

Selectmen's Meeting
Monday, April 7, 1997
Ayer Public Library-Lower Level Conference Room
East Main Street, Ayer, MA

6:45P.M. Open Session

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

Chairman Miller opened the meeting by announcing the Board would be opening the meeting with the applicants who will be interviewing for the Lieutenant's position at the Ayer Police Station. Chairman Miller requested to make "A Point of Order". Chairman Miller stated he was under the understanding that there was a process approved by the Board re: all candidates for the Lieutenant's position must have a score of 70-in the Overall Screening in order to participate. The Board met with the only candidate at the last meeting who qualified and the other candidate who qualified withdrew. Now the process has re-opened entirely and he had a problem with the Board changing the rules and the public conception being insulting to the candidate who qualified and embarrassing having to go through the process again. Selectman Hamel stated she never recalled the Board agreeing to abide with the Chief's selection process and moreover its fairer to depart from the process and interview all the candidates rather than lock into a process that only produced one candidate. Selectman Norstrom echoing Selectman Hamel's statement and adding that Special Atty. Gants had requested the Board defer the appointment until after the investigation is over. . With that Chairman Miller removed himself from the table and stated he would not participate in the interviews and turned the gavel over Selectman Hamel.

Town Administrator James Kreidler advised that Atty. Gants has requested the Board hold off with an appointment until the investigation has been completed.

The Board met with Officers John Dristilaris, Harvey LaPrade and Mark Coulter and again with Sgt. Edward Denmark. Sgt. William Murray withdrawing his name for consideration. The Board requested of each candidate why they should be considered for this position, reviewed goals and objectives and conducted a question and answer session with each of the candidates. The candidates thanked the Selectmen for allowing them to interview and expressed their concerns with the scoring process being unfair. The Board apologized to Mr. Denmark for making him come back before the board, Selectman Hamel & Norstrom both stating they were not prepared on the 24th of March, and that it was unfair to him to have to go through the process twice. Mr. Denmark accepted the Board's apology.

The Board thanked all of the candidates for participating and again stated the advice given by Atty. Gants requesting the appointment be held off until the investigation is completed. Selectman Hamel advised all the candidates that all the information given this evening by them will be taken into consideration and again thanked each of them for coming in to meet with the Board.

The Board reviewed the Minutes of 3-24-97 and took them under advisement pending further review by the Board.

Chairman Miller made a few announcements under Town Crier.

Chairman Miller requested if there was anyone present wishing to be heard other than those listed already under Public Input. Selectman Norstrom stated Lynne Welch of the Dept. of Environmental Protection is present this evening due to news concerning the seven landfills on Devens being rethought by DOD and of impact to the surrounding Towns.

Chairman Miller called for a motion to accept the Agenda as amended, Selectman Hamel moved to approve the Agenda of 4-7-97 as amended, 2nd by Selectman Norstrom, VOTE: unanimous, so moved.

The Board met with John Wolantis, Vice Pres. Vespor Woods Dev. Corp. Developer for Fletcher Pond Estates and Asst. Supt. of Public Works Robert Smith re: a sewer tie-in permit for the project. Mr. Wolantis stated the sub-division was for a 23 approved lot plan. Mr. Wolantis stated DEP has given the Developer permission to connect into the existing sewer connection on Snake Hill Rd./Calvin St. but as a formally he must have the permission of the Selectmen as the Board of Selectmen are the Water Commissioners of the Town. Selectman Hamel moved to approve the tie-in for Vespor Woods Dev. Corp. at Snake Hill Rd./Calvin St., 2nd by Selectmen Norstrom, VOTE: Unanimous, so moved.

The Board met with Timothy Henzy, Grant Administrator for the Mass. Small Cities Program re: Sub-Ordination Agreement for MSCP Hous. Rehab. Program Case #92-59.

Mr. Henzy stated he would recommend the Board approve this request. The Board per the recommendation of Mr. Henzy approved the Sub-Ordination Agreement. Motion moved by Selectman Hamel, 2nd by Selectman Norstrom, VOTE: unanimous, so moved.

On another matter Mr. Henzy presented to the Board the MSCP Quarterly Report which request and extension to the Grant due the program closing on June 97. Mr. Henzy advised the Board to all Housing Rehab cases being on schedule. Selectman Hamel moved the Board approve Chairman endorse the quarterly report, 2nd by Selectman Norstrom, VOTE: unanimous, so moved.

The Board on a related matter approved of Mr. Henzy expressing interest in a new Soft Second Loan Program for the Town. Mr. Henzy to review this program with the Board prior to establishing.

