

SELECTMEN'S MEETING
TUESDAY, OCTOBER 2, 1990
SECOND FLOOR TOWN HALL
MAIN ST., AYER, MA.

7:30 P.M. OPEN SESSION

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

THE WEEKLY WARRANT WAS EXAMINED AND SIGNED IN FOLLOWING AMOUNTS:

PAYROLL: \$332,095.46

BILLS: \$193,017.35

CHAIRMAN SLARSKY TOOK THIS OPPORTUNITY TO UPDATE THE TOWN ON A REPORT REGARDING THE STATUS OF A POSSIBLE SPILL INTO SANDY POND ON SUNDAY 9/30/90. CHAIRMAN SLARSKY STATED THE AUTHORITIES REPORTED IT TO BE ALGAE, A NATURAL TURN OVER OF THE POND AND NOT A CHEMICAL SPILL, BUT TESTS WOULD BE CONTINUED.

THE MINUTES OF SEPTEMBER 18, 1990 WERE READ AND ACCEPTED.

THE BOARD MET WITH HARVEY LAPRADE OF LOCAL #346-AYER POLICE DEPT. REGARDING UNION CONCESSIONS/OPTIONS TO AVERT LAYOFFS OF TWO (2) AYER PATROLMEN NOVEMBER 1, 1990.

MR. LAPRADE PRESENTED A LETTER DATED OCTOBER 2, 1990 TO THE BOARD OF SELECTMEN FROM LOCAL #346-AYER POLICE DEPT. MR. LAPRADE READ THE LETTER INTO THE MINUTES (SEE ATTACHED LETTER DATED 10/2/90).

MR. LAPRADE WENT ON TO EXPLAIN THE CONTENTS REFLECTING THE IMPACT ON OVER TIME PAY WHICH WOULD IMPACT THE POLICE DEPT. BUDGET WHEN THE TWO (2) OFFICERS WERE LAID OFF. CONCESSION OUTLINED WAS:

SHOULD THE SELECTMEN AGREE TO MAKE NECESSARY MONEY TRANSFERS OUTLINED IN LOCAL #346'S LETTER DATED 10/2/90 TO AVERT THE IMPENDING LAYOFFS:

1. THE UNION WOULD GIVE ITS RIGHT OF FIRST REFUSAL FOR ALL DISPATCHER SHIFTS-THE UNION WOULD MOVE TOWARD THIS AS A PERMANENT CONCESSION IN A GOOD FAITH EFFORT FOR THE TOWN HAVING TO HIRE AND TRAIN THE DISPATCHERS STAFFING.

MR. LAPRADE ALSO PROPOSED POSSIBLE ALTERNATIVES OF FUNDS TO ALLEVIATE THE PRESENT BUDGET SHORTFALL.

1. TRANSFER MONEY CONTAINED IN THE RETIREMENT "BUY BACK" ACCOUNT INTO THE SALARY ACCOUNT.
2. TRANSFER REMAINING MONEY FROM THE DEPARTMENT'S CAPITAL ACCOUNT INTO THE SALARY ACCOUNT-USING UDAG FOR REMAINING PURCHASES FROM THE CAPITAL ACCOUNT.

THE BOARD REQUESTED AT THIS TIME FOR THE CHIEF'S REVIEW ON THE FIGURES OUTLINED IN THE LETTER PRESENTED TO THE BOARD BE VERIFIED BY HIM IN WRITING BY IN TWO (2) DAYS AND ALSO TO COMMENT ON THE PROPOSED RETIREMENT PROPOSALS.

THE BOARD REQUESTED TO TAKE ALL THIS INFORMATION UNDER ADVISEMENT UNTIL OCTOBER 9, 1990, WHEN THE SELECTMEN WOULD CONSIDER CALLING A SPECIAL MEETING TO CONSIDER THIS PROPOSAL. THIS MOTION MOVED BY SELECTMAN MCKINNEY AND SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS, SO MOVED.

