

SELECTMEN'S MEETING
TUESDAY, OCTOBER 30, 1990
SECOND FLOOR, TOWN HALL, MAIN ST., AYER, MA.

7:30P.M. OPEN SESSION

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

THE WEEKLY WARRANT WAS EXAMINED AND APPROVED IN THE FOLLOWING AMOUNTS: PAYROLL: \$328,729.09
BILLS: \$197,201.43

THE MINUTES OF OCTOBER 16, 1990 WERE READ AND ACCEPTED.

THE BOARD MET WITH CLARK PAIGE, CONSTABLE, RE: SIGNING THE STATE ELECTION WARRANT FOR POSTING 10/30/90. THE BOARD APPROVED THE OFFICIAL SIGNING OF THE STATE ELECTION WARRANT.

THE BOARD MET WITH LYN LAWRENCE, TEACHER, WILLIAM NOETH, SCHOOL COMMITTEE CHAIRMAN AND NEVILLE MARKHAM, SUPT. OF SCHOOLS REGARDING DECLARING NOVEMBER 11, 1990 THROUGH NOVEMBER 17, 1990 NATIONAL EDUCATION WEEK. CHAIRMAN SLARSKY READ THE PROCLAMATION SELECTMAN MCKINNEY MOVED THE BOARD APPROVE THE PROCLAMATION DECLARING NOVEMBER 11-NOVEMBER 17, 1990 NATIONAL EDUCATION WEEK, SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS, SO MOVED.

PUBLIC HEARING: EARTH REMOVAL PERMIT-ETL CONSTRUCTION, STOW, MA.
FOR COUTU FAMILY TRUST-WILLOWS RD., AYER, MA.

THE BOARD MET WITH GARY BALBONI, E.T.L. CONSTRUCTION, AND WILLIAM HALLIGAN, BUILDING/ZONING COMMISSIONER, REGARDING THE RENEWAL APPLICATION BY COUTU FAMILY TRUST FOR EARTH REMOVAL AT WILLOWS ROAD, AYER, MA. MR. BALBONI PRESENTED CERTIFIED GREEN CARD REMITTANCES TO THE BOARD OF ALL NOTIFIED ABUTTERS TO PROPERTY LOCATION.

MR. HALLIGAN STATED THAT E.T.L.'S OPERATION HAD MET ALL OF HIS REQUIREMENTS AND HAD RESPONDED APPROPRIATELY WHEN CALLED UPON REGARDING COMPLAINTS/PROBLEMS DURING THE LAST SIX (6) MONTH OPERATION. MR. HALLIGAN STATED HE HAD NO PROBLEM WITH THE BOARD APPROVING THE SIX (6) MONTH RENEWAL. CHAIRMAN SLARSKY REQUESTED IF THERE WAS ANYONE PRESENT FOR OR AGAINST THE PERMIT, NO ABUTTERS CAME FORWARD, BASED UPON NO OBJECTIONS FROM ABUTTERS AND THE RECOMMENDATION OF THE BUILDING COMMISSIONER THE BOARD APPROVED THE EARTH REMOVAL LICENSE FOR COUTU FAMILY TRUST FOR SIX (6) MONTHS COMMENCING NOVEMBER 1, 1990 TO JUNE 1, 1991. MOTION MADE BY SELECTMAN JONES, SECONDED BY SELECTMAN MCKINNEY, VOTE: UNANIMOUS, SO MOVED.

SUPT. REDFIELD'S REPORT:

1. THE BOARD WAS UPDATED ON THE SPECTACLE POND WELLS EMERGENCY SITUATION ARISING FROM REPAIRS BEING COMPLETED ON SPECTACLE POND WELLS:

#1-SHEARED PUMP SHAFT

#2-RUNNING AT 40% CAPACITY

GROVE POND WELLS #1&2 BEING ACTIVATED DURING THIS REPAIR/DEMAND PERIOD FOR SPECTACLE POND WELLS #1 & #2.

SUPT. REDFIELD REQUESTED THE BOARD DECLARE THE TOWN IN AN EMERGENCY WATER SITUATION.

