

*Selectmen's Meeting
Tuesday, May 28, 1996
2nd Floor Meeting Room
Town Hall, Main St., Ayer, MA*

7:30p.m. Open Session

The Board met with Chairman Miller and Selectman Hamel.

Chairman Miller requested if there was anyone present who wished to be heard.

Murray Clark requested to meet with the Board to clarify health benefits issue concerning recent article in the paper.

Frank Maxant requested to meet with the Board re: his letter of 5-28-96 remitted to the Selectmen's Office.

Chairman Miller called for a vote to accept the Agenda of 5-28-96, Selectman Hamel moved to accept the Agenda of 5-28-96 as amended, 2nd by Chairman Miller, VOTE: unanimous, so moved.

The Minutes of 5-14-96 were set back due to unavailability.

The Weekly Warrant was examined and approved in the following amount: P/R: \$48,960.60 and Expenses: \$4, 924,586.36. Selectman Hamel moved the Board approve the warrant as submitted by the Town Accountant, 2nd by Chairman Miller, VOTE: unanimous, so moved.

The Board approved a Earth Removal Permit for F&P Willows Trust which was exercised but never utilized. Selectman Hamel moved to approve the Earth Removal Permit, Chairman Miller 2nd the motion for discussion. Chairman Miller requested if the original start time and week days remained the same as prior requests and if water truck would be utilized re: dust control, both questions were answered in the affirmative, with that Chairman Miller moved to 2nd the motion: VOTE: unanimous, so moved.

Chairman of the Planning Board, Colleen Nostrum requested if a Topo of the area had been requested. The Board was advised to this not being an original requirement when F&P Willows Trust had first started their earth removal process on Willow Rd.

Chairman Miller announced Diane Trauber representing Representative Hargraves hold the representative's office hours in the Selectmen's Office and invited constituents who wished to come in to meet with Ms. Trauber come in this evening from 7:00p.m. to 8:00p.m. or to call 772-8220 to speak with her.

TOWN CRIER: Chairman Miller made the following announcements:

- 1. Chief Boisseau's Retirement Party conducted on Friday, May 24, 1996 at the Eagles Club in Leominster was a huge success thanks to the personal efforts of Vicki Lopez and Colleen Norstrom.*
- 2. Chairman Miller also extended Post 139 of the American Legion specifically Douglas Freidrich a big thank you and job well done for the Memorial Day parade conducted on Monday, May 27, 1996.*
- 3. Chairman Miller announced the 2nd treatment of the Weed Control Treatment of Fletcher's Pond and Sandy Pond being conducted on Thursday, May 30, 1996 and requested residents not to fish, swim or put boats in the water for thirty (30) days.*
- 4. Chairman Miller announced the Central Business District Meeting on Monday, June 3, 1996 at 7:00a.m. and welcomed all businesses in Ayer to join in on the discussions.*
- 5. Chairman Miller announced the 125th Anniversary Committee Meeting on Thursday, June 6, 1996 at 7:00p.m. at the Ayer Town Hall, 2nd floor Meeting Hall.*

Chairman Miller requested Dorothy Marino and Philip Berry to join the Board at the table. Chairman Miller presented Mrs. Marino with a dozen roses on behalf of the 125th anniversary Committee for all her work putting the Dinner Dance together on May 16, 1996 at Fort Devens.

Chairman Miller presented Phil Berry with a Community Service Award for his personal contribution donating all the proceeds of the beverages sold at the 125th Anniversary Dinner Dance to the Town. The Board thanked Mr. Berry for this huge donation.

The Board met with Fire Chief Paul Fillebrown re: his request for a Reserve Fund Transfer in the amount \$12,850.00. The Chief attributed this deficit to extra funds required to keep the old ladder truck running and for the architects fees for the design of the new addition to the fire station. The Board approved this request in anticipation of a deficit in the fire Dept. Account. The Chief to secure Advisory Board approval.

Fire Chief Fillebrown took this opportunity to congratulate the workers at the Transfer Station for their neat and orderly running of the facility, the chief stated he has made several inspections at the facility of recent weeks and each time the facility is always well organized. The Chief made special recognition of Scott and Vivian. They are doing a great job.

The Board met with Acting Police Chief Donald Haapakoski.

Acting Chief Hapapakoski presented to the Board three (3) request for traffic signage due to recent accidents or near accidents occurring at these locations:

- 1. One way sign across from the Drive Up teller of North Middlesex Savings Bank on Newton Street.*
- 2. A stop sign on Lincoln St. at Highland Ave.*
- 3. A stop sign at the corner of Williams and Columbia Streets.*

The Board requested at this time for signage requested by Ida Naparstek for the intersection of Pleasant St and Groton Street.. The Acting Chief stated he had reviewed this earlier with Mrs. Naparstek and agreed that this signage is also needed. The Board upon the recommendation of Acting Chief Hapapakoski approved the four new signs be posted as requested. Motion moved by Selectman Hamel, 2nd by Chairman Miller, VOTE: unanimous, so moved.

