

Selectmen's Meeting
Monday, May 22, 1995
2nd Floor Meeting Room
Town Hall, Main St., Ayer, MA

7:00P.M. Open Session

The Board met with Chairman Miller and Selectman Hamel. Selectman Slarsky unavailable due to prior commitment.

The Weekly Warrant was examined and approved in the following amount \$358,532.25

The Minutes of April 24, 1995 and May 1, 1995 were read and accepted.

The Board met with Larry Caldwell, President, and Richard Linde, Steward of the DPW Union AFL-CIO Council #93 Local 1703 and Staff Representative Terry Flynn regarding the Fy-96 DPW Contract. Chairman Miller stated that he wished to thank the Union for the spirit of cooperation rendered to him during the negotiation sessions. Chairman Miller reviewed with the Board the agreed upon amendments to the existing Collective Bargaining Agreement for Fy96- through Fy-99.

1. A three year contract with a 4% raise each year.
2. The Transfer Station Operator's base rate of pay be raised from \$12.52/hr to \$13.00/hr.
3. Water Division's Grade I Operator License be raised \$.50/hr
Water Division's Grade II Operator License be raised to \$1.00/hr.

The additional amendments reflected management requests: Summer hours: Daylight Savings/Spring to Labor Day/Fall. Language in Section 8, Page 12 to read: Should temporary or part-time employees be utilized on an emergency basis, the temporary and part-time employees will be relieved of work on a daily basis at the same time as or not later than the regular employees are relieved on a daily basis. It is the mutual intent of the employer and the Union that temporary help will not be sued in overtime work in anyway to take overtime away from regular employees. If an extreme or unusual situation arises, it shall be discretionary with the foremen or Superintendent on the job to keep temporary or part-time men on overtime work for a limited period of time.

Chairman Miller called for a motion to accept the Fy-96 through Fy-99 DPW Union Contract Addendum as presented and clarified by the Chairman, Selectman Hamel moved the Board accept the FY-96 DPW Union contract as presented and clarified by the Chairman, 2nd by Chairman Miller, VOTE: unanimous, so moved.

The Board thanked the DPW for coming in. Mr. Flynn took this opportunity to state that this would be his last formal duty for the Town as he will be serving in another district. Mr. Flynn thanked the Board for past considerations extended to him.

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Chairman Miller read into the record a Proclamation from the Massachusetts Dept. of Public Health requesting the Town of Ayer proclaim May 14, 1995 to May 28, 1995 as "INCREASE THE PEACE WEEKS IN THE TOWN OF AYER, MA." (see attached) Chairman Miller called for a motion to endorse the statewide violence prevention proclamation and encouraged the citizens of Ayer to take cognizance of this event and build awareness about the vital issue of preventing violence in the Town of Ayer, Selectman Hamel moved the Board endorse the proclamation, 2nd by Chairman Miller, VOTE: unanimous, so moved.

Supt. Ouellette's Report: See report dated 5-22-95

Action Items:

1. The Board approved of the C.L. Environmental Corp. Sludge Pre-Treatment Operation for the periods of May 26, 1995 to June 29, 1995 to be conducted at the Ayer Wastewater Pre-treatment Plant for up to 500 gallons per day. Motion to approve made by Selectman Hamel, 2nd by Chairman Miller, VOTE: unanimous, so moved.

2. The Board reviewed and approved the Chapter 85 Project request.

Selectman Hamel moved the Board endorse the Chapter 85 Request 2nd by Chairman miller. VOTE: unanimous, so moved.

3. The Board approved of 37 letters presented by Supt. Ouellette to be sent out to delinquent water/sewer customers. Each letter to be hand delivered to the addresses by the DPW personnel.

4. The Board based upon the recommendation of the superintendent awarded the Bid for the SCADA System for the Grove Pond internal hardware-water distribution system (contract 95-1) to Freedom Electrical Co., Inc. for the Bid Award of \$143,250.00

Selectman Hamel moved the award, 2nd by Chairman Miller, VOTE: unanimous, so moved.

5. The Board based upon the recommendation of the Supt. approved the Contract Amendment to the Grove Pond Engineering Agreement for the Grove Pond filtration plant and specifications for the new water tank be awarded to Haley & Ward Inc.- award not to exceed \$24,608.00. Selectman Hamel moved the motion, 2nd by Chairman Miller, VOTE: unanimous, so moved.

6. The Board based upon the recommendation of the supt., moved to appoint James Drapeau of Calvin St., Ayer, MA to the vacant Waste Water Treatment Plant Attendant's position. This position created by Bruce Rollins departure. Motion made by Selectman Hamel, 2nd by Chairman Miller, VOTE: unanimous, so moved.

7. The Board was advised to summer help advertisement being placed and also of part-time help at the Transfer Station also being advertised.

8:00P.M. PUBLIC HEARING: Earth Removal Renewal Permit-J.P. Routhier/Willow Rd., Ayer, MA

The Board met with Paul Routhier regarding renewal of his Earth Removal application. Chairman Miller read into the record the published Public Hearing Notice released May 10th & 17th, 1995, in the Nashoba Publications newspaper. Mr. Routhier stated his request was for the customary removal of between 30,000 and 40,000 cubic yards of earth from Willow Rd., Ayer, MA. Mr. Routhier stated there would be no changes to his operation-Monday through Friday from 7:00a.m.-4:00p.m. All trucks to be covered and area to be wet down at completion of day. The Board requested if all abutters were notified. Mr. Routhier stated they had. Chairman Miller requested if there was anyone present wishing to speak for or against the permit-no one stepped forward. Selectman Hamel moved the Board approve the permit as presented, 2nd by Chairman Miller, VOTE: unanimous, so moved.