DUE TO REPAIRS TO SPECTACLE POND WELL #1 THE TOWN WOULD NOT BE ABLE TO SUPPLY ADEQUATE WATER TO COMBAT A MAJOR FIRE, IF A FIRE WERE TO OCCUR DURING THE BIDDING PROCEDURES ESTIMATED TO TAKE APPROXIMATELY 1 AND 1/2 MONTHS AND ALLOWING A CONTRACTOR TO REPAIR THE WELL IMMEDIATELY. SELECTMAN JONES MOVED THE BOARD DECLARE AN EMERGENCY SITUATION, ENDANGERMENT TO PUBLIC SAFETY/WELFARE SECONDED BY SELECTMAN MCKINNEY, VOTE: UNANIMOUS, SO, MOVED.

THE BOARD SET SATURDAY, NOVEMBER 3, 1990 AT 8:30A.M., TOWN HALL MAIN ST., AYER, MA. - TO MAKE A DECISION REGARDING FUTURE WATER TIE-INS.

2. THE BOARD REVIEWED THE PROPOSED WATER & SEWER COMPLAINT PROCEDURES AND COMPLAINT FORMAT.

THE BOARD EXPRESSED CONCERNS WITH STEP #1.

PRORATING OF WATER/SEWER BILLS BE STATED SO ON FORMAT.

THE BOARD EXPRESSED CONCERN RE: CHAIN OF COMMAND

STATING COMPLAINTS SHOULD BE HANDLED IN THIS ORDER:

VIVIAN WINCHESTER, SUPT. REDFIELD, TIMOTHY HIGGINS AND THEN TO BOARD OF SELECTMEN.

STEPS 2-4 CORRECTIONS RE: PUNCTUATION

STEP V: TO INSERT RE-PAYMENT SCHEDULE UP TO ONE (1) YEAR.

WHEN NEXT WATER/SEWER BILLS GO OUT ENCLOSE A COPY OF THE COMPLAINT PROCEDURES & FORMAT.

SELECTMAN MCKINNEY MOVED THE BOARD APPROVE THE AMENDED WATER & SEWER PROCEDURES & COMPLAINT FORMAT AS PRESENTED, SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS, SO MOVED.

3. THE BOARD APPROVED THREE SEWER CONNECTIONS FOR THE FOLLOWING:

1. SINGLE FAMILY HOUSE-LOT 12 DOUGLAS DR.-G. MOORE

2. SINGLE FAMILY HOUSE-45 PEARL ST. -G. MOORE

3. SINGLE FAMILY HOUSE-6 WACHUSETT AVE. -R. HYDE, JR.

CHAIRMAN SLARSKY TURNED THE CHAIR OVER TO SELECTMAN JONES AND LEFT THE TABLE, DUE TO CONFLICT OF INTEREST REGARDING SEWER TIE IN FOR SINGLE FAMILY HOUSE-LEDGEWAY, OWNED BY CHAIRMAN SLARSKY, THE BOARD APPROVED THIS SEWER TIE IN REQUEST. MOTION MADE BY SELECTMAN JONES, SECONDED BY SELECTMAN MCKINNEY.

4. THE BOARD HELD OFF APPROVING SEVEN (7) REQUEST FOR WATER TIE-INS PENDING THE MEETING SCHEDULED FOR SATURDAY, NOVEMBER 3, 1990.

5. THE BOARD REVIEWED A LIST OF FIRE HYDRANTS NEEDING REPAIRS. CHAIRMAN SLARSKY REQUESTING SUPT. REDFIELD CO-ORDINATE A FIRE HYDRANT REPAIR DEMONSTRATION WITH THE AYER FIRE DEPT. AND ALSO CHECK WITH THE FIRE CHIEF REGARDING COVERING OF OUT OF SERVICE FIRE HYDRANTS WITH BURLAP OR MARKINGS WHICH EVER HE PREFERS.

6. SUPT. REDFIELD READ A MEMO SENT TO ALL DPW EMPLOYEES INFORMING THEM AS OF OCTOBER 11, 1990 THEY WILL BE UNABLE TO USE THE DPW FACILITIES DURING WORK HOURS OR AFTER WORKING HOURS FOR WORKING ON THEIR OWN PRIVATE PROJECTS.

