

Selectmen's Meeting
Monday, December 1, 1997
2nd Floor Town Hall Meeting Room
Town Hall, Main St., Ayer, MA

7:00p.m. Open Session

The Board met with Chairman Norstrom, Selectman Hamel and Selectman Bresnahan.

The Minutes of 10-06-97, October 20, 1997-were amended page 3 Town Admin. Report #3 change Thomas Poole to Ronald DeFilippo. and page 4 paragraph 1 change from CPF to EPIC. and page 4 next to last paragraph re: call to Cablevision concerning channel 4 transmission to contact Channel 4 to complain re: reception. Minutes of November 3, 1997, November 17, 1997 and November 19, 1997 were read and accepted.

Chairman Norstrom requested if there was anyone present who wished to speak under Public Input: Loring Nehring and William Oelfke requested to be heard.

Chairman Nostrum called for a motion to approve the agenda as amended. Selectman Hamel moved to approve the Agenda for 12-1-97 as amended, 2nd by Selectman Bresnahan. Vote unanimous.

Town Crier: Chairman Norstrom made the following announcements:

1. Tax Rate for FY98 residential-\$10.16/Commercial- Industrial \$19.34. Chairman Norstrom announced tax bills will be out Friday, December 5, 1997 and also made a request to residents to serve on a newly formed committee to review the Town's Classification process as it relates to single tax rate vs multi tax rate; interested residents should contact the Selectmen's Office.
2. Chairman Norstrom announced the Town is now accepting SHAVE applications for 1998 Senior Citizens (60+) and Handicapped residents could shave \$500.00 off their tax bills by volunteering 100 hours of work. Applications are available in the Selectmen's Office through December 31, 1997 the closing date for applications to be received.
3. Sunday, December 7, 1997 Downtown Business Alliance Xmas Party from 1-4:30p.m. at the Ayer Library.
4. Chamber of Commerce Business Meeting-scheduled for Wednesday, December 12, 1997 from 5-8pm.
5. Music Booster Xmas Fair & Concert, Saturday, December 13, 1997 10-4 High School Cafeteria
6. Next Selectmen's Meeting Monday, December 15, 1997-Ayer Town Hall 7:00pm
7. School Xmas Break begins Wednesday, Dec. 23, 1997 back on January 6, 1998.
8. Chairman Norstrom reminded residents Loaves & Fishes can use cash or food donations during this time of the year-please contact Rev. Goff at the Federated Church if you can help out.

The Board approved the All Alcohol, Beer & Wine, Class I, Class II, Class III, Common Victuallers, Sunday Entertainment, and Amusement Renewal Licenses as presented (see attached list) for 1998.

ALL ALCOHOL: Ayer Package Store, C.R. Pierce-d/b/a Bookberry, Jack-O-Lantern, LaSita, Carlin's, Tony's, Tiny's, Nashoba Club, & the Fort Corp. The Board placed a ninety (90) day contingency period on Jang Soo BBQ Restaurant beginning Jan. 1, 1998.

BEER & WINE: BAP/Ram d/b/a Roux's

CLUB: Ayer Sportsmen's Club

COMMON VICTUALLERS: Rouxs, Tinys, Nashoba Club, Tony's, Parthenon Pizza, Fort Corp, Archer's Mobil, Carlin's, Kentucky Fired Chicken, Devens Pizza, McDonalds, Wendy's, Pauline's Variety, Woo Jung, LaSita, Ah Gin Wong's, Subway, Duncan Donuts, Temptations, Ayer Gun & Sportsmen's Club, Player's Club Grille, and Woody's. Jang Soo BBQ-90 day contingency to comply.

AMUSEMENT: Partenon, Carlin's, Nashoba, Tiny's, Fort Corp, & Tony's

SUNDAY ENTERTAINMENT: Fort Corp.

CLASS I: Gervais Ford, Trailer Home Sales.

CLASS II: Kenwood Auto Sales, J.C. Madigan, Vehicles Unlimited, Nu-Kar Auto Sales, Goldstar, Rt. 2A Auto Sales, Partridges Auto Sales, LaMountain, Denis Finnerty, Regis Magnus-PDC, Richards

CLASS III:

Richard's Auto, Jacob Slarsky, and Harry Schwartz.