The Board voted to approve two (2) new Town of Ayer Police Department Regulations

1. The Board approved the Chief's request to establish a Bicycle Patrol. The Acting Chief stated he had six (6) officers expressing interest to serve on such a patrol. The Patrol to be up and running by the end of the summer. The bicycles have already been purchased and the uniforms to be ordered. Training also has to be conducted.

2. The Board approved the Acting Chief's recommendation to enforce the state law by requesting all police officers in the department live within fifteen (15) miles of the station. The Chief to request impact bargaining as soon as possible with the IBPO Local.

The Chief also requested the Board approval to ban smoking in the department and specifically state that officers hired after 1988 be required to refrain from the use of tobacco products. Presently the department has only two (2) officers which would be effected by this new policy but towards that end the Chief recommended smoking cessation program to assist them from smoking. This policy also to be run by the IBPO re: impact bargaining.

Acting Chief Haapakoski also requested at this time for the Board's permission to utilize the forms produced a few years back by the Zoning Officer re: Nuisance By-law Violations specifically for use re: Leash Control violations stating they could put teeth in the present leash law which would request a court hearing for owners who fail to pay their fines re: violations.

The Board approved of the Chief and Town Administrator beginning Impact Bargaining with the Police Union re: the two new recommended policies.

The Chief presented to the board the names of six (6) applicants he and the former Police Chief recommended to be appointed as Reserve Police Officers: John MacDonald a present Ayer Telecommunicator, Sherry Priest, A present Ayer Telecommunicator, Joseph Fay and David Merwin of Ayer, Steven Keine and James Connell of Westford. The Chief stated all but one were trained and all six (2) would be required to take a physical examination as well as a psychological examination. Selectman Hamel moved the board approve the six (6) applicants as stated above be appointed Reserve Officers contingent upon the two stipulations so stated, 2nd by Chairman Miller, VOTE, unanimous, so moved.

Selectman Hamel requested at this time that the Park Dept. Director Marvin McMiller be considered for Police Training specifically as a Reserve Officer due to motorist ignoring his request for not speeding and other violations re: vandalism and trash dumping Selectman Hamel stated she has also had problems with people vandalizing the park as well and has tried to stop some of the problems to no avail. The Chief stated he would speak with the Park Director.

The Board met with Murray Clark former Selectmen of Ayer. Mr. Clark stated he was before the Board this evening to clarify Health Care given to Town Counsel Robert Gardner. Mr. Clark stated the Board of Selectmen approved Mr. Gardner receiving Health Care back in 1978. The Board requested if this was done by a vote of the Selectmen and were others offered this coverage. Mr. Clark stated no one else was offered this coverage at that time..

The Board met with the six (6) all alcohol establishments requesting the acceptance of Chapter 138 Section 33A. Carlin's Restaurant, Inc., Tony's of Ayer, Tiny's Do-nut Treat, Inc., The Fort Club, Nashoba Club, Inc., LaSita, Inc. . The Chairman read into the record the request by each of the establishments seeking a 2:00a.m. closing. Chairman Miller requested if all the above establishments were requesting a 2:00A.M. closing. All stated they were. Chairman Miller requested of the Police Chief if other surrounding Towns had adopted this Chapter? Chief Haapakoski stated he only knew of Leominster and Fitchburg. The Chairman requested the Board allow this adoption for six (6) months to allow for an experience decision. Selectman Hamel moved the Board approve the adoption of Chapter 138 Section 33a for a six months trial period, 2nd by Chairman Miller, VOTE: unanimous, so moved.

The Board met with Supt. Donald Ouellette re: funding sources re: the Grove Pond Treatment facility, the construction and assembly estimated to cost \$700,000.00. The Board reviewed the three (3) possible funding sources available: UDAG, Stabilization, and Free Cash. The Board requested the Treasurer's office be contacted re: borrowing the \$700,000 rather than funding by UDAG and the Town choosing not to replace UDAG funds.

The Board discussed the possibility of conducting a Special Town Meeting re: the funding of this project as Mr. Kreidler advised the Board that the residents may be less inspired to reimburse UDAG, and the Board may want to place a borrow article together. The Board took this matter under advisement until Friday 6/1/96 at 7:30a.m.

SUPT. OUELLETTE'S REPORT: (SEE REPORT DATED 5-28-96)

TOWN ADMINISTRATOR'S REPORT:

ACTION ITEMS:

1. The Board approved the Town Administrators recommendation to appoint Timothy Henzy to the Grant Administrator's position at a salary of \$28,000.00 with a six (6) month probationary period and review and if satisfactory raise the salary to \$30,000.00.