7. THE BOARD ENTERED INTO A SHORT DISCUSSION RE: ROAD ACCEPTANCE WITH REGARD TO PLOWING AND MAINTENANCE OF SUB-DIVISION ROADS. SUPT. REDFIELD STATED TOWN'S POLICY WITH REGARD TO STREET ACCEPTANCE/MAINTENANCE, BEING ONE (1) YEAR WAITING PERIOD AFTER TOWN ACCEPTANCE BEFORE MAINTENANCE OCCURS.

8. THE BOARD WAS ADVISED OF SET OF AS-BUILT DRAWINGS BEING SUBMITTED BY HAKALA CORP. FOR THE OFF-SITE SEWER SYSTEM CONSTRUCTED BY AYER INVESTMENT TRUST DEVELOPERS FOR NASHOBA VALLEY CONDOS AT 55 LITTLETON RD., AYER, MA. SUPT. REDFIELD STATED HAKALA HAD NOT SATISFIED THE AGREEMENT OF 11/8/88 BY NOT SUBMITTING REPRODUCIBLE MYLAR AS BUILT-UP MAP AS WELL AS HAKALA CONTRACTORS HAD NOT BEEN PAID FOR COSTS ASSOCIATED WITH THE PROJECT.

SELECTMAN JONES REQUESTING AT THIS TIME TO ADDRESS THE TRANSFER STATION RECYCLING STATUS REGARDING TRANSFER OF VOLUNTEERS MONITORING THE PROGRAM TO TOWN AND THE POSSIBILITY OF A PART-TIME EMPLOYEE ASSUMING THIS ROLE. ALSO ADDRESSED BY THE BOARD WAS THE SPOTTING OF OUT OF TOWN PEOPLE USING THE FACILITY AND THE POSSIBILITY OF ASSESSING A FINE SCHEDULE FOR ILLEGAL USE

EXECUTIVE SECRETARY'S REPORT:

1. THE BOARD WAS ADVISED OF CHIEF CONNORS REQUESTING THE RECALL OF TWO (2) LAYOFF NOTICES THAT WERE EFFECTIVE FOR 11/1/90.

PRESENT FOR THIS DISCUSSION WERE MEMBERS AND PRESIDENT OF THE IBPO. THE BOARD INVITED THE UNION REPRESENTATIVES TO THE TABLE FOR THIS DISCUSSION.

CHAIRMAN SLARSKY STATED THE BOARD OF SELECTMEN DID NOT RECOMMEND THE LAYOFFS AND THAT THE BOARD HAD REQUESTED 2 SCENARIO'S BE SUBMITTED TO THE SELECTMEN DEPICTING FUNDING WITH 2 INJURED OFFICERS ON PAYROLL ALONG WITH 2 OFFICERS WHO RECEIVED LAYOFF NOTICES AND WITHOUT 2 PENDING LAY-OFFS. CHAIRMAN SLARSKY STATED THAT SINCE THE BOARD HAD NOT RECEIVED THIS INFORMATION THE BOARD COULD NOT RECALL THE NOTICES OF THE 2 OFFICERS BUT WOULD MONITOR THE POLICE DEPT. BUDGET MONTH BY MONTH TO ENSURE THE DEPARTMENT STAY WITHIN ITS ALLOCATION FOR FY-91.

THE BOARD ENTERED INTO A LENGTHY DISCUSSION WITH IBPO REPRESENTATIVES PAUL CORMIER AND HARVEY LAPRADE REGARDING THE BOARD NOT RECALLING THE NOTICES DUE TO BUDGET CONSTRAINTS AND FUNDING NOT PRESENTLY AVAILABLE. CHAIRMAN SLARSKY STATED THE BOARD AS THE CHIEF EXECUTIVE OFFICERS OF THE COMMUNITY SHARE WITH THE CHIEF THE LEGAL OBLIGATIONS OF STAYING WITHIN THE CONFINES OF THE DEPARTMENT BUDGET, STATING ONCE TOWN MEETING SETS THE BUDGETS, THE BOARD IS RESPONSIBLE TO FOR UTILIZING THOSE FUNDS TO PROVIDE THE BEST LEVEL OF SERVICE POSSIBLE, IN NO WAY IS THE BOARD EMPOWERED OR PHILOSOPHICALLY INCLINED TO CIRCUMVENT THE ACTION OF TOWN MEETING. THE BOARD STATED THEY HAVE AND WILL CONTINUE TO EXPLORE OPTIONS TO AVOID THE LAYOFFS INCLUDING COST CONTAINMENT, PUSHING FOR EXPEDITE RETIREMENTS OF TWO OFFICERS OUT ON DISABILITY AND UNION CONCESSIONS.

