

Selectmen's Meeting  
Tuesday, April 22, 1997  
Ayer Public Library-Lower Level Conference Room  
East Main Street, Ayer, MA

7:30p.m. Open Session

The Board met with Chairman Miller Selectman Hamel and Selectman Norstrom.

The Minutes of 3-24-97 and 4-7-97 were read and accepted.

Chairman Miller requested if there was anyone present wishing to be heard under Public Input. Angus Bruce of Bennetts Brook requested to speak re: pump station located at Rt. 2A/110 as it related to Shaker Hills Golf Club.

Chairman Miller called for a motion to approve the Agenda as amended. Selectman Hamel moved to approve the Agenda of 4-22-97 as amended, 2nd by Selectman Norstrom.

*Town Crier:* Chairman Miller made the following announcements:

1. Candidates Forum scheduled for 4-23-97 at the Ayer High School Auditorium from 7-8:30pm. Forum to be broadcast live-residents unable to attend can call in their questions/concerns at 772-8600-8601 and 8602.
2. Town Election to be held on 4-28-97 at the Page School 7am to 8p.m. The Town Clerk will be trying out new voting machines.
3. New Hope Baptist Church will be conducting their Grand Opening on Saturday, April 26, 1997 at 2:00p.m.
4. Congratulations were bestowed to Stanley & Ginger McNiff upon their Grand Opening conducted on Sunday, April 20, 1997 at the newly renovated Fort Club, on West Main St., Ayer, MA
5. The Conservation Commission and DPW in recognition of Arbor Day will be at the Ayer Transfer Station on Saturday, April 26, 1997 handing out tree/plant seedlings and recycling information to Ayer residents.
6. Chairman Miller announced that this will be Debbie LaPoint's last day as director for the Nashoba Valley Chamber of Commerce. Ms. LaPoint has taken a new position with a non-profit organization. The Board wished her well and reflected on her contributions to the Town of Ayer.
7. Chairman Miller as a point of information also stated that this will be his last meeting serving as a Selectmen. Chairman Miller thanked the Board for their support as well Town officials and Departments. Chairman Miller stated he plans to spend more time with his family and much needed time with his new position with the North Central Chamber of Commerce..

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The Board met with Angus Bruce and Attorney Gerald Benezera on behalf of Sweeney Charitable Trust., regarding the Golf Course tying into the forced main lift station on Littleton Rd./2A.. Present for this discussion were residents residing at Bennetts Crossing Housing Development.

Mr. Bruce stated he was before the Board this evening due to Shaker Hills Golf Club commencing their sewer line with their own lift station for the new club house connecting into the Town's sewer station on Littleton Rd. Mr. Bruce stated his concern and the concern of the 82 home owners at the sub-division being that two lift stations dumping into one sewer main could adversely effect both lift stations. Mr. Bruce stated his concern that backups could lead into the sub-division sewer lines as well as contamination spilling into the brook. Mr. Bruce suggested combining both Shaker Hills and Bennetts Brooks systems into one larger facility feeding at one connection point into the Town of Ayer's system, or enlarging both Shaker Hills and Bennetts Brook Lift Station pumps. Mr. Bruce stated the Bennetts Brook station is already in place and functioning. Mr. Benezera on behalf of Sweeney Charitable Trust requested that a Cease & Desist order be placed on the Golf Course sewer line work order due to the Golf Course not having the necessary documentation/permits the stoppage would give the two entities time to

work out an equitable solution to the problem or advise the Golf Course if they proceed they will at their own risk. The Board took this matter under advisement pending review by Town Counsel, EPA and Supt. of Public Works-Owen O'Riordan. The Board also authorized the Town Administrator to take appropriate action should a Cease & Decease Order be evoked and Town Counsel being advised. Motion made by Selectman Hamel, 2nd by Selectman Norstrom, VOTE: unanimous, so moved.