8:00P.M. PUBLIC HEARING-NEW ENGLAND TELEPHONE CO./MASS. ELEC.
GROTON ROAD, AYER, MA. 652' SOUTH OF MADIGAN LANE
RE: 1 NEW J.O. POLE-1 EXISTING J.O. POLE TO REMAIN

SELECTMAN SLARSKY OPENED THE HEARING BY READING THE LEGAL NOTICE PUBLISHED IN THE TOWN CRIER FOR THE PERIODS OF 9/13-9/20/90. CHAIRMAN SLARSKY REQUESTED IF THERE WERE PERSONS ATTENDING FOR OR AGAINST PETITION. NO ONE SPOKE FOR OR AGAINST PETITION. AFTER A BRIEF DISCUSSION WITH N.E. TELEPHONE'S REPRESENTATIVE REGARDING THE LOCATION AND CORRECTION OF STREET ADDRESS. SELECTMAN JONES MOVED THE PETITION BE APPROVED WITH ADDRESS CORRECTION FROM GROTON HARVARD RD. TO GROTON RD., SECONDED BY SELECTMAN MCKINNEY, VOTE: UNANIMOUS, SO MOVED.

EXECUTIVE SECRETARY'S REPORT:

1. THE BOARD WAS UPDATED ON THE DEPT. OF REVENUES PROJECTIONS FOR REDUCTIONS IN LOCAL AID IN THE EVENT CLT IS APPROVED BY THE VOTERS. DOR PROJECTS THE TOWN OF AYER WILL LOSE \$736,000 THIS YEAR AND DOUBLE THAT NEXT YEAR. MR. HIGGINS REQUESTED THE BOARD CONDUCT A SPECIAL MEETING WITH THE ADVISORY COMMITTEE, TOWN ACCOUNTANT, TOWN TREASURER AND BOARD OF ASSESSORS FOR OCTOBER 16, 1990 TO DISCUSS OPTIONS AVAILABLE.
2. THE BOARD WAS UPDATED TO THE FREE CASH BEING CERTIFIED BY THE DEPT. OF REVENUE FOR \$1.2 MILLION DOLLARS, AND THE TOWN ACCOUNTANT DISPUTING THIS FIGURE STATING IT SHOULD BE SUBSTANTIALLY HIGHER NOTING \$306,000 EMERGENCY AID, \$240,000 SJC DECISION, WATER & SEWER RECEIPTS AND OTHER RECEIPTS.
3. THE BOARD WAS ADVISED THAT THE FIRE CHIEF HAD BEEN NOTIFIED THAT THE ADVISORY BOARD REJECTED THE TRANSFER OF \$1,000.00 TO THE HAZARDOUS RESPONSE VEHICLE.

PRESENT FOR THIS DISCUSSION WAS WILLIAM OLEKEEFE OF THE ADVISORY BOARD WHO STATED THE TIMING OF THE TRANSFER WAS THE PRIMARY

REASON FOR THE DISAPPROVAL. WITH LAYOFFS AND OTHER TRANSFERS REJECTED EARLIER.

4. THE BOARD WAS UPDATED ON CORRESPONDENCE RECEIVED FROM SENATOR CELLUCCI RE: HIS CONTACTING THE RETIREMENT BOARD AND PERA CONDUCTING MEDICAL EXAMINATIONS WITHIN THIRTY (30) DAYS.

5. THE BOARD WAS REQUESTED TO RESIGN THE SCHOOL DEPARTMENT'S EEO GRANT DUE TO THE PREVIOUS ONE SIGNED NOT BEING AN ORIGINAL. SELECTMAN JONES MOVED THE BOARD VOTE TO APPROVE THE EEO GRANT FOR FY-91, SECONDED BY SELECTMAN MCKINNEY, VOTE: UNANIMOUS, SO MOVED.

6. THE BOARD WAS UPDATED TO THE UDAG COMMITTEE MEETING THE WEEK OF SEPTEMBER 24TH AND EXAMINING SEVERAL CAPITAL PROJECTS AND THE POSSIBILITY OF ESTABLISHING A REVOLVING LOAN PROGRAM THAT WOULD PROVIDE CONTINUOUS REVENUE FOR THE TOWN. THE COMMITTEE TO MEET AGAIN IN OCTOBER TO PREPARE A FORMAL RECOMMENDATION.

7. THE BOARD WAS ADVISED TO MR. HIGGINS CONTACTING THE ATTORNEY GENERALS OFFICE RE: THE DPW PUTTING THE FIFTH WHEEL OUT TO BID. THE TOWN WAS ADVISED BY MARY KOLESAR THAT THE TOWNS BY-LAW BEING MORE RESTRICTIVE THAT STATE LAW SUPERCEDES AND THE LEASE PURCHASE MUST GO OUT TO BID.

