

Selectmen's Meeting
Monday, August 22, 1994
2nd floor Meeting Room
Town Hall, Main St., Ayer, MA.

7:30P.M. Open Session

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

The Board approved the Weekly Warrant in the following amount
P/R: \$42,120.54
Exp: \$142,191.23

The Minutes of August 9, 1994, were read and accepted.

The Board approved a One Day Beer & Wine License for St. Mary's Lawn Party for September 9th and 10th, 1994. Motion moved by Selectman Slarsky, 2nd by Selectman Miller, Vote: unanimous, so moved.

The Board met with Melissa Weeks of Fort Devens Legal Administration requesting use of Pirone Park for August 26, 1994 and for a One Day Beer & Wine License. Selectman Slarsky stated the Board's concern for alcoholic beverages being consumed at the Town Park re: liability issues and safety of children in the area. Ms. Weeks stated the license would be from 11:00-5:00p.m. and that the area would be roped off where the alcohol would be consumed and stored. Selectman Miller elaborated about a recent incident whereas a company from F.D. had used Sandy Pond Beach for a picnic and alcohol was present without a permit and the Ayer Police Dept. was dispatched to remove the alcohol from the beach. The Board moved to approve the use of the park for the picnic but tabled the One Day Beer & Wine Permit.

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

Selectman Slarsky stated he wished to discuss several issues:

1. Conservation Commission
2. Cable T.V.
3. McPherson Road & Moore Airfield

Selectman Miller requested to address the Board's fall Meeting schedule.

Robert Hubbard, re: the Public Hearing re: Fort Devens.

Chairman Hamel requested a motion to accept the Amended Agenda of 8-22-94, Selectman Slarsky moved the Board accept the amended Agenda of 8-22-94, 2nd by Selectman Miller, VOTE: unanimous, so moved.

Selectman Slarsky stated he had spoken with Conservation Commission Chairman Robert Eldredge re: Weed Control of Flanigan's Pond and Mr. Eldredge had stated he had recently read a article in the Boston Globe re: the state of Vermont successfully using a "weavel" and the use of light insecticides to restore ponds. Mr. Eldredge to contact Vermont re: information being sent to him for possible use in Flanigan's pond.

Selectman Slarsky stated he wanted to discuss Cablevision's Transfer of License Public Hearing which was conducted on May 9, 1994. Selectman Slarsky stated he had requested at this Public Hearing, which is on record, by the transcriber of the minutes; that a cable box was not necessary to obtain cable television if the television is cable ready. This was definitely responded "Yes" at the Hearing by a Mr. William Morgan. Selectman Slarsky stated this is not the message he received when he inquired about the new rates. Selectman Slarsky requested Mr. Morgan be invited to the next Selectmen's meeting and explain the apparent inconsistency between their statements on May 9, 1994, and the procedure that the cable company is presently following. Selectman Slarsky put this request in the form of a motion which was 2nd by Selectman Miller, Vote: unanimous, so moved.

Selectman Slarsky requested at this time to postpone the discussion re: McPherson Rd. and the Airport until later in the evening when the PLANNING BOARD is present.

Selectman Miller requested the Board meet on Monday evenings stating he will be attending evening classes this fall. The Board approved changing the meeting night to Monday evenings, commencing September 12th. The Board set the Selectmen's meeting schedule for September - December 1994.

September 12th and 19th, 1994
October 3rd 17th and 31st, 1994
November 7th and 21st, 1994
December 5th and 19th, 1994

The Board met with Robert Hubbard, Economic Development Director, re: the Super Town Meeting scheduled for later this October. Mr. Hubbard stated at the last Joint Boards meeting it was agreed to have one person moderate the meeting. Mr. Hubbard stated Jim Ford of Lancaster was recommended to moderate this meeting. The Board agreed to have Mr. Hubbard contact Mr. Ford re: his accepting this role as moderator for the Super town Meeting to be held at Fort Devens.

Chairman Hamel took this opportunity to read Mr. Higgins letter of resignation as Town Administrator. Chairman Hamel stated Mr. Higgins accepted the town of Lincoln's Executive Secretary's position beginning September 26, 1994.

Mr. Higgins last day of work September 23, 1994. The Board expressed their regrets and moved to accept the resignation effective September 23, 1994. Selectman Slarsky moved to accept Timothy Higgins resignation with regrets, 2nd by Selectman Miller, VOTE: unanimous, so moved.