The Board met with Dale Taylor sitting in for Manny Velez, Chairman of the Zoning Board of Appeals due to a meeting conflict. Mr. Taylor stated he was before the Board this evening to request the Selectmen accept the resignation of Phoebe Wray of the Zoning Board of Appeals and accept the recommendation of the Zoning Board of Appeals to appoint Robert Antcil. The Board moved to accept the resignation of Phoebe Wray of the Zoning Board of Appeals with regrets and to approve the appointment of Robert Antcil to the Zoning Board of Appeals effective immediately. The Board requested letter be sent to both individuals expressing the Board's appreciation. Motion made by Selectman Hamel, 2nd by Selectman Norstrom, VOTE: unanimous, so moved.

***Public Hearing-Transfer of Alcohol License-Roux's Liquors 63 Main St., Ayer, MA***

The Board met with Atty. Arthur Pearlman, Ambalal Patel, B.A.P. Ram, Inc. and Thomas Roux re: the transfer of Roux's License for Beer & Wine with the sale of the store. Selectman Hamel read into the record the legal notice which ran in the Nashoba Publications newspaper the weeks of April 9, & 16, 1997. Atty. Pearlman presented the documentation to the Board and reviewed the contents with the Board. Atty. Pearlman gave a background history of Mr. Patel stating he is the sole officer/director and that he would be operating the facility with his family. Mr. Patel resides at 31 Union St., Woburn, MA and currently owns & operates South Eastern Variety, 447n Turnpike St., So. Eastern, MA which holds a wine & malt license. Atty Pearlman updated the transfer documentation by stating the Fed withholding number was inadvertently left off the documentation Form 43 and submitted the Fed. I.D. # 04-3361577 to the Board on behalf of Mr. Patel. Atty Pearlman stated the business Roux's Market is open seven days a week from 6:30a.m. to 10:00p.m. and would not change as well as layout of the store would still be in keeping as maintained currently. Mr. Patel is familiar with the Alcoholic Beverage Control Commission and the regulations holding a license in So. Eastern, MA.

Chairman Miller requested if there were abutters present. Ed Kelly stated he was present this evening to support the transfer and Nick Laggis stated he hoped the new owner would run a great shop as Mr. Roux. Mr. Roux stated he was a businessman in Town for many years and would want customers treated with respect he has given residents of the Town of Ayer. Mr. Roux stated he has taken the opportunity to visit the store owned and operated by Mr. Patel and was satisfied and pleased with what he saw.

Selectman Hamel requested more time to review all the documentation and moved the Board take the application under advisement for two weeks, 2nd by Selectman Norstrom, VOTE: Selectman Hamel yea, Selectman Norstrom yea, Chairman Miller no. Vote 2-1 motion carries. The Board convened the continuance to the Selectmen's Meeting of May 5, 1997.

The Board met with Timothy Henzy, Grant Administrator and Diane Sullivan Economic Development Director.

Mr. Henzy presented the Board a lien subordination agreement for \$38,000.00 for Housing Rehabilitation Case #92-18 the Board based upon the financial breakout and research conducted by Mr. Henzy moved to approve the sub-ordination of MSCP Rehab. Case #92-18. based upon Mr. Henzy's recommendation. Selectman Hamel moved the motion, 2nd by Selectman Norstrom, VOTE: unanimous, so moved.

The Board met with Diane Sullivan, Economic Development Director and Timothy Henzy re: a support staff request. Ms. Sullivan stated per the Board's request she had met with Mr. Henzy re: reorganization of the Housing Development Office. Ms Sullivan and Mr. Henzy reviewed with the Board their job descriptions and need for clerical assistance. Selectman Hamel stated her displeasure with this request elaborating on Budget cuts and projections being negative at this juncture and her displeasure with such a

request coming in at this time and of this proposal coming in as a complete surprise. Selectman Hamel requested the Board take no action on this item, 2nd Selectman Norstrom, VOTE: Selectman Hamel aye, Selectman Norstrom, aye, Chairman Miller no, 2-1 motion carries.

*Town Administrator's Report:*

Town Administrator reviewed with the Board the Town Accountant's recommendation regarding payment of Town Counsel's Fy-97 legal fees. Ms. Gabree suggested a Special Town Meeting be convened prior to the Annual Town Meeting on May 12, 1997 at 6:45p.m. to pay for Fy-97 legal fees from unexpended balances from Dept. 200: Insurance-\$33,000.00, Workers /compensation-\$6,000.00, County Pensions-\$8,000.00, Tax Title-\$9,000.00 and Dept 700 Weed Control \$5,000.00 from the Annual Town Meeting of May 13, 1996. Selectman Hamel moved to accept the recommendation of Town Accountant Lisa Gabree, 2nd by Selectman Norstrom, Vote: unanimous, so moved.

