

Selectmen's Meeting  
July 10, 1990  
Ayer Town Hall

7:30 PM OPEN SESSION

PRESENT: Chairman Slarsky, Selectmen Jones and McKinney, Tim Higgins, Executive Secretary  
Chairman Slarsky called the meeting to order.  
The minutes were reviewed, a motion to approve the minutes was made by Selectman McKinney, seconded by Selectman Jones, and passed.

The Selectmen then signed the weekly warrant.  
The Board raised the question of transferring funds from the Reserve Fund in July, and Tim replied that he would know the full amounts needed at the next meeting.

The Board approved a one-day Beer and Wine License for St. Mary's Lawn Party in September. The Board met with Mark Knowlton and his partner from Mark's Auto sales. Mr. Knowlton explained that he was moving his business to 63 Park St into a facility where a dealership had been located in the past, and he asked that the Board grant him permission to change the address on his Class II License. After discussion and consideration, the Board granted the temporary license, effective until August 7th, at which time a Public Hearing will be held and abutters will have the opportunity to express any of their concerns. A motion to grant the temporary license, not to exceed August 7th 1990, was made by Selectman McKinney and seconded by Selectman Jones, all in favor and the motion passed.

The Board met with members of PL874 task force including William Noeth and Martha Craft, Sharon Summers and Charles Miller. Mr Higgins explained that the Selectmen had asked him to look into the issue, he then read the report put forth by the committee (see report attached.) Tim noted that 3D2B funds were not received due to the fact that the Town was eleven cents short of the comparable tax rate, Selectman Jones stated that he did not consider "b" student funding as gravy. Chairman Slarsky stated that the report satisfies the Board's concerns, and that the Town of Ayer needs to know where their money is going and it does show that the Town is subsidizing Fort Devens students. Mr. Noeth, explained that there are fixed costs, especially with tuition students and other logistics problems. Ms. Craft suggested focusing in on the parents, but realized that this would not solve the problem. It was agreed that revenue had to be generated, that letters should be sent to the representatives,

and Congressman and Washington. Selectman McKinney made a motion to accept the report and recommendations and added that the committee be kept in place, seconded by Selectman Jones. In a discussion Chairman Slarsky asked the committee to look for alternatives such as regionalization, Selectman Jones noted that we could close the schools and send the Ayer students elsewhere. That there are 800 Ayer school children. Chairman Slarsky warned that the situation could get worse. Mr. Noeth suggested a meeting with the Regionalization Committee to look for the best method. The motion then passed with assurances that the committee would be meeting again.

#### Public Hearing Ah Gin Wong Restaurant

Chairman Slarsky read the notice of the Public Hearing as published.

#### Present:

Ms Akina, restaurant owner. Chairman Slarsky asked Ms. Akina what type of restaurant she would be operating. Ms Akina replied that it would be Asian ethnic food. There being no abutters present, Chairman Slarsky asked that the Board conduct a walk through of the premises, this was agreed to and Selectman Jones made a motion to grant the license based on the walk through, seconded by Selectman McKinney and the motion passed.

#### Public Hearing: Earth Removal - Benjamin Lawton

Present: Mr. Lawton and his sister-in law, Ruth Lawton ;

Chairman Slarsky read the notice of the Public Hearing as published. Mr Lawton stated that he would be removing only 30 yards of loam from Ruth Lawton's property to his own land. A motion to grant an earth removal license was made by Selectman Jones seconded by Selectman McKinney and passed.

#### FY91 Appointments

The Board reviewed the appointments for FY91, a motion to approve the appointments was made by Selectman McKinney, seconded by Selectman Jones and passed.

#### Supt. Redfield's Report:

Supt Redfield reported that there was no overflow at the standpipes presently. He noted that he had submitted for the Boards review a funding program for the proposed Water Capital Improvement Program. Note: (this was item #3, out of context)  
Supt Redfield presented his report to the Board. Item #1 Gasoline Contract for FY91: Supt Redfield recommended that Mutual Oil Company, should be awarded the contract for supplying the Police Department and the DPW with super unleaded gasoline, the letter of award shows an increase of .11 cents per gallon, Selectman Jones moved to award the contract to Mutual Oil

Company, seconded by Selectman McKinney and the motion passed. Supt Redfield noted that the contract for the belt filter press at the waste water pre treatment plant was given to Holland Engineering and signed by the Board. Item #2, Supt Redfield requested a transfer of 13,500 from the schools fy91 accounts to the DPW fy91 to offset the cost of snow removal do be performed during fy90 and fy91. Chairman Slarsky asked if this amount was justified, Supt Redfield replied that it was, a motion to make the transfer was then made by Selectman Jones, seconded by Selectman McKinney, and passed, Supt Redfield also asked for approval for payment of MRPC and the Ayer Housing Authority plowing costs, totaling \$1950.00. He advised the members that Mr. Curtis had been informed of the changes in time of operation at the Transfer Station, he also read a statement noting the changes in time of operation. He presented a letter which acknowledges Mass. Electric Co.,'s participation in the West Main Street Overhead Utility to Underground Utility relocation project. He also stated that with the retirement of Thomas Riley, Mr John Sheehan had been informed that he will not be laid off from the his position at the Wastewater Treatment Facility. He advised the Board that within two weeks he would be reporting on the Wright Rd/Sandy Pd., sewer lines.