THE BOARD STATED THAT FOR THE OVERALL SAFETY OF THE TOWN THE BOARD WOULD RATHER HAVE A SMALLER POLICE FORCE RATHER THAN NONE. AND CONTRARY TO STATEMENTS MADE BY THE UNION THE HEALTH AND WELFARE OF THE CITIZENS AND EMPLOYEES OF THE TOWN HAS AND WILL ALWAYS BE THE HIGHEST PRIORITY.

THE BOARD ALSO TOOK THIS OPPORTUNITY TO REQUEST THE POLICE UNION SPECIFICALLY HARVEY LAPRADE SUPPRESS HIS FRUSTRATION BY NOT RUNNING TO THE NEWSPAPERS WITH INFLAMMATORY ACCUSATIONS AND BY DISTORTING THE FACTS THAT HAVE NECESSITATED THE LAYOFFS AND THE ROLE OF THE SELECTMEN IN THIS PROCESS.

SELECTMAN MCKINNEY MOVED THE BOARD STAY THE LAYOFFS OF THE TWO (2) POLICE OFFICERS AND MONITOR ON A MONTH TO MONTH BASIS THE FINANCIAL SITUATION OF THE DEPARTMENT WITH REGARD TO THE LAYING OFF OF THE TWO (2) OFFICERS, SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS, SO MOVED.

THE BOARD REQUESTED OF HARVEY LAPRADE, IBPO PRESIDENT IF THE UNION WISHES TO PURSUE IMPACT BARGAINING. HARVEY LAPRADE, STATED, YES.

2. THE BOARD WAS ADVISED THAT THE UDAG COMMITTEE HAD FINISHED UP THEIR NEGOTIATIONS AND WERE PREPARED TO PRESENT A RECOMMENDATION TO THE BOARD. MR. HIGGINS STATED A THANK YOU WAS IN ORDER TO THE MEMBERS OF THIS COMMITTEE FOR AN OUTSTANDING JOB.

3. THE BOARD WAS ADVISED THE INSURANCE SPECIFICATIONS WENT OUT TO BID FOR 11/4/90 IN THE LOWELL SUN AND 11/7/90 IN NASHOBA PUBLICATIONS, CLOSING DATE SET FOR 11/30/90 AT 4:00P.M.

4. THE BOARD WAS ADVISED TO THE EXECUTIVE SECRETARY AND TREASURER MEETING WITH THE VARIOUS EMPLOYEE GROUPS WITH REGARD TO THE INSURANCE CHANGE OVER TO MINUTEMAN NASHOBA GROUP TO ADDRESS CONCERNS AND HOPE TO HAVE AN AGREEMENT FOR THE 11/13/90 SELECTMAN'S MEETING.

5. THE BOARD WAS PRESENTED THE POLICE DEPT'S LIGHT DUTY POLICY AND VOTED TO DECLINE PAYING ADDITIONAL MONEY (TAXES THE INJURED OFFICER WOULD OTHERWISE NOT BE PAYING IF HE/SHE REMAINED ON INJURED LEAVE) TO TWO INJURED OFFICERS, IF THE OFFICERS SHOULD BE ASKED TO CARRY OUT LIGHT DUTIES WHILE AWAITING COUNTY RETIREMENT'S DECISION. SELECTMAN MCKINNEY MOVED THE BOARD DECLINE THE PAYING OF ADDITIONAL MONEY TO OFFICERS ASSIGNED LIGHT DUTY, SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS, SO MOVED.

6. THE BOARD WAS REQUESTED TO GET BACK TO TIM WITH REGARD TO THE SCALED DOWN VERSION OF THE SELECTMEN'S ANNUAL MMA CONFERENCE SCHEDULED FOR JAN. 25-26, 1991.