Mr. Kreidler reviewed with the Selectmen his recommendations for the Fy-98 Budget proposal. Mr. Kreidler presented the Board options for presentation of the Fy-98 operational budget for the May 12, 1997 Town Meeting to cope with the Town's negative free cash. The Board after reviewing all options agreed to seek level funding at the annual Town Meeting, have Free Cash certified in the fall when revenues have stabilized and make adjustments in budgets. Mr. Kreidler stated that the shortfall between budget proposals and counted on revenues had originally been found to be \$437,000 but combining the various budgets \$80,000 had been found in hard cuts which did not need to be replaced in the future. Town Administrator suggested the Board take the necessary funding for complete coverage from the Health Insurance Line Item, and replace it in the fall. Selectman Hamel moved the Board accept Town Administrator James Kreidler's recommendation and transfer \$380,000.00 from the Health Insurance Acct. and replenish in the fall to fund the Fy-98 operational Budget, 2nd by Selectman Norstrom, VOTE: unanimous, so moved. The Board set Wednesday, April 30, 1997 for a Public Hearing on the Fy-98 Budget proposal.

Mr. Kreidler advised the Board to the Oakridge Dr. Sewer Project not having sufficient funding to complete the project. An additional \$65,000.00 would be needed per the recommendation of Town Counsel & David Ross associate Dennis McLaughlin. The Board unanimously approved a \$65,000.00 UDAG transfer to complete the Oakridge Drive Sewer project. The UDAG funds to be replenished at the Special Town Meeting projected for later this year Sept/Oct. 1997. Motion moved by Selectman Hamel, 2nd by Selectmen Norstrom, VOTE: unanimous. The Board expressed their concern re: the utilization of UDAG funds and requested Town Counsel look into the funds being replenished at the ATM or by borrowing.

The Board requested the Building Inspector investigate the number of vehicles at Camper's Inn at the rotary exceeding the 25 vehicles limit, per the recommendation of the Fire Chief who expressed concerns re: fire hazard.

The Board met with Pauline Conley re: her involvement with 4th of July activities unsanctioned by this years committee. Chairman Miller requested whether Ms. Conley wished Open Session or Executive Session. Ms. Conley requested Open Session.

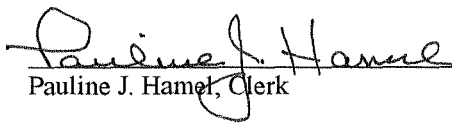
Chairman Miller opened the discussion by advising Ms. Conley to Diana Vita Chairing this years event due to her(Ms. Conley not expressing interest the first of the year). Ms. Conley challenged this statement stating she had volunteered last year at the Selectmen's Meeting which thanked all the participants. Chairman Miller stated his apology to Ms. Conley for this oversight. But stated the Board had appointed Diana Vita Chairman of this years activity. Chairman Miller asked Ms. Conley to participate but realize that she would not be running the program. Chairman Miller stated the issue for this meeting being if Ms. Conley had entered into any contractual agreements

concerning this years activity. Ms. Conley stated she hadn't but had made commitments to participants in last years program. The Ashby Town Band and the Fireworks Company Tellstar. Ms. Vita requested if she had made contractual commitments to any Amusements. Ms. Conley stated no. Ms. Vita invited Ms. Conley to participate in this years program stating there is plenty to do and she would welcome the help. The Board thanked both Diana Vita and Pauline Conley for coming in.

The Board introduced the new Superintendent of Public Works Owen O'Riordan.

Chairman Miller called for a motion to enter into Executive Session. Selectmen Hamel moved the Board enter into Executive Session pursuant to MGL Chapter 39 Section 23B, Exemption #3, re litigation, 2nd by Selectman Nostrum, VOTE: unanimous, so moved.

10:35P.M. Open Session closed.

  
Pauline J. Hamel, Clerk

-DATE May 5, 1997-