8:15P.M. PUBLIC HEARING: Earth Removal Permit-Coutu Family Trust-Willow Rd., Ayer, MA Earth Removal Permit issued for Six (6) months-Permit fee \$500.00

The Board met with Thomas Geagan of GEO-MATERIALS and Walter Coutu, trustee. Chairman Miller read into the record the published Legal Notice released May 10th & 17th, 1995, in the Nashoba Publications Newspaper. Mr. Geagan presented to the Board a map depicting the area of removal operations and stated this permit is also a renewal of an existing permit issued to the Coutu family. Chairman Miller requested if there was anyone present to speak for or against the permit. Mr. Ricardo Vera of 30 Willow Rd. stepped forward. Mr. Vera expressed to the Board problems he has had in the past with the earth removal operation. Mr. Vera expressed his concern regarding stabilization of the hill and of dust control measures needing to be addressed. Mr. Geagan stated all trucks would be covered with automatic tarp covers. There would be an on site engineer and that a gravel/stone roadway would be constructed on site to minimize dust as well as water spray pipes would be installed to wet down underside of trucks before exiting. Problems arising from the earth removal operation to be handled by Mr. Geagan personally. Chairman Miller called for a motion to approve the Earth Removal Permit for Coutu Family Trust, Selectman Hamel moved the Board approve the Earth Removal Permit as originally requested with no changes to hours of the operation or days originally requested and based upon Mr. Geagans assurances to satisfy Mr. Vera's concerns, 2nd by Chairman Miller, Vote: unanimous, so moved. Earth Removal permit issued for Six (6) months-Permit Fee \$500.00

8:30P.M. Public Hearing: Common Victualler's License-Stephen Muth-Shirley MA, re: 18 Park St. (Subway). Mr. Muth requested the Board set back this hearing due to him not being ready to come before the Board. The Board rescheduled Hearing to 6-5-95

BOSMIN5-22-95/PG.4

The Board met with Mrs. Yi regarding the continuation of her All Alcohol License for 5-7 West Main St., Ayer, MA - Jang Soo Bar-B-Que. Present for discussion was Town Counsel Robert Gardner. Town Counsel stated he had met earlier with the Town Treasurer-Thomas Callahan regarding the status of water/sewer liens and back taxes on real estate for 5-7 West Main St. Town Counsel stated Mrs. Yi's attorney and the Treasurer had agreed on a schedule of payments to be made toward the outstanding tax liability: payments of \$1,000.00 per month beginning May 15, 1995, towards the outstanding balance which is presently \$86,000.00 and on or before the end of the three (3) year period commencing with the closing on the property, Mrs. Yi will pay the balance of the outstanding tax liabilities, in addition to the foregoing, Mrs. Yi will make timely payments on all current tax obligations on the property. In consideration the Town of Ayer will agree to hold in obedience the tax proceeding now pending in the Land Court Docket #102764 for as long as the above terms are complied with. The Board having had this license before them recently- moved to accept the conditions so stated by Town Counsel. Chairman Miller called for a motion to approve the All Alcohol License for 5-7 West Main St. Ayer, Ma. Selectman Hamel moved the Board approve the license with contingency's so stated by Town Counsel and for such language to be incorporated into the License application, 2nd by Chairman Miller, VOTE: unanimous, so moved. Mrs. Yi Attorney to contact Town Counsel with language.

8:45P.M. NO SHOW-CAMPER'S INN-Class II Violations.

The Board met with Atty. Richard Larkin representing Woodford Nursing Home. Present for the discussion was Town Counsel-Robert Gardner, David Elmaleh- Trustee, Richard Cravits-Administrator at Woodford, Treasurer-Thomas Callahan and DPW Supt. Donald Ouellette. Atty. Larkin presented to the Board Woodford's proposal relative to tax title for 15 Winthrop Ave., the outstanding water account as well as the account for current real estate tax obligations. Mr. Larkin stated Woodford will make payments towards these obligations on the proposed schedule:

May 1995-\$3,000 current water \$2,000 tax title
June 1995-\$3,000 current water \$2,000 tax title
July 1995-\$3,000 current water \$2,000 tax title
August 1995- \$6,000 current water \$3,000 tax title
September 1995-and ensuing months-\$9,000 allocated as above.

Upon satisfaction of the tax title account, sums allotted to that account shall be applied to the current tax account. When the current tax account is satisfied, said allotted sum shall be applied to the water account until a current real estate tax bill is received, at which time the sum of \$3,000 per month may be applied to current year taxes. Atty. Larkin challenged the computation the Town currently uses re: interest on the water/sewer liens. The Board to review with Town Counsel past performance regarding this policy. Town Counsel to meet with Atty. Larkin re: interest payment credit. The Board approved the

schedule of payments as submitted by Atty. Larkin and as recommended and approved by Town Counsel and the Treasurer for Woodford of Ayer Realty Trust-15 Winthrop Ave., Ayer, MA.

9:15P.M. Chairman Miller called for a Motion to enter in Executive Session. Selectman Hamel moved the Board enter into Executive Session pursuant to M.G.L. Chapter 39, Section 23 B re: Fort Devens Elementary School to adjourn and enter into another Executive Session pursuant to M.G.L. Chapter 39, Section 23 B, re: Imperial Casualty to adjourn and re-enter into Open Session for the sole purpose of adjourning the meeting, 2nd by Chairman Miller, VOTE: unanimous, so moved.

9:15P.M. Executive Session

Pauline J. Hamel
Pauline Hamel, Clerk
AYER BOARD OF SELECTMEN

DATE:

6/19/95