

Selectmen's Meeting  
April 24, 1990  
Upper Town Hall

7:30PM Open Session

Present: Chairman Jones, Selectmen Slarsky and McKinney, Tim Higgins, Executive Secretary

Noting discrepancies in the minutes of 4/10/90, Selectman Slarsky asked that they be corrected and to accept these minutes at the next meeting, the Board was in agreement.

The Board signed the Weekly Warrant: Payroll, \$32,419.10 and Expenses: \$201,879.21.

At this point in the meeting, Chairman Jones welcomed Mr. Charles D. McKinney as the newly elected member to the Board of Selectmen.

The Board approved a One-Day Beer and Wine License for the Ayer Gun and Sportsman Club

The Chairman recognized Mr. Kyle Keady, Selectman from Shirley.

Possible Relocation of Ayer Depot:

Present: Mr. James Eng and Mr Donald MacDonald from the MBTA and Mr Philip Morris from Ft. Devens

Mr Eng explained that last year the MBTA had looked at the site next to the Shell Station. and also at Littleton, also into combining Ayer and Shirley, and a possible regional station with 200-500 parking spaces, but that the Town of Shirley did not want to move their depot. Phil Morris had been approached about using the Ft. Devens property, but that information on this would not be available until later, and that Ft Devens may want to get in on the depot site.

Mr Eng explained that there was money available for a design now, but other funding may be in the next transportation bond, if there is land available from Ft. Devens, that the site should work. Mr Morris stated that he should have an answer back within the month.

Chairman Jones asked about the number of trains involved, Mr. Eng explained that there would be a double track, up to nine miles in length, which would also serve for future use, that one reason for this would be, the high freight movements. Chairman Jones commented that State funding is a dilemma Selectman McKinney asked about alternative sites. Mr Eng replied that a

site had been considered behind the Shell Station, but that getting the acreage from Ft Devens would be advantageous, but that approval would be necessary from the Department of the Army. Other discussion involved the number of spaces involved, the out-of-town commuters taking up spaces where downtown shoppers could park, it was noted that access roads and traffic problems are still being addressed, also traffic studies would be done. Mr Morris stated that the Post Commander will send a letter to the Board, Chairman Jones stated that a Public Hearing would be necessary for input and Selectman Slarsky asked that an artists rendition of the depot be submitted. Mr Eng explained that funding would have to be appropriated for the project also.

#### TAX CLASSIFICATION HEARING:

Tim advised the Board that the meeting on Tax Classification would be postponed until May 8, 1990, this would give the assessors more preparation time also. He noted that the posting of the hearing had also been incorrect as published.

#### TAXI LICENSE RENEWALS:

The Board reviewed 8 Taxi License Renewals. All the renewals had been recommended for approval by Chief Connors, based on the Chief's recommendation and contingent upon the fact that each taxi applicant would have his/her vehicle inspected by the police department, Selectman Slarsky made a motion to approve and sign the Taxi Licenses, seconded by Selectman McKinney and passed: (NOTE: the 9th applicant a new driver had been approved at the last Selectmen's Meeting. The following is a list of the names of the Taxi Drivers approved for the year:

Henry Richert  
Robert Persley  
Walter Anderson  
Levon Gill

Albert Richard  
Albert Little  
Cynthia Newland  
Karen Blowey  
Nereida J. Cartagena

#### Town Accountant, Sharon Summers:

The Board reviewed a memo given to them by Sharon explaining the Education Cost for the Town of Ayer in regards to PL874 funding.(see attached memo dated 4/24/90) Tim explained that this does not include debt service costs. Selectman Slarsky stated that in this crucial fiscal time, it is necessary to know where our money is going, and the Board has to look at the impact, also, he noted that Ayer "kicks in" one million dollars of the cost. He asked that a copy of the memo be sent to the school committee and that they be invited to attend the next Board meeting. Selectman Slarsky also remarked that Ayer doesn't fall under the model Town.

April 24, 1990

Memorandum to: Board of Selectmen

Subject: Education Costs - Town of Ayer

-----

At the request of Selectman Steven Slarskey, I have prepared the following information with regard to school funding.

FY'90	<u>Military</u>	<u>Ayer</u>
Number of Students	1679	763
Percentage of Total	69%	31%

FY'90 Budget - Education	\$9,587,373.00
--------------------------	----------------

Cost Per Student (Straight-line method) (9,587,373 - 2442)	3,926.03*
---	-----------

Estimated amount of State Aid per student (3,357,023 - 2442)	1,374.70
---	----------

Estimated amount of Federal Aid per student (3,300,000 - 1679)	1,965.46
---	----------

Military students receive:

\$1,965.46 Federal funds

1,374.70 State Funds

\$3,340.16 per student, or 85% of per pupil cost

\*The Department of Education states that average per pupil expenditure for Ayer for 88-89 was \$3,915.