Mr. Kreidler advised the Board to his recommendation of five (5) people to be appointed to the Town of Ayer Personnel Board. Mr. Kreidler advised the Board to his review of the candidates personally and proposed the following people to the Board for their consideration: William Oelfke, James Carrington, Rev. Philip Goff, Donald Haapakoski, and Bonnie Poirier. Chairman Miller stated this is a momentous occasion for the Town and a long time goal of the Boards. Mr. Kreidler to come back to the Board with the terms of office re: the candidates. Selectman Hamel moved to accept the recommendation of the Town Administrator and appointed the above five people to the Personnel Board, 2nd by Selectman Slarsky, VOTE: unanimous, so moved.

Mr. Kreidler advised the Board to his research of the Town's Health Insurance and of the following eligibility requirements: The statute covering insurance packages clearly spelled out ineligibility for any appointed town officials compensated or not compensated who work less than twenty (20) hours per week. Mr. Kreidler stated a second group of elected and compensated officials working less than twenty (20) hours per week could be made eligible through a Board of Selectmen's vote. This group which encompassed two (2) selectmen, the Town Moderator, and Town Tree Warden. A third group elected but not compensated who work less than twenty (20) hours could be deemed eligible by the Board of Selectmen if Town Meeting voted them a salary. This would be a token stipend to make them eligible for consideration by the Board. Mr. Kreidler stated now that the Board knows of the ineligibility of the second group of officials they must take action. Selectman Hamel voiced her concern that people running for office should not run for a "carrot" to provide them an incentive to take on such a post. Chairman Miller requested if their was a policy in place which would allow these thirteen people to stay on the Town's health plan for a certain period of time in order to make the necessary transition to getting their own insurance. Mr. Kreidler stated the Federal Program COBRA would allow the thirteen people to stay on the Town's Health Plan for an eighteen month period to assume their own health insurance policy but this COBRA would be at a cost of 100% of the premium to them. The Board moved to invoke Robert's Rules of Necessity due to the Board not being able to reach a quorum. Selectman Hamel moved to make the elected and compensated officials eligible to be given Health Insurance Benefits and to seek to make eligible those officials presently ineligible for health benefits at a Special Town Meeting to request the voters to allow a stipend be given to those officials to be eligible for consideration by the Board of Selectmen for acceptance of the Town's Health Plan, 2nd by Chairman Miller, VOTE: unanimous, so moved.

The Board requested Mr. Kreidler place this as a priority before the Town's newly appointed Personnel Board to develop a policy re: health care benefits. The Board to also review the Town's past policy re: cost of benefit for current people and the cost associated with impact of new people across the board.

Mr. Kreidler requested if the Board has selected a delegate to serve on the Regional School Committee. The Board directed Mr. Kreidler to revisit this matter at the next Selectmen's Meeting.

The Board was advised to the RFP going out for Phase II of the Comprehensive Plan. The closing date being 7-5-96. A short list to be made available to the Board by their July Meeting and hopefully a consultant to be on board by 8-5-96.

The Board authorized Mr. Kreidler to execute a contract with KV Associates to provide the Project Manager services for the new Police Station needs assessment, design and construction.

The Board approved the contract for MMA Consultants in the amount of \$6,900.00 for the search and screening of candidates for the new Police Chief.

The Board approved of Acting Chief Donald Haapakoski be compensated at the lower end of the Police Chief's salary for duties he has undertaken.

Mr. Kreidler advised the Board to current steps he has undertaken to give the Town time to deal with ADA non-compliance issues currently before the Board. Mr. Kreidler advised the Board to both town hall bathrooms being closed during meetings at the Town Hall to provide equal opportunity for all people.

Mr. Miller stated he has a call into to Mr. Breaneau re: ADA compliance for the Town of Ayer. Mr. Miller stated we cannot shut down the town hall entirely residents must have access. Mr. Miller stated the town has taken positive actions to come into compliance. Mr. Miller stated he does not want the Town to be thought of as non-responsive.

Mr. Kreidler advised the Board to his review and research to the Park Departments Urban Self Help Grant Application made available by the State Department Environmental Affairs Office. Mr. Kreidler proposed a placement of \$100,000.00 in UDAG money that would cover the grant. Should the Town receive Grant Funding by the State of \$52,000.00, the remaining matching funds of \$48,000.00 could be provided through the Town's application of another round in MSCP grant funds. Mr. Kreidler stated at most the UDAG would have to utilized for a short time between grant fundings.

Mr. Kreidler advised the Board to the FY-97 appointments to be made available for the next Selectmen's Meeting for their review and recommendation.

Mr. Kreidler requested of the Board to review their summer schedule, re: meetings for July and August to be made known.

Selectmen Hamel moved to adjourn the meeting, 2nd by Chairman Miller, VOTE: unanimous, so moved.

10:55p.m. Selectmen's Meeting adjourned.

Pauline J. Hamel Date: 6-24-96
Pauline J. Hamel, Clerk

10:55p.m.