8. THE BOARD WAS ADVISED OF THE TOWN ACTIVELY PURSUING MEDICAL INSURANCE DUE TO BLUE CROSS/BLEU SHIELD REQUIRING 20% SUBSCRIBERSHIP THIS YEAR AND POSSIBLY 50% NEXT YEAR. IT APPEARS THAT MUNICIPALITIES ARE NO LONGER WELCOME. THE TOWN TREASURER AND MR. HIGGINS HAVE BEGUN NEGOTIATIONS WITH 10-12 OTHER TOWNS FACING THE SAME PROBLEM IN THE ATTEMPT TO FORM A COLLABORATIVE, AND FORMALIZE AN AGREEMENT WITH A THIRD PARTY ADMINISTRATOR. THIS ADMINISTRATOR WOULD CREATE A IMDEMITY PLAN OFFERING THE SAME BENEFITS BLUE SHIELD IS CURRENTLY OFFERING. TIM IS IN THE PROCESS OF NOTIFYING ALL THE TOWN UNIONS TO LET THEM KNOW WHAT IS GOING ON, NOT A DESIRE TO CHANGE ANYONES BENEFITS, UNILATERALLY WE HAVE NO CHOICE.

9. THE BOARD WAS ADVISED THAT THE TOWN'S SPECIFICATIONS FOR THE INSURANCE BID SHOULD BE COMPLETED THIS WEEK.

SUPT. REDFIELD'S REPORT:

1. THE BOARD WAS ADVISED OF THE TOWN RECEIVING CORRESPONDENCE FROM U.S. ENVIRONMENTAL PROTECTION AGENCY RE: THE TOWN'S PRETREATMENT PROGRAM. THE LETTER STATED IN WHOLE THE TOWN SATISFIED THE FEDERAL REQUIREMENTS AND NOTED REVISIONS NEEDED FOR FINAL APPROVAL:

1. INCLUDE IMMEDIATE PENALTIES FOR VIOLATORS.
2. MONITORING BE PERFORMED IN ACCORDANCE WITH 40 CFR PART 136.
3. CHANGE LIMITS IN ARTICLE 1V.5.B. SEWER USE REGULATION & SECTION 2.2 (K) OF PRETREATMENT REGULATION FROM 104 TO 150.
4. SECTION 2.2 BE MADE CONSISTENT WITH 40CFR 403.5 (B) (1) (6)

(7) & (8).

5. THE TOWN TO CONSIDER COMBINING THE TWO REGULATIONS: SEWER USE AND PRETREATMENT REGULATIONS.

ONCE ALL THE ABOVE HAVE BEEN ADDRESSED THE EPA WATER MANAGEMENT DIV. WILL BE TENTATIVELY APPROVING THE TOWNS PROGRAM.

2. SUPT REDFIELD STATED THAT ONCE HE HAS COMPLETED #4 OF THE ABOVE HE WILL BE READY TO ADVERTISE FOR THE PUBLIC HEARING TO SET THE RATES ON THE WATER & SEWER DIVISION.

3. SUPT. REDFIELD PRESENTED TO THE BOARD FOR APPROVAL AND ENDORSEMENT THE FINAL CHAPTER 90 REIMBURSEMENT REQUEST FOR WORK PERFORMED ON WASHINGTON ST., UNDER CONTRACTS MA32914 AND MA33712. FOUR (4) COPIES OF EACH CONTRACT. TOTAL CHAPTER 90 FUNDING \$82,632.00.

SUPT. REDFIELD REQUESTED AT THIS TIME TO SKIP OVER ITEMS 1&2 UNTIL AFTER THE DISCUSSION WITH TOWN COUNSEL. THESE ITEMS PERTAINING TO WATER & SEWER TIE-IN REQUESTS.