This is breaking down the very complicated process of state and federal aid reimbursements into a simple format. The information above has been compiled from sources at the Department of Education, Assistant Superintendent of Schools Jack Berberian, and official votes of Town Meeting.

*Sharon Summers*

Sharon L. Summers, Town Accountant

cc: Tim Higgins, Executive Secretary  
Charles Miller, Advisory Board

Tim explained that the formula and the discrepancy held true in 1989.

#### Signing of Certificates of Project Completion:

Sharon stated that the obligations to HUD had been met by N.E. Milling Co., and Merrimack Warehouse and that the certificates needed to be signed by the Chairman of the Selectmen. A motion was made by Selectman Slarsky that the Certificates be signed, seconded by Selectman McKinney and passed.

#### Executive Secretary's Report (see report dated 4/24/90)

Tim asked that a discussion on Odgen & Martin Co., be postponed until Town Counsel arrived. Tim noted that the Ayer Arts Council asked that the Board appoint Viola Barnes to the Council, a motion to appoint her was made by Selectman Slarsky, seconded by Selectman McKinney and passed. Tim noted that Jim Giusti, the Town Auditor had sent a letter asking for a three year contract with the Town, at \$15,000 per year, which is less than the current cost, thanks to Mrs. Summers. Selectman Slarsky asked that this be renewable on a yearly basis, Tim replied that this should not be a problem, Selectman McKinney then made a motion to approve the contract, contingent that it be renewed annually, seconded by Selectman Slarsky. The Board reviewed Town Counsel's legal fees, noting that the bills total \$58,740.00 and the remaining is now \$7,992 which will necessitate a transfer from the Reserve Fund. Tim noted that the Coal Plant, or as a direct result of the plant, or related to it, had necessitated \$20,000 in expenditures, also that some of this was in UDAG programs. Chairman Jones noted that Town departments request the use of legal services, but only should be upon approval in writing from the Board of Selectmen. Selectman McKinney pointed out the need for mechanism for authority. Supt Redfield explained that Town Counsel reviews contracts as they have to be done in a timely manner, it was also noted that the Board should be aware of this review process, and that it should be planned. Chairman Jones asked that a memo be sent out to all department heads who use Legal Services and also to Town Counsel so that he is aware, Tim noted that the Departments should discuss this in their budgeting process. Selectman Slarsky stated that this should be controlled, and he asked a letter be sent to the Advisory Board advising them of this situation. Sharon Summers explained that at least five departments may need funds, totaling all together the amount of \$119,000, including Town Counsel. Selectman Slarsky suggested going over each budget prior to the need of necessitating extra expense, he continued that the Board needs to know why the money is requested. He added that this should be addressed at the next meeting.

ATM Warrant - Tim noted that the Warrant would be ready for

posting on May 7th, adding that by-laws would include, Taxi(Hackney Licenses), Loitering, Sprinklers, Skate Boards, Water Protection and other non money articles.

Chairman Jones questioned whether fees would be charged to users of fire alarms and sprinklers. Tim replied there would be but that this also applied on all new development. Home Rule Petition- Tim informed the Board that the decision on the Home Rule Petition would not be made until September, one problem being the mile wide radius, which would encompass Littleton and possible land taking.

#### OverRide Forums:

Mr Higgins informed the Board that 2 forums were held prior to the Town Elections, one at the Fire Station and one at a Chamber of Commerce meeting.

#### Rotor Klub License:

Tim stated that the ABCC has suspended the Rotor Klub's license beginning May 16th and in effect until June 4th. Selectmen Slarsky asked about the obligation of the Selectmen, and requested a letter from the ABCC for any additional action that may be necessary. Chairman Jones agreed that clarification was necessary.

#### Supt. Redfield's Report (see Report Dated 4/24/90)

Supt Redfield welcomed Selectman McKinney and invited him and the Board Members for a site tour of the DPW facilities, or to accompany him on daily activities. It was agreed to wait until after the May 14th Annual Town Meeting. Water Liens: The Board reviewed the list of liens, Selectman Slarsky asked about the billing process, Mr Redfield replied two bills were sent, and then a lein notice. Selectman Slarsky questioned several times, the accuracy of the list, Supt Redfield, stated that the list was correct. A motion to sign the list was made by Selectman Slarsky based on the accuracy of the figures as listed by the water registrar and the verification of these figures by Superintendent Redfield, seconded by Selectman McKinney, and the motion passed. The list was then signed by the Board Members.