Mr. Kreidler read into the record the Town of Ayer's Winter Parking Ban which went into effect on November 15, 1997 through March 31, 1997. The Ban prohibits the parking of all motor vehicles on the streets of Ayer overnight and during snow storms from 12:00 midnight to 6:00a.m. the purpose of the ban is to assist DPW with snow and ice removal operations. The Police Dept. has been charged with the responsibility of enforcing the ban.

The Board met with Marvin McMiller-Park Dept. Director. Mr. McMiller stated he was before the Board this evening to request use of the Town Hall for indoor activities for the Park Dept. i.e. piano lessons, ping-pong, gymnastics. Selectman Hamel stated this was a good idea but not for the Meeting Hall which is historic and should be preserved; but, perhaps an area in the old Police Dept. could be utilized. The Board requested Mr. McMiller meet with Mr. Kreidler and the Building Inspector to walk and inspect the area for possible utilization by the Park Dept., VOTE: unanimous, so moved.

Public Input:

The Board met with Louri Nehring, PACE Co-Chairman and Janet Keating-Connolly of Community Environmental Resources. Mr. Kreidler read into the record the Board of Selectmen's letter thanking PACE for all their assistance presenting information to residents at the Special Town Meeting re: Grove Pond Wells being hooked up to the Town's water distribution system. Ms. Nehring thanked the Board on behalf of PACE and advised the Board to the Group being awarded a Technical Assistance Grant of \$50,000.00 for the hiring of consultants to seek out the communities interest re: environmental matters. Louri welcomed new members to the group and advised residents to meeting dates: 12-13-97 at 10:00a.m. to 12:00 at the new Police Station Community Room-Park St., January 3, 1998 and January 8, 1998. Ms. Nehring also advised residents to the Public Comment Period re: the Army's plan to consolidate seven landfills to Shepley Hill beginning Dec. 8, 1997 to January 22, 1998 and of a DEP Public Hearing to be conducted on January 8, 1998. The Board thanked Ms. Nehring for coming in and for her update.

The Board met with William Oelfke re: street signs. Mr. Oelfke requested signs at the following streets.

1. Stop sign at Elm St. & Grove St.
2. Slow Children Signage for the intersection of Grove and Elm Streets. Westerly from Elm st. easterly from Forest St.
3. No parking School Street, due to Court House Parking impacting Elm, Grove, Prospect Streets. Illegal parking not being enforced by Police Dept.. The Board requested the Chief of Police contact the Court House re: resolving problem and to inquire about the additional parking proposal by the Court House re: the taking of house on School St. time frame. The Board also requested the Department of Public Works restore Street Sign which have been knocked down i.e. Coolidge St. , Washington Street (no parking signs).

On another matter Mr. Oelfke new Chairman of the Personnel Board introduced Olga Pender who had submitted a letter to the Personnel Board requesting to be appointed due to the resignation of Don Haapakoski. Selectman Bresnahan moved to appoint Olga Pender to the personnel Board, 2nd by Selectman Hamel. The Board congratulated Ms. Pender on her appointment and thanked her for her interest in serving, noting her strong personnel background. Mr. Oelfke advised the Board that the final draft of the Personnel Policy with the amendments will be readied for late December early January for the Board's review.

The Board met with Timothy Henzy, Grant Administrator. Mr. Henzy presented to the Board three (3) Sub-Ordination Agreements for their approval.

Case #94-130 Lien Sub-Ordination/refinancing of property

Case #92-61 Lien Sub-Ordination/refinancing of property

Case #92-106 Lien Sub-Ordination/refinancing of property

The Board moved to approve the three (3) MSCP Housing Rehabilitation cases per the recommendation of Mr. Henzy. Motion made by Selectman Bresnahan, 2nd by Selectman Hamel, VOTE: unanimous, so moved.

