

Selectmen's Meeting
Monday, May 1, 1995
2nd Floor Meeting Room
Town Hall, Main St., Ayer, MA

7:30P.m. Open Session

The Board met with Chairman Hamel and Selectman Miller.
Selectmen Slarsky absent due to serving with the Army Reserves in Florida.

The Board examined and approved the Weekly Warrant in the following amounts: P/R: \$58,232.09
EXP: \$316,519.05

The Board approved the Annual Town Meeting Warrant. Present for the Signing was Constable Clark W. Paige, Sr. Selectman Miller moved to approve the Warrant as presented, 2nd by Chairman Hamel, VOTE: unanimous, so moved.

The Board read into the record a Proclamation proclaiming the week of May 14, through May 20, 1995 as Emergency Medical Services Week.

Chairman Hamel requested a moment of silence in memory of Robert Cogan. Stating Mr. Cogan's death marks the end of an era.

Chairman Hamel read into the record a tribute to Robert Cogan, which appeared in the Boston Globe. Mr. Cogan passed away on April 27, 1995. Mr. Hogan was instrumental in the Town of Ayer's Industrial Development and the creation of jobs for the region. Mr. Cogan very carefully selected the right industry for the community noting the possible impact on the environment. Chairman Hamel also noted that Mr. Cogan was the Town's first economic developer in the Town. Towards this end Chairman Hamel suggested the Town honor Mr. Cogan with a memorial plaque to be placed in the Town Hall in tribute to Mr. Cogan's many years of service to the community, Selectman Miller moved the Town in grateful appreciation to Mr. Cogan and in honor of the Town's 125th Anniversary Date erect a bronze plaque to be hung at the Ayer Town Hall on this occasion in memory to Mr. Cogan. The Board also recommended other long standing community officials be included in the future.

The Board examined and approved the Minutes of April 10, 1995.

Chairman Hamel requested if there was anyone present who wished to be heard under Public Input, no one stepped forward.

Chairman Hamel called for a motion to accept the Agenda as presented. Selectman Miller moved the Agenda of 5/1/95 be accepted, 2nd by Chairman Hamel, VOTE: unanimous, so moved.

Chairman Hamel took this opportunity to review letters the Board had received. One letter of appreciation was read into the record from James Livingston of Willard St., Ayer, Ma. in appreciation for the repair to the water main on his property. Mr. Livingston stated his appreciation to the men of the Water Dept. for their fast response and repair. Selectman Miller requested the DPW be contacted re: individuals who worked on this detail and letters of appreciation be written and placed in their files. Elaborating that the Board rarely receives letters of praise mostly complaints.

Chairman Hamel also read into the record another letter from a resident re: response for assistance from a local contractor re: incident on Littleton Rd. where she sustained damage to a tire due to the road conditions. Town Counsel requested a copy of the letter so that he could address it to the developer re: agreement between the contractor and Town re: damages caused from road construction.

Chairman Hamel announced that the Town's Banner would be put up later in the week announcing the Annual Town Meeting on 5/8/95.

Chairman Hamel requested at this time to re-organize the Board of Selectmen. Chairman Hamel nominated Charles Miller as Chairman, Selectman Miller nominated Pauline Hamel as Clerk. Selectman Miller read into the record the vote of Selectmen Slarsky agreeing with the nominations as presented. VOTE: unanimous, so moved. Selectman Miller requesting the re-organization be effective at the close of the meeting.

The Board met with Atty. Richard Larkin, David Elmileh, owner/trustee of Woodford Nursing Home and Richard Cravits, Administrator of Woodford Nursing Home. Present for this discussion was Robert Gardner Jr., Town Counsel. Town Counsel stated he had met earlier with Supt. Ouellette re: review of the Nursing Home's outstanding water & sewer bills and with the Treasurer regarding outstanding Real Estate taxes also in arrears. Town Counsel reviewed with the Board the Town's options re: their authority as the Water Commissioners and of the rules and regulations in which they could enact.