PUBLIC HEARING - ENTERTAINMENT LICENSE/Lone Star Flea Market  
Present: Mr. Kouns

Selectman Slarsky read the notice of the Public Hearing as it appeared in the newspaper.

Mr. Kouns stated that he and his partner would like the license to be issued as they felt it would be beneficial to the flea market and that the music would be a Country Western Band and that the music would be either a Saturday or Sunday, at their discretion. The Board and Mr Kouns reached an agreement that the music would not begin until 12PM and only continue until 4PM and that if there were complaints, the license would have to be considered again, Mr Kouns asked that the license be granted through October 31st(which would be the length of time that the Flea Market would be open)and that the license include any Monday holidays. This was agreed to, and a motion to grant the license with the above restrictions was made by Selectman Jones, seconded by Selectman McKinney, in a discussion a fee of \$25,00 for the license was also agreed to, and the motion passed.

Mr. Paul Roy - General Automotive Supply Co.,

Mr Roy explained that he would like to locate his business on Shirley St and presented a blueprint to the Board. He explained that he wanted to install steps, but realized an easement would be necessary. Although the Board recognized that this would an improvement to the building, they had concerns about this being an encroachment on a public way, they asked Mr. Roy to meet with

Mr. Higgins and Mr. Redfield and look at other alternatives, this was agreed. Mr Redfield stated that he would review this matter with Town Counsel.

Executive Secretary's Report (June 10, 1990)

Mr. Higgins read his report to the Board.(see report on file)

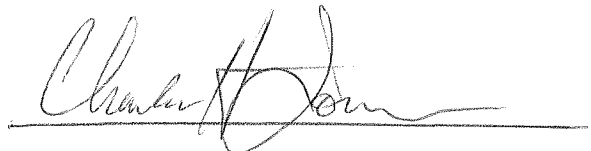
Mr Higgins noted that the Town had received approximately \$240,000,( from the Supreme Judicial Court decision). He noted that in reference to 911 that the Fire Chief and Police Chief were working on the details on having the system implemented, he noted that meetings would be held between department heads beginning in August. He presented Mr. Riley's retirement letter for signatures and also the Agreement between the Town and N..E. Milling , he reminded the members of the Nemco Ground Breaking Ceremony to be held on the 19th. Mr Higgins noted that the payroll was now being done "in House" and commended Ann Callahans efforts in establishing this and that this was saving the Town almost \$2000.00. In Item #2, he noted that the matter would be taken up at a future meeting, also that Item #3 would have to be rescheduled. Item #4, he stated that he had been in touch with MIIA regarding insurance and that he is waiting for a quote, he explained that the savings would be 5 - 10% lower than last years rates. Chairman Slarsky asked that health care be looked at again. He also asked about the \$10,000 allocated for smoke detectors in the Town Hall. Tim advised that Mr Halligan and Chief Parker stated that this would go out for bid.

Selectman McKinney suggested a meeting to discuss the use of UDAG funds, it was agreed that this should be done, Tim advised the Board that he had sent out forms to each department asking them to prioritize their needs. Chairman Slarsky noted that this money should be in an interest-bearing account.

Selectman McKinney also asked about the IBPO and the Supervisors. Chairman Slarsky suggested to let them take a pro-active position(the Sergeants and Lieutenant), he also stated that the Board may need direction from Counsel. It was also noted that the affected people should be put on the agenda.

Selectmen McKinney asked Mr. Higgins if the police was utilizing the Reserve Police, Chairman Slarsky asked that the chief submit a formal report by Friday.

9:30PM A motion to adjourn was made by Selectman Jones and seconded by Selectman McKinney and the motion passed.

A handwritten signature in dark ink, appearing to read "Charles Jones", is written over a horizontal line.

REPORT OF THE PL 874  
STUDY "TASK FORCE"

TO BE PRESENTED: July 10, 1990

Participants:

William Noeth  
Martha Craft  
Jack Berberian  
Timothy Higgins  
Murray Clark, Jr.  
Sharon Summers  
Russell Brown  
Joseph Osbaldeston  
Colonel Phillip Michaud  
Phillip Morris  
Suzanne Longey

## I. INTRODUCTION

The primary directive of the Board of Selectmen was that the PL 874 "Task Force" should identify the level of Federal reimbursement necessary to cover the cost of educating Federal students in the Ayer School System. We were then to contrast that figure to the actual reimbursement expected to determine if a deficit situation did exist.