On another matter Mr. Henzy submitted to the Board the proposal for the 4 x 4 Mass. Historical Signs to be displayed in front of the Ayer Town Hall and Pleasant Street School depicting the two buildings as Mass. Historical Grant Recipients required under the terms of the Grant Agreement which regulates the type of sign to be displayed and language required by Mass. Historical. Mr. Henzy stated he put the signs out to bid and was before the Board this evening with the low bidder. The Selectmen after a brief discussion re: cost of the signs and budgeting concerns moved to award the signs to the low bidder: Signs by Scott, Park St., Ayer, MA for the amount of \$500.00 (\$250.00/ea) the cost of the signs to come out of the Town's printing account. Motion made by Selectman Bresnahan, 2nd by Selectman Hamel, VOTE: unanimous, so moved.

On a final matter Mr. Henzy presented to the Board notice of his resignation. Mr. Henzy thanked the Board for their support, cooperation and encouragement over the last year and a half for the personal growth they have afforded him and the numerous friendships engendered in his position with the Mass. Small Cities Program. Mr. Henzy stated he has accepted a position in New York with a private Housing Development Company. The Board expressed their sincere regrets losing Mr. Henzy and congratulated him on his performance in the position and stated that he will be missed. The Board wished him well with his new position in New York. Selectman Hamel moved the Board accept the resignation of Mr. Henzy with regrets, 2nd by Selectmen Bresnahan, VOTE: unanimous, so moved.

The Board met with Attorney Jeffrey Raphaelson and Mrs. Shi Jung Yi regarding Mrs. Yi's 1998 All Alcohol License Renewal for Jang Soo BBQ Restaurant at 3-15 West Main Street, Ayer, MA. Mr. Kreidler read into the record the Selectmen's letter dated November 18, 1997. Atty. Raphaelson advised the Board that the Yi's are engaged in a lawsuit with their insurance company and that the lawsuit will probably not be brought to trial until September of 1998. Mr. Raphaelson went on to explain that the Yi's do not have the financial ability to provide the Selectmen with plans for a new restaurant not the payment for a alcohol license. Mr. Raphaelson requested a moratorium on payments to the Treasurer re: her license addendum re: the taxes on the property as well as the license fee for 1998. The Board per the letter of 11-18-97 gave Mrs. Yi a 90 day renewal for her 98 Alcohol License as so stated in the letter. The Board took this matter under advisement pending Town Counsel's advice and requested Mrs. Yi submit a letter requesting a moratorium on the conditions of her Alcohol License.

Supt. Girouard's Report: See report dated 12-1-97

Action Items:

1. The Board approved the purchase of a multi purpose sander dump to be installed on the truck acquired from the Fire Station, at the cost of \$22,885.00-funding to come from Chapter 90 Funds. Motion made by Selectman Hamel, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
2. Chairman Norstrom requested the Water Main Construction and Well Rehabilitation of the Grove Pond Wells be moved along as quickly as possible and encouraged the Supt. to move the completion date up re: having the plans approved by DEP from February 5, 1998 to Jan. 5, 1998.

3. The Board requested the lights that are out along Main St. be replaced as soon as possible for Christmas Shoppers even if lights have to be swapped along West Main St. and East Main Street to accommodate this request. Supt. Girouard reported that he had approved of Mass. Bay Elec. to install the 250 watt balusters, however, the time frame for delivery is 45 days but they were advised to emergency status of this order.
4. The Board relayed a request by a resident to Supt. Girouard re: water bill on a rental property. Supt. Girouard stated he was aware of this request and stated abatements were not generally given for internal leaks they were the responsibility of homeowners, the Town was responsible from the street to the line. The Board requested the DPW staff check out past billing for this property and report back.
5. The Board discussed another request re: tree being removed on Mechanic St. Extension (off Shirley St.). Selectman Bresnahan expressed his concern re: the request stating he had looked at this area and believed this request to be more of a zoning infraction due to the resident moving the driveway over onto his lawn which creates the problem with the tree. The Board to revisit the request.
6. The Board also requested the Supt. present a list of private ways in the Town which the town is maintaining re: snow removal and paving. The Boards concern being driven by a residents property which is continuously being disturbed this practice is becoming a liability issue, and also to check with the Planning Board regarding accepting the roads.
7. The Board approved the following Water & Sewer Permits. Water: 32 Bligh St., SEWER: 120 Oakridge Dr., 32 Bligh St., 27 Pingrey, 25 Pingrey, 4 Pingrey, 147 Snakehill Rd. Motion moved by Selectman Hamel 2nd by Selectman Bresnahan, 132 Oakridge Dr. moved by Selectman Hamel 2nd by Chairman Norstrom-Selectman Bresnahan abstaining due to conflict of interest on this property., all permits to be issued with following letter: "Utility construction season in the Town of Ayer is from April 15th to November 15th-any road opening from November 15th to April 15th must have written authorization from the Supt. of Public Works prior to any excavation within Town or State maintained roads in the Town of Ayer. Asphalt plants generally close during the winter months which would not allow for proper roadway patching. The attached letter shall remain part of the executed application for water/sewer permits any deviation from this policy may result in termination of a service and or not allowing connection to the Towns water or sewer system".
8. The Board approved a residents request for a Street light at the intersection of Oakridge Drive and East St., due to safety and vandalism concerns of the neighborhood.