Atty. Larkin stated he and his clients were before the Board this evening to request the Board consider an accelerated payment plan in lieu of not shutting off water services to the Nursing Home. Atty. Larkin stating this would cause severe hardship and fear to the residents. Atty. Larkin stated the Nursing Home is currently paying \$4,000.00 a month towards the arrears in Real Estate taxes and proposed the additional accelerated proposal to the Board: \$6,000.00 a month for the months of May, June & July 1995, then in August 1995 accelerated the payment again to \$9,0000.00 a month until all arrears are caught up this in addition to the current year billing payment.

The Board requested this proposal be presented to the departments in which arrears occur. Selectman Miller requested the Board take this matter under advisement for two weeks and to reschedule this matter on the next Selectmen's Agenda May 22, 1995 and to invite the Treasurer, Tax Collector and Superintendent of Public Works in to coordinate this proposal. Selectman Miller amended the motion to read that no further action be taken re: the shut off of water at the Nursing Home until the review is taken up on the 22nd of May, seconded by Chairman Miller, VOTE: unanimous, so moved.

The Board met with Town Counsel re: the H.O.M.E. Program (Homeowner Rehabilitation Loan Single Family Property Program) requested by Robert Hubbard, under the direction of the Mass. Small Cities Program. Town Counsel stated Mr. Hubbard is seeking the Board's permission to delegate to him the authorization to sign off promissory notes under Title I, so as not to slow down the process waiting for signatures. Town Counsel stated their should be a statement annexed to the documentation that states the borrower has the option of reviewing the loan agreement with an attorney to appraise the lender & borrower of all their rights in relation to the documentation. Town Counsel felt the remainder of the documentation is satisfactory and would recommend the Board approve Rob's request. Selectman Miller moved the Board accept the recommendation of Town Counsel and approve the authorization of Rob Hubbard to sign off promissory notes in his capacity as MSCP Program Director, seconded by Chairman Hamel, VOTE: unanimous, so moved.


The Board met with Mr. & Mrs. Kenneth Connors of Townsend, MA re: the Release Agreement for release of a dog from the Ayer Dog Pound. Present for this discussion was Town Counsel-Robert Gardner.

Town Counsel reviewed with the Board the legal document-Indemnity Agreement and Releases which would release the dog (cocker spaniel) from the Town of Ayer to ownership of the Connors. This document being necessary due to the nature of the dog having a history of aggressive behavior-biting. Town Counsel stated the behavioral evaluation report has been received by the Town from Tufts University School of Veterinary Medicine declaring the dog as being dominant with a good chance of repeating this behavior. The Agreement prescribes a rehabilitative treatment which the Connors stated they are willing to undertake. Town Counsel reviewed with the Board the indemnity which the recipient of the dog agrees to hold harmless from any and all liability loss or damage which may result of claims, demands, costs or other actions relating to or arising out of the transfer of the dog to the indemnitor (Connors). Duration: to continue in full force and effect without limitation. The Board of Selectmen authorized the Chairman's signature and Mr. & Mrs. Kenneth Connors executed the Agreement before Town Counsel Robert W. Gardner. Motion made

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by Selectman Miller, 2nd by Chairman Hamel, VOTE: unanimous, so moved. Mr. Connors to contact the Selectmen's Office in the morning to arrange for pick-up of the dog with the Animal Control Officer.

The Board approved of the following Water & Sewer Permits:
18 Vernon St., Crabtree Development for Magnolia Drive, Lots:
1,2,3,4,5,6, & 7.

 The Board approved of Hoyle Tanner Pretreatment Agreement for Professional services for ~~calendar year 1996~~. 57-95 - 1-1-98

The Board reviewed the recommendation of the Building Inspector-Gabe Vellante and requested that Camper's Inn be invited in to meet with the Board re: violation of their Class II License.

Selectman Miller moved the Board enter into Executive Session pursuant to M.G.L. Chapter 39 Section 23B re: Fort Devens Elementary School to adjourn from Executive Session to reenter Open Session for the sole purpose of adjourning the meeting, 2nd by Chairman Hamel, VOTE: unanimous, so moved.

9:10P.M. Executive Session

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

Date: 5-21-95