Supt Redfield informed the Board that as of 4/6/90 the overflow at the Standpipes has stopped. Annual Utilization Report: This is a yearly report for Federal Property Assistance Program, at the Wastewater Treatment Facility.(this plant is on property which was transferred from Ft. Devens.) Supt Redfield noted that the Chairman should sign the report, a motion was made by Selectman Slarsky, seconded by Selectman McKinney, that the document should be signed, motion was carried. Belt Filter Press: Supt Redfield recommended that Howland Engineering Inc of Nashua N.H. be awarded the contract for engineering services associated with the installation of a belt filter press for the

Wastewater Treatment Facility. This company had the lowest proposal bid of \$49,925.00, also it is a subsidiary of R.H. White Construction Co., Inc., of Auburn, Ma., in checking references he received a 100% positive response. He did explain however, that the firm did not meet the recommended Professional Liability insurance coverage of \$2,000,000, (Howland carries a \$400,00 insurance policy with a \$15,000 deductible) and that with structural loading or changes, (the equipment weighs 50 tons) it may be possible that damage could exceed \$400,000. Selectman McKinney questioned the low bid, Supt Redfield replied that SEA had a better handle on this but their bid came in at \$72,550.00. Selectman Slarsky made a motion to award the contract to Howland Engineering Inc., seconded by Selectman McKinney, and the motion passed.

#### N.E. Power Service Co:

Supt Redfield noted that this company would be applying herbicides along the power company's right of ways, and that some of this would pass through the Town of Ayer, and over the Spectacle Pond aquifer, Supt Redfield suggested in a letter to be signed by the Board, that this control be done by manually removing manually vegetation at the Sandy Pond Terminal and along the right-of-way easterly of Westford Road. The Board noted that this letter should mention Long Pond also, and that once this was added, Tim could sign for the Board. Chairman Jones asked that a representative from the Service Co., for Herbicide Control meet with them at a meeting in the near future. Supt Redfield agreed to make the arrangements.

#### CDM Amendment

Supt Redfield advised the Board of Change Orders on the Wright Rd/Sewer Contract in that telemetering equipment is needed for the lift stations and the amount would be an additional \$9500.00. Selectman McKinney asked if this would be the final change order, Supt Redfield answered that there would be one more for the repaving. A motion to approve the additional \$9500 was made by Selectman Slarsky, seconded by Selectman McKinney and passed. Selectman Slarsky asked about the wires on W. main Street, Mr Redfield stated that he had been in contact with Mass. Electric but would get back to them again.

#### Waste Water Treatment Plant:

Supt Redfield stated that money is needed to upgrade the system, and that he would like permission to approach an industry which produces high strength waste to pay for the upgrading and then deduct the cost from the billing, this would be approximately \$12,000. After a discussion, it was determined that this matter should be reviewed by Town Counsel and DOR, before any action could be taken. Mr. Redfield noted that there are 7 significant industries.

The Board questioned Mr. Redfield about the qualifications of Frank Maxant who offered to provide engineering services to the Town. Some concerns were raised about Mr. Maxant being a registered engineer, otherwise DEP and EPA may not grant approval. The Board asked that Mr. Redfield pursue this with EPA.

Mr Redfield stated that Town Counsel is reviewing the contract for the pavement management system and that Town Counsel is reviewing the Spectacle Pond Emergency Generator General Contract Amendment, Industrial Pre Treatment Contract, Disposable Waste, etc.

Other matters under discussion were the new stop signs on Central Ave-Groton Harvard Rd., that there may be a probability of lights, and the sewerage problem on Lawton St

Town Counsel - Tim Higgins - Supt. Redfield, Odgen & Martin Contract  
Solid Waste Transfer Station Contract

Atty Gardner advised the Board that nine months ago the Town was approached by Odgen & Martin notifying us that the contract would have to be renewed. He noted that O&M had stepped in and took over the operations of RFA , and that O&M had pledged that the RFA facility in Haverhill would continue operations until 1997. He explained that there were not many options, that at this point it is a "sellers market". We could stay with RFA, or go out to bid.

He recommended that the current contract should be re-negotiated, additonal costs would be approximately \$24,000, for insurance, and the cost per ton being \$62.00. He continued that the Town would not be penalized for a bonafide re-cycling program even though this may reduce tonnage.

Atty Gardner advised the members that more information would be forthcoming, such as the amount of insurance coverage, and that the contract would be considered an amendment to the old contract, that after May 1st, the Town would have to go out to bid. Selectmen Slarsky, asked for a recommendation, Town Counsel stated that we should join the other Towns, Mr Higgins stated that Ayer had lost their leverage. Selectman Slarsky made a motion to accept the contract based on the recommendation of Town Counsel and the Committee, and that the contract be held in escrow until the matter of the \$24,000 insurance is settled, seconded by Selectmen McKinney and passed, and the contract was signed.