The Board met with Keith Crider, owner of Kleenite Laundry in Ayer, MA. Mr. Crider referred to his letter to the Board of 8/15/94 regarding the uniform rental bid which his company was underbid by Unifirst Corp. of Nashua, N.H. by \$800.00 per year. Mr. Crider stated Kleenite has been in business for the past 54 years; stating Kleenite is a major tax payer, employer and water user in the Town of Ayer. Mr. Crider appealed to the Board to rely on their good judgement before awarding the contract solely on the basis of the lowest bid. The Board expressed their regrets and informed Mr. Crider that they cannot place the bid above the law and would have Town Counsel look into the public bidding process. The Board requested Town Counsel to investigate the award of the bid to Unifirst to be sure that the Uniform Procurement Act has been complied with and that no hidden costs could push the contract price up. The Board set this matter back pending Town Counsel's review.

The Board met with Vinay Mudholkar, Chief Engineer for Boston & Maine Railroad. Mr. Mudholkar stated he was present this evening re: the drainage culvert at the end of Nemco Way. Mr. Mudholkar stated he had met with the Ayer Conservation Commission prior to meeting with the Selectmen this evening. Mr. Mudholkar gave the Board a brief background. The Ayer loop surrounds a wetlands area which is owned by the Town. Four retention ponds and approximately 14 catch basins from surrounding industrial developments and town roads all drain into this loop track wetland. Two culverts that drain the loop wetlands belong to B&M. One culvert #3.21 is a 12" concrete pipe and the second culvert #3.21 is a 24" concrete pipe. Mr. Mudholkar stated as a result of continued development i.e. Crabtree more runoff is being created. During the spring with heavy rains and runoff from snow melting, water becomes impounded in the loop track wetlands. The existing culverts under the Railroad tracks have become inadequate to handle the flow and need to be functionally replaced. Mr. Mudholkar stated he proposed an equalization culvert be built of 42" corrugated metal pipe, this culvert will drain directly to two 36" concrete culverts. The construction method will be to open, cut the track, prepare a stone base, install pipe, backfill with stone and rip-rap the side slopes. The Conservation Commission is agreeable to this new culvert, the only stipulation was for a beaver barrier/fence be erected at the end of the pipe to prohibit the beavers from blocking flows. Mr. Mudholkar stated companies located around the site have contributed to the new culvert and suggested The town of Ayer apply for a grant for the drainage system located around industrial park. Mr. Mudholkar stated the Town of Ayer would be

a strong prospect. The Board to investigate this possibility. Mr. Williams of the Ayer Planning Board stated the Planning Board is very careful in their decision process re: the creation of new sub-divisions; drainage and associated problems are always addressed through the Supt. of Public Works. Mr. Williams stated the Boards emphasis always addresses impacts to the Town's infrastructure.

The Board met with the Town Treasurer-Thomas Callahan. Mr. Callahan stated he was before the Board this evening re: voluntary group life insurance. Mr. Callahan stated this insurance will not cost the Town anything to offer- payment is solely the responsibility of the enrollee. Mr. Callahan stated the plan would offer insurance in addition to the Town's basic plan's benefits. The cost of the new voluntary life plan must be entirely born by the employee. The plan would offer to the employee the choice of either \$5,000, \$10,000, \$15,000, \$20,000, \$25,000 or \$30,000 of group life insurance and an equal amount of Accidental death & dismemberment coverage.

Selectman Slarsky moved the Board approve this additional elective coverage contingent the Town does not incur cost of implementation, 2nd by Selectman Miller, VOTE: unanimous, so moved.

The Board met with former Selectman Charles Jones, Chairman of the Moore Airfield Re-Use Committee, Robert Hubbard, Economic Development Director, and Planning Board members Coleen Norstrom and James Williams, re: Moore Air Field. Charles Jones brought the Board up to date regarding his Committee's meetings and research into the airfield's marketability. Mr. Jones stated the Land Bank is not willing to expend funds unless the property is theirs. The Land Bank is not interested in the airfield and has not marketed it at all, not much progress. Mr. Jones elaborated on meetings he has conducted with agencies re: proposed use of the airfield re: air shows, pilot programs, etc. The Board requested the Land Bank be recontacted restating the Town's desire to secure ownership of the Moore Airfield and other abutting federal properties that lie north of the Main post and east of the Nashua River to include all personal property located on the airfield to date. The Board stated their hope that this transfer take place pursuant to the public benefit conveyance provision of the Federal property disposal process. The Board stated their belief that it is to the Town's best interest to manage the redevelopment of this asset directly; stating the boards desire and capacity to see the airfield returned to productive use as expeditiously as possible. The Board requested the Land Bank support the Town and the Joint Boards of Selectmen in this matter. The Board requested the Joint Boards schedule this topic at the next JBOS meeting.

The Board also addressed their concern regarding McPherson Road.