Chairman Miller requested if Pastor Hayden was present. NO SHOW

Selectman Norstrom introduced Lynne Welch from the Department of Environmental Protection (DEP) to the Board. Selectman Norstrom stated Rev. Goff of the Restoration Advisory Board had called her re: the Dept. of the Army changing their minds re: the seven (7) landfill sites located on Devens. Selectman Norstrom stated the jest of the conversation was protection/concern for Town of Ayer's water supply. The Board welcomed Ms. Welch and thanked her for coming in. Ms. Welch introduced John Regan who presented to the Board Maps depicting the seven landfills located on Devens and the proximity to Town of Ayer wells, ponds, aquifers wetlands, wildlife and Nashua River Watershed. Mr. Regan elaborated on the seven sites and relayed to the Board the contaminants associated with each site. Ms. Welch stated that basically the Army lost interest with the study stating things were going along well with the clean-up, and they were reconsidering their options and contemplating taking no action on the landfills with the exception of minor site remediation. Ms. Welch stated she was before the Board due to the unprotected proposed plan. Selectman Hamel stated it was always assured the Federal Government could not leave the cleanup undone. The threat to the aquifer is real and constitutes a serious potential for an environmental and health threat to the Town of Ayer and its residents.. Ms. Welch stated DOA has a different view and DEP was using stricter criteria trying to maximize protection. Ms. Welch stated the EPA strongly supported the landfill consolidation. The Board requested Mr. Kreidler send letters off to the Town's state and Federal representatives seeking their assistance to get clean up of Devens landfills as promised and that all appropriate measures are taken to assure risks are mitigated. The Board thanked Ms. Welch and Mr. Regan for taking the time to alert the Board to the seriousness of this situation.

Selectman Norstrom took this opportunity to congratulate the Coalition for community wellness on the very successful program conducted on Saturday, April 5, 1997 at the Page/Hilltop School stating the program had a wonderful turnout.

The Board conducted a Public Hearing Continuance for Exxon-Park St., Ayer, MA. Selectman Hamel read into the record the legal notice which ran on February 10, 1997.

Chairman Miller requested if there was anyone/abutters present to speak for or against the petition, no one stepped forward.

The Board met with Henry Wysk re: his application for a Beer & Wine License for Exxon, 20-30 Park St., Ayer, MA. Mr. Wysk stated he went before the ZBA and was granted a Special Permit for Change of Use from Gas Service Station to a Filling Station with attached convenience store i.e. Tigar Mart, was Granted a variance for location of accessory structure (canopy), was granted a variance for location and layout of parking facility, and was granted a Special Permit for a sign alteration of a pre-existing non-conforming sign. Mr. Wysk stated he withdrew without prejudice his request for a special permit of drive through. Mr. Wysk also stated he had received a Site Plan Approval as well from the Ayer Planning Board.

Chairman Miller called for a motion. Selectman Norstrom moved the Board deny the application based upon there being too many alcohol establishments in an area of less than 2/10 of a mile, 2nd by Selectman Hamel, VOTE: Chairman Miller no, Selectman Norstrom aye, Selectman Hamel aye, vote 2-1, motion passes.

The Board met with Paul Routhier/F&P Willows Trust re: a renewal of Earth Removal Permit for Willows Rd., Ayer, MA. Selectman Hamel read the legal notice into the record. Chairman Miller requested if there was anyone/abutters present who wished to speak for or against the permit. No one stepped forward. Mr. Routhier stated he has only removed 2,000 cubic yards of earth from his permit of 30,000-40,000 cubic yards. Selectman Hamel moved to approve the renewal for F&P Willows Trust Earth Removal Permit for Willows Rd., Ayer, MA the same language as in the past to be placed on permit. Permit issued for six (6) months expires November 7, 1997.

The Board met with the Shirley Board of Selectmen re: School Regionalization. Present for the discussion was Kyle Keady, Ann Geary Roach, and Bruce MacDonald, the Shirley Regionalization Committee and the Ayer School Regionalization Committee, Kathleen Kidder, Thomas Casey, Philip Goff and Selectman Hamel.

Selectman Roach opened the discussion by stating Shirley's situation: building a new high school vs. Regionalization. Selectman Roach detailed the cost associated with a new building opposed to regionalizing with Ayer. Tuition out vs. new building. Ayer Regionalization Chairman Kathleen Kidder stated Ayer has hired a consultant to report back to the Committee with an analysis of Ayer's options. Demographics, assessment of value needs to be conducted. Mrs. Kidder stated Ayer has no new information at this time to share until the consultant's report comes in and is reviewed by the School Committee and Selectmen. Selectman Roach requested Ayer's participation in an exchange of information meeting to be conducted on May 5, 1997 with the Ayer Regionalization Committee.

Town Administrator's Report:

Action Items:

1. The Board endorsed Supt. Owen O'Riordan's Contract which was approved by Town Counsel.
2. The Board approved of \$1,000.00 payment to the Guthries re: easement for the Town's new lift station property on Oakridge Dr. to be funded under the Project cost.
3. Mr. Kreidler advised the Board to FY-98 finalized Budget meetings with Department heads being scheduled for 4/8/97 starting at 9:00a.m.
4. The Board was advised to EPA letter re: new Police Station site being tested and found not toxic/hazardous, re: a call made to them re: toxic/hazardous material being removed off site.

5. The Board approved of a new bike purchase for the Water Dept. meter reader.
6. Mr. Kreidler advised the Board to the Stutler's shed problem being resolved, insurance company to pay for damage.
7. Mr. Kreidler requested per the Fire Chief to cancel the award to the low bidder for the fire station addition, due to award being made to a company who did not have the prevailing wage incorporated into documentation. Mr. Kreidler stated the Fire Chief was going to re-bid the project.
8. The Board awarded the annual water service valve contract to Fluorite in the amount of \$3,456.00

10:35p.m. Selectman Hamel moved the Board adjourn from Open Session to enter into Executive Session pursuant to M.G.L. Chapter 39, Section 23b Exemption #2, re: management issues to adjourn to re-enter into Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Norstrom, VOTE: unanimous, so moved.

Pauline J. Hamel DATE: 4-22-97
Pauline J. Hamel, Clerk
AYER BOARD OF SELECTMEN