CHAIRMAN SLARSKY REQUESTED AT THIS TIME WHAT THE STATUS OF THE STAND PIPES WERE: SUPT. REDFIELD STATED THAT GROVE POND STILL HAD TO BE ACTIVATED, D.L. MAHER HAS SCHEDULED A MEETING IN 2 WEEKS TO GO OVER THE SCOPE OF SERVICES FOR THE CLEANING, CLEANING WOULD NOT BE STARTED UNTIL THE FIRST OF NOVEMBER, APPROXIMATELY TWO (2) MONTHS. TO ADVERTISE, PREPARE THE CONTRACT WOULD TAKE AT LEAST TWO (2) WEEKS, ADVERTISE 2 1/2-3 WEEKS, AWARD 2-3 WEEKS, INTO DECEMBER. CHAIRMAN SLARSKY STATED HIS DISMAY STATING THE BOARD CONSIDERED THIS A HIGH PRIORITY ITEM, STATING THE BOARD WANTED TO SEE IF THERE WAS MORE WATER AVAILABLE AFTER THE BUMP. CHAIRMAN SLARSKY REQUESTED ACTUAL TIME FRAME FOR THE CLEANING, SUPT. REDFIELD STATED AT LEAST TWO (2) MONTHS AT THE EARLIEST. SELECTMAN JONES REITERATED THIS BEING A HIGH PRIORITY TO SEE IF THE PUMPS COULD BE FIXED TO SOLVE THE TOWNS PROBLEM. CHAIRMAN SLARSKY REQUESTED AT THIS TIME FOR SPECIFIC NUMBERS OF WHATS BEING USED, NOT BEING USED TO JUSTIFY GROVE POND BEING TURNED ON. THIS REPORT TO BE SUBMITTED TO THE BOARD FOR THE OCTOBER 16, 1990 MEETING. SELECTMAN JONES STATING HIS TOTAL DISMAY WITH THE GROVE POND WELLS BEING TURNED ON. AFTER A LENGTHY DISCUSSION RE:THE DEMAND & SUPPLY OF THE TOWNS PRESENT WELLS DILEMMA THE BOARD HELD OFF FURTHER DISCUSSION UNTIL TOWN COUNSEL WAS PRESENT.

THE BOARD MET WITH TOWN COUNSEL ROBERT GARDNER AND SUPT. REDFIELD REGARDING THE TOWN'S WATER SUPPLY. CHAIRMAN SLARSKY OPENED THE DISCUSSION STATING THE TOWNS PROBLEM WITH SPECTACLE POND WELLS NOT WORKING AT THEIR CAPACITY AND THE BOARDS CONCERN WITH GROVE POND WELL BEING ACTIVATED DUE TO THIS PROBLEM. THIS CREATES CONCERNS WITH RESIDENTS RECEIVING ORANGE WATER, RUINED CLOTHS, ETC.

TOWN COUNSEL STATED THE TOWN HAS CERTAIN STATUTORY RIGHTS AND OBLIGATIONS ONE OF WHICH OUTLINED, WAS CHAPTER 40 SECTION 41 PERTAINING TO MUNICIPALITIES WHICH HAVE MUNICIPAL WATER SYSTEMS

AND THE STATUTE WHICH GOVERNS THE CONTROL OF THE WATER. ESSENTIALLY WHAT THE TOWN HAS IS A SITUATION THAT IF THE TOWN FEELS THERE IS A SHORTAGE OF WATER, THE TOWN HAS TO PETITION THE STATE FOR A DECLARATION OF A WATER EMERGENCY. THE DECLARATION MUST COME FROM THE TOWN, THE MUNICIPALITY AND DEP AND THE DEPT. MUST DETERMINE THAT THE DEMAND FOR WATER EXCEEDS THE SUPPLY BY 10% OR THAT THERE IS AN EXISTING OR PENDING SHORTAGE OF WATER IN PART OR ALL THE AREAS SERVED WHICH POSES A THREAT TO PUBLIC SAFETY, HEALTH AND WELFARE. SUPT. REDFIELD STATED GROVE POND WELLS HAVE MET ALL STANDARDS IMPOSED BY DEP, STATING HIS CONCERN WITH DEP NOT APPROVING THE WATER DECLARATION. TOWN COUNSEL ASKED THE BOARD IF THE BOARD FELT THERE WAS A PENDING SHORTAGE OF WATER?

