleaned, drained and inspected. The Board was advised of minor problems with the roof of the small tank otherwise the tanks appear to be structurally sound, with less than 1% deterioration. An estimate and recommendations for repairs will be forthcoming from David Merithew.

7. Town Counsel is presently reviewing the request for proposals for the study and report phase for the Grove Pond Treatment facility and upgrade of the well's pumping equipment.

8. The Board was advised beginning the week of April 16th to May 10, 1991 the Water Division and Fire Dept. will be performing daytime hydrant and water flushing.

9. The Board was advised of the DPW's summer hours.
6:00a.m. with a half hour lunch break 10:00-10:30
work day ending at 2:30p.m.
Administration office 7:00-3:30p.m.

10. The Board requested more time to review the water & sewer billing process.

11. The Board requested to place on the Agenda for 4/29/91 the Water Emergency Declaration since this declaration will be up on 6/14/91.

Selectman Jones moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B regarding I.B.P.O. Grievance, to adjourn this Executive Session to re-enter Open Session for the sole purpose of adjourning the meeting, Selectman McKinney seconded the motion, VOTE: unanimous, so moved.

8:45P.M. Open Meeting adjourned.

 DATE 5/28/91
CHARLES H. JONES, CLERK AYER BOARD OF SELECTMEN