7. WINTER PARKING BAN WAS ANNOUNCED COMMENCING NOV. 15, 1990 THROUGH APRIL 15, 1991 12:00A.M.-6:00A.M.

8. THE BOARD APPROVED THE RESPONSE TO MR. DAN MILLEVILLE'S LETTER OF OCTOBER/90.

THE BOARD MET WITH TOWN COUNSEL, ROBERT GARDNER RE: CORRESPONDENCE FROM N.E. SHRIMP CO. WISHING TO SUBORDINATE WITH THE TOWN OF AYER.

CHAIRMAN SLARSKY READ N.E. SHRIMPS LETTER OF 10/22/90 INTO THE RECORD.

TOWN COUNSEL ADVISED THE BOARD THAT THE BANK OF N.E. WAS REQUESTING TO TAKE APPROXIMATELY \$4 MILLION IN ASSOCIATED LOANS TO THE COMPANY AND "LEAPFROG" THEM OVER THE TOWNS UDAG LOAN TO ADD TO THE MAIN \$6.7 MILLION WHICH CURRENTLY HOLDS FIRST PLACE IN IMPORTANCE FOR THE COMPANY TO PAY OFF. THE PROBLEM THE TOWN HAS IS IT PLACES THE LOANS IN THIRD POSITION BEHIND THE TOWNS AND SHOULD BE REVIEWED BY THE TOWN TO ENSURE THAT EACH LOAN DOES PERTAIN TO THIS CONSTRUCTION PROJECT AND NOT ANOTHER. TOWN COUNSEL REQUESTING THE NEED FOR AN OUTSIDE AUDITOR TO COME IN AND REVIEW RECORDS TO THE MORTGAGE. THE TOWN LOANED RANDAZZO TRUST \$2 MILLION DOLLARS, NOW THE BANK STATES OTHER FUNDING HAS LEAPED OUT INTO FIRST POSITION PUSHING THE TOWN INTO SECOND POSITION. TOWN COUNSEL STATED THE LETTER ARRIVED 9/28/90 PRIOR TO THIS LETTER NOTHING HAD BEEN RECEIVED CONCERNING N.E. SHRIMPS FINANCIAL SITUATION.

BOS-MIN-10-3-90-JL-PG/6

TOWN COUNSEL STATED HIS INTENT THIS EVENING WAS TO MAKE THE BOARD AWARE OF N.E. SHRIMPS REQUEST AND ADVISE THE BOARD OF POTENTIAL RAMIFICATIONS, HE HAD TAKEN TO THE STATE ETHICS COMMISSION, TO AVOID CONFLICT OF INTEREST PROBLEMS WITH HIS LAW FIRM ALSO HANDLING BANK OF N.E. LEGAL MATTERS IN THE PAST..

SELECTMAN JONES MOVED THE TOWN CLERK RECEIVE A COPY OF THE LETTER DATED 10/22/90, SECONDED BY SELECTMAN MCKINNEY, VOTE UNANIMOUS, SO MOVED.

CHAIRMAN SLARSKY REQUESTING AT THIS TIME WHY N.E. SHRIMP IS NOT REFINANCING THE ENTIRE LOAN AND TAKE TOWN OUT COMPLETELY?

TOWN COUNSEL REQUESTED TO HAVE ACCOUNTING CLARIFIED BY N.E. SHRIMP AND GET AUDITING FIRM TO INVESTIGATE, WHERE DID MONEY GO?

10:05P.M. SELECTMAN JONES MOVED THE BOARD ADJOURN FROM OPEN SESSION AND ENTER INTO EXECUTIVE SESSION PURSUANT TO M.G.L. CHAPTER 39 SECTION 23B REGARDING EXEMPTION 5, TO ADJOURN FROM THIS EXECUTIVE SESSION AND RE-ENTER EXECUTIVE SESSION, PURSUANT TO M.G.L. CHAPTER 39, SECTION 23B RE: DEFORGE LITIGATION AND THEN TO ADJOURN TO RE-ENTER OPEN SESSION FOR THE SOLE PURPOSE OF ADJOURNING.

10:05 OPEN SESSION ADJOURNED.

Charles J. McKinney
November 13, 1990