Selectman Slarsky asked Supt Redfield to have an analysis done of the leachates from the Landfill.

#### Chief Connors RESERVE OFFICERS FUNDING

Chief Connors presented materials to the Board outlining the costs of hiring three reserve officers. (see attached copies). He emphasized that these officers would not be taking away from the other full time officers, and that they may work two shifts per month. Benefits of this program would be having two officers in a vehicle, leave or sick time could be covered, etc. Selectman Slarsky stated without the override, the Chief would need reserve people, and recommended using \$5463 from the Reserve Fund to replace three vacancies with the reserve officers. He then made a motion that this request for \$5462 be brought before the Advisory Board, seconded by Selectman McKinney, in a discussion Selectman McKinney asked about the duties of these officers, Chief Connors replied that when on duty their duties will be the same as regular Police Officers, plus they will go through reserve officer basic training, the motion was then passed. Chief Connors stated he would have the names of the candidates ready by May.

At this point in the meeting, the Board agreed to re-organize. A motion was made by Selectman McKinney to nominate Mr. Slarsky as Chairman, seconded by Chairman Jones and passed. Chairman Slarsky then made a motion to nominate Mr. Jones as Clerk, seconded by Selectman McKinney and the motion passed.

Potential Disability Retirement: Officer Busack, Mark Coulter and Chief Connors

Open Session: (Officer Busack agreed that this discussion should be in Open Session and not to meet in Executive Session pursuant to MGL Chapter 39 Section 23B)

Chief Connors explained that Dr. Caprio had sent a letter stating that John Busack should not come back as a Police Officer. The Chief recommended that the Board vote on an involuntary retirement and begin the paperwork needed to process this retirement. Selectman Jones made a motion that a letter be sent to MCRB asking them to begin the procedure, seconded by Selectman McKinney. In a discussion, Selectman Slarsky stated that the process may take months to a year, Chief Connors noted that once the paper work is filed, it could be four months. The Board members then asked about the "light duty" policy, and requested clarification, Chief Connors replied that it could be desk duty, and he could proceed with this, but that it would be between the Board and the Union.

Selectman Jones asked for a definition and agreement with the Union. It was determined that the desk is not light duty but



AYER POLICE DEPARTMENT

4/6/90

Uniform / equipment list for reserve police officers and est.cost.

1- Uniform Hat	\$21.00
1- Rain cap	5.70
1- Shirt Short Sleeve (plus patch)	30.98
1- " Long " " "	31.98
1- Pair pants, 6 pocket w/ stripe	57.25
1- Summer Jacket (reversible)	76.50
1- Winter Jacket (gortex)[leather jacket \$240]	211.00
1- Pair jump boots (low cut shoes \$47.00)	92.00
1- Garrison Belt Blk. Leather	21.50
1- Sam Browne Belt Blk. Leather	41.50
1- Security Duty Holster	90.00
1- 9mm Beretta semi-auto pistol	550.00 (no trade)
1- Pair S&W handcuffs	28.00
1- Hancuff holder	20.00
1- 24 in. baton w/ holder	29.00
1- SL-20x rechargeable Flashlight	109.00
1- Double Ammo Clip Holder	26.00
4- Belt Keepers	14.25
1- Hat Badge	26.00
Breast Badge	34.00
1- Short Raincoat	89.00
1- Tie	3.95
1- Tie Clip	12.95
1- Collar Brass	8.50
1- Mace container with leather holder	25.79
	-----
Sub Total	\$1,655.85
1,000 rds.ammo/training	230.00
Overtime for firearms instructor 12hrs.	265.00
	-----
Total	\$2,150.85

The total cost to train and equip three reserve officers is approx. \$ 5,462.55.

Cost of 5 Reserve officers for the Town of Ayer

Each officer is to work 2 shifts a month.

\$10.00 a hour

\$80.00 a day

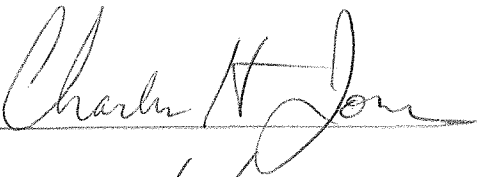
\$800.00 a month

\$9,600.00 a year

could be negotiated. Officer Coulter expressed concerns about interfering with the dispatchers union, Selectman Jones stated a policy was needed. Chairman Slarsky asked that a list be submitted which could be negotiated and that it be an item put on the next agenda. All parties agreed. The motion then passed.

10:30PM Pending Litigation - Attorney Gardner,

A motion was made by Selectman Jones and seconded by Selectman McKinney to enter into Executive Session, pursuant to MGL Chapter 39 Section 23B for the purpose of discussing pending Litigation, and then to Adjourn, all in favor and the motion passed.

  
5/8/90