SUPT. REDFIELD STATED THAT THE TOWN HAS 2 WELL FIELDS EACH FIELD HAS TWO WELLS, SPECTACLE POND THE TOWNS PRIMARY WELL SINCE 87, PRESENTLY HAS CAPACITY OF 2.2 MILLION GALLONS/DAY AND MAXIMUM DAILY IS 2.4 MILLION GALLONS/DAY THERE IS THE 10%. BUT GROVE POND HAS BEEN APPROVED AS A PUBLIC WATER SUPPLY SYSTEM. CONCERNED WITH LEGAL ASPECT.

CHAIRMAN SLARSKY REQUESTED THE MOST CURRENT REPORT RE: POTABILITY OF THE GROVE POND WELLS AT THIS TIME BE SUBMITTED TO THE BOARD BY 10/16/90 MEETING.

ATTY. LESSA REQUESTED PERMISSION TO SPEAK ON BEHALF OF HIS CLIENTS: DEVELOPERS OF PARK PLAZA, REQUESTING THE BOARD TO CONSIDER HIS CLIENTS SHUTTING OFF WATER AT ADDRESS ON CENTRAL AVE. IN ORDER TO SUPPLY PARK PLAZA. SUPT. REDFIELD TO FOLLOW UP ON CONSUMPTION AND SUBMIT A REPORT BACK TO THE BOARD RE: REQUEST.

AFTER A VERY LENGTHY DISCUSSION THE BOARD TOOK THE FOLLOWING ACTION: SELECTMAN JONES MOVED THE TOWN HOLD A PUBLIC HEARING ON TUESDAY OCTOBER 16, 1990 AT 7:35 P.M. RE: THE TOWN ESTABLISHING AND IMPOSING A WATER CONNECTION PROHIBITION DUE TO THE LACK OF QUALITY WATER, SECONDED BY SELECTMAN MCKINNEY. VOTE: UNANIMOUS, SO VOTED.

HTA-CHANGE ORDER/PRETREATMENT STUDY

MR. HIGGINS REPORTED ON THE STATUS OF HTA CHANGE ORDER RE: THE PRETREATMENT STUDY. MR. HIGGINS STATED THAT THROUGH NEGOTIATIONS WITH TOWN COUNSEL, SUPT. REDFIELD AND HIMSELF WITH HTA THE TOWN HAS BEEN ABLE TO LOWER THE CHANGE ORDER REQUEST FROM \$12,000 TO \$4,000 ELIMINATING FUTURE LITIGATION, BASE DUPON THIS INFORMATION AND THE RECOMMENDATION OF TOWN COUNSEL THE BOARD MOVED & SECONDED TO SIGN THE CHANGE ORDER AGREEMENT WITH HOYLE TANNER AND ASSOCIATES IN THE AMOUNT OF \$4,000.00. SELECTMAN MCKINNEY MOVED THIS MOTION SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS, SO MOVED.

CHAIRMAN SLARSKY REQUESTED HYDRANT TESTING REPORT BE MADE AVAILABLE BY 10/16/90, BY SUPT. REDFIELD AS WELL AS DOCUMENTATION REGARDING PROCEDURES USED BY WATER REGISTRAR RE: ESTIMATED

BILLING.

SELECTMAN JONES REQUESTED PERMISSION TO ADDRESS CORRESPONDENCE RECEIVED BY THE BOARD RE: OFFICER SULLIVAN AND INFERRING WRONG DOING BY THE BOARD OF SELECTMEN. SELECTMAN JONES STATED THE BOARD DISMAY WITH THIS LETTER AND REASSURED THE COMMUNITY THE BOARD INTENT WAS HONORABLE AND VOTED SO FOR THE GOOD AND SAFETY OF THE TOWN. SELECTMAN SLARSKY REFUSING TO COMMENT.

9:40P.M. SELECTMAN JONES MOVED THE BOARD ADJOURN FROM OPEN SESSION AND ENTER INTO EXECUTIVE SESSION PURSUANT TO M.G.L. CHAPTER 39, SECTION 23B RE: PENDING LITIGATION, AND TO ADJOURN AND RE-ENTER EXECUTIVE SESSION RE: M.G.L. CHAPTER 39 SECTION 23B RE: EXEMPTION (5) ADJOURN AND RE-ENTER OPEN SESSION FOR THE SOLE PURPOSE OF ADJOURNING, SECONDED BY SELECTMAN MCKINNEY, VOTE: UNANIMOUS, SO MOVED.

Cham H. Jones
10/9/20