The "Task Force" consists of representatives from the School Committee, Fort Devens, the Board of Selectmen, and the Finance Advisory Board. We are hopeful that the diversity of our membership will increase the credibility of our findings which, it should be noted, have been reached by way of unanimous consensus.

First and foremost, the PL 874 "Task Force" believes that in order for these discussions and any future actions to be productive they must be approached in cooperation with our neighbors at Fort Devens. The problem we are confronted with is largely a result of Federal budgetary decisions made by the Department of Education in Washington. The manifestation of these decisions has been a reduced level of course offerings, extra-curricular activities and other educational programs in our school system. All of the students, irrespective of their military or civilian association, are suffering as a result of those decisions. The Fort Devens community is therefore acknowledged to be an integral part of the solution and certainly not the focus of our dissatisfaction.

## II. FY 90 ANALYSIS

The most elemental part of our analysis was determining the number of Federal Students in the Ayer School System. It was determined that the most equitable way to represent the federal student enrollment was to use the number of Military "A" students only. Those classified as "A s" are those that reside on post. The "B" classification applies to students who do not reside on post. There are some 130 B students in the Ayer School System. The total funding for B students is only about \$6,000 annually. Since they reside off base their parents are either paying property taxes directly to the Town or are indirectly contributing to the tax base in the form of rent. In recognition of this fact, the "Task Force" considers B funding an extra benefit to the Town or "gravy" if you will. The B students were therefore classified under the "Other" category.

This determination is statistically significant in that it increases the amount of Federal funds that we are crediting to each Federal student by reducing the total number of Federal students.

### III. CONCLUSIONS

Our analysis clearly indicates that in Fiscal Year 1990 the cost of educating military students in the Ayer School System exceeded the reimbursement received by some \$503,000. It is important at this phase of the analysis to pause and note that this is a recent phenomena. Prior to FY 89 the amount of Federal reimbursement exceeded the cost of educating the military students resulting in significant surpluses. These surplus funds enabled the Town to divert limited local resources towards other non-school related functions. As the Selectmen are also aware, the Page/Hilltop and Junior/Senior High Schools were constructed primarily with Federal funds.

This historical perspective obviously does not help address the current fiscal dilemma but it does allow for a more complete understanding of the issue. Further, it serves to acknowledge that the Town of Ayer is aware of the contributions that Fort Devens has made over the years and creates a more collegial working relationship between the two parties. The effectiveness of our lobbying effort will rely in large part on our ability to demonstrate to the powers that be that Fort Devens and Ayer share a common problem which cannot be allowed to persist. It is therefore essential that the Board of Selectmen, the School Committee and Fort Devens not allow the discussion and debate of this issue to become counter-productive. The problem was created in Washington and Boston and that is where the remedy must be sought.

Faced with the likelihood of further reductions in State Aid and the inherent constraints of Proposition 2 1/2 the Town certainly will be unable to find alternative sources of revenue to offset the reductions in Federal Impact Aid (PL 874). The question then becomes How do we bring about an increase in PL 874?

### IV. RECOMMENDATIONS

The "Task Force" recommends the following course of action:

1. A letter be drafted and forwarded to Senators Kennedy and Kerry, and Congressman Atkins. The letter should embellish on the findings contained in this report and clearly express the severity of the situation.
2. The letter should request that they intervene on our behalf with the Department of Education with two primary objectives. The first is to increase the Impact Aid line item in the Federal Budget appropriation so that more funds trickle down to the local level. The Second objective, securing 3D2B funding, is likely to yield more immediate results.

\*3D2B FUNDING

3D2B funding is a subsection of PL874 dedicated to providing additional assistance to communities that have more than 50% Federal enrollment in their school system. The Town of Ayer is one of a handful of communities nationwide that meet the 50% impacted criteria. In the past the Town has been unable to meet a second requirement which is demonstrating that we are making a "reasonable tax effort". Working with the Department of Revenue, the Assessors have been able to increase the school tax rate to a level that should satisfy the criteria. Mr. Berberian is meeting with the Department of Revenue and representatives of the Department of Education to attempt to resolve this issue. A successful resolution to this issue could result in the award of as much as \$1,000,000 in 3D2B.

Once the figures have been agreed upon we would recommend that our Senators and Congressman urge the Department of Education to deem the Town of Ayer as qualified for 3D2B and expedite payment thereof.

3. These letters should be signed by the Chairman of the Board of Selectmen, the Chairman of the School Committee and the Commanding Officer of Fort Devens as evidence of our shared commitment.

4. A Representative(s) of the Board of Selectmen, School Committee and Fort Devens should meet with our congressional delegation to emphasize the importance of the issue and the ramifications of allowing it to go unresolved.