Town Administrator's Report

Action Items:

1. The Board approved of Murray Clark to serve on the Town's Tax Classification Study Committee which forces a vacancy on the Town Government Com. The Board requested interested citizens contact the Selectmen's Office re: serving on these two committees.
2. The Board moved the Town Administer James Kreidler write a letter to Harvard & Shirley re: the Town of Ayer re-evaluating its continuance with the Joint Boards of Selectmen. After a great deal of discussion and deliberation the Board requested the following position be distributed to the Harvard and Shirley Boards of Selectmen. That the Town of Ayer recognizes value in continuing to participate in the Joint Boards of Selectmen which is comprised of Selectmen from Ayer, Harvard & Shirley and this body shall serve as an informational forum only, with no votes taken by this body. The Jbos shall be coordinated equally by the Administrators of the respective towns and all information will be disseminated through the administrators equally. Selectman Bresnahan requested the minority position also be stated relative to this issue, which mirrors the majority position with the exception of this body shall serve as an informational forum and insert the following only official votes to be recorded and published shall be those votes that are unanimously approved by all three towns. The Board also requested Mr. Kreidler to inquire if Shirley & Harvard would prefer to meet to discuss this issue. Motion made by Selectman Hamel, 2nd by Selectmen Bresnahan, VOTE: unanimous, so moved.
3. The Board questioned why the Town of Ayer was not included in funding regarding the Open Space Bond Bill to enhance the Town's recreational opportunities. Mr. Kreidler stated during the Comp II process the Park Dept. decided not to pursue this bill due to the reconfiguration of the funding phases

which would have to be completed prior to the application being submitted which the Park Dept. did not have the resources for.

4. The Board approved to thank you letters to be submitted to Gary Girouard, Supt. of Public Works and Richard Linde, Water Dept. Foreman acknowledging their support and contribution to the Special Town Meeting Grove Pond Wells re: the dissemination of information which was invaluable to the passage of article to connect the wells to the Town's water distribution system. The Board also requested letters be submitted to DEP and EPA for all their help and assistance.

5. Mr. Kreidler advised the Board to his receiving notice that the Town's Fy98 Grant Application into the Mass. Small Cities Program was turned down. The Board requested Mr. Kreidler look into why the Town's application was rejected. Mr. Kreidler stated in a few days the Town will receive an official score card denoting weaknesses and then the Town can debate scoring stating the Town was 2 to 3 points shy and may be able to make up points.

6. The Board was advised to Charles Horgan being nominated by the Trustee's of Trust Funds to fill Ralph Richardson's seat. The Board awaiting Town Counsel's recommendation.

Selectman Hamel on a final note advised the Board to the DEC Meeting re: the BIO Conversion Plant being sited in Harvard and of opposition from Harvard due to the smoke stacks and she questioned whether abutters were notified stating Ayer was not well represented, and requested copy of statue quoted by attorney.

9:30p.m. Selectmen Hamel moved the Board adjourn from open session o enter into Executive Session pursuant to M.G.L. Chapter 39, Section 23b Exemption #3 to adjourn to enter into another Executive Session pursuant to M.G.L. Chapter 39, Section 23B, Exemption #3 to adjourn to re-enter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Bresnahan, VOTE: unanimous ,so moved.

9:30p.m. Open Session concluded.

DATE: _____

Paul D. Bresnahan, Clerk
AYER BOARD OF SELECTMEN