The Board expressed their concern with respect to should the airfield become a productive part of the local economy, they would not want to compromise other local roadways. The Board wished provisions for modifications to McPherson Rd. to include possible reconstruction of the rail bridge. The Board stated they will aggressively oppose any transfer of land or other interest in land to any organization or agency, i.e. Fisheries and Wildlife or others, that will limit the Town's ability to develop a responsible traffic plan for this area. McPherson Rd. was also requested by the Board to have the JBOS coordinators add as a topic at the next JBOS meeting.

The Board reviewed with the Jim Williams and Coleen Norstrom of the Planning Board changes the Planning Board had drafted to the Fort Devens By-laws. (see attached). The Board approved the changes as prepared. Selectman Slarsky moved to accept the changes to the Fort Devens By-laws as presented by the Ayer Planning Board, 2nd by Selectman Miller, VOTE: unanimous, so moved.

The Board requested Special Town counsel Judy Pickett review Fort Devens's By-laws especially the education section as well as the draft of the education legislation. Atty. Pickett to review and represent the Town regarding Fort Devens's issues.

TOWN ADMINISTRATOR'S REPORT: See report dated 8-22-94

1. Mr. Higgins requested Town Counsel be present to discuss Hybricon's Atlantic Union & Trust Company refinancing. Town Counsel stated presently Hybricon owes \$1,207,000 to Fleet due to IRB indebtedness. All but \$150,000 of this amount will be paid off with the proceeds of the financing from Atlantic Union. Hybricon will borrow \$1,000,000 on a term loan basis from Atlantic secured by a mortgage on its real property and building and a first position on Hybricon equipment, other than that financed with the proceeds of borrowing from the Town of Ayer, as which the Town of Ayer will retain its first position and Atlantic will be in a Jr. position. Hybricon will enter into a line of credit and allowed to borrow 80% of acct. receivable but no more than \$800,000 from Atlantic. The mortgage on the real estate is a third mortgage, behind Fleet bank who holds the remaining outstanding industrial revenue bonds, but Fleet will give up its position on equipment owned by Hybricon financed with IRB proceeds. The Board was made aware of Michael Haywood loaning to Hybricon as subordinated debt the amount of \$150,000. Hybricon will be providing a fourth mortgage to the Town on its real estate and as collateral security Two (2) life insurance policies worth \$400,000 on Mr. Haywood's life. Atlantic is prepared to finance the Hybricon transaction on the basis of a first position in Hybricon equipment other than what's financed to the Town, in which it would have the second. Mr. Kurs advised that the equipment was financed thru proceeds from the IRB's

seven (7) years ago in which Atlantic would have a first position. Town Counsel stated there would be no impact to the Town's security position because it will have a Jr. position in the IRB equipment in respect of \$1,207,000 Hybricon indebtedness. The only difference being the bulk of the indebtedness will be owed to Atlantic except for the \$150,000 owed to Fleet. Town Counsel stated it is important to Hybricon to be able to enter into this refinancing with Atlantic to be able to enter into a revolving credit arrangement which is important for Hybricon to be able to expand its business. Town Counsel summarized the refinancing stating Hybricon wishes the Town to agree that the Town's position in the IRB equipment be junior to all of Hybricon's borrowing from Atlantic. The Board after lengthy review and discussion agreed to this request. Selectman Slarsky moved the Board approve the town's position be junior in the IRB equipment regarding Hybricon's refinancing from Atlantic, 2nd by Selectman Miller, VOTE: unanimous, so moved.

2. Mr. Higgins advised the Board to Collective Bargaining negotiations being completed with the Patrolmen and DPW Unions and presented the Board copies of the new contracts for FY-1995. Both contracts having been subject only to a wage re-open. Both the Patrolmen & DPW to be given a 4% salary increase retroactive to July 1, 1994. Selectman Slarsky moved the Board endorse the Patrolmen's & DPW FY-95 Contracts, 2nd by Selectman Miller, VOTE: unanimous, so moved.

3. Selectman Miller announced his inability to serve on the School Department's Contract Negotiations Committee due to conflict of interest, Mr. Miller's sister is a teacher in the Ayer School Department. The Board moved to elect Selectman Slarsky serve in this capacity. Selectman Miller moved this motion seconded by Chairman Hamel, VOTE: unanimous.

4. The Board requested a Screening Committee be organized as soon as possible to begin reviewing resumes for the Town Administrator's position. The Board requested Town Counsel Chair this committee.

5. The Board approved a sewer tie-in for 92 Washington Street, Ayer, MA. Motion moved by Selectman Slarsky 2nd by Selectman Miller, vote: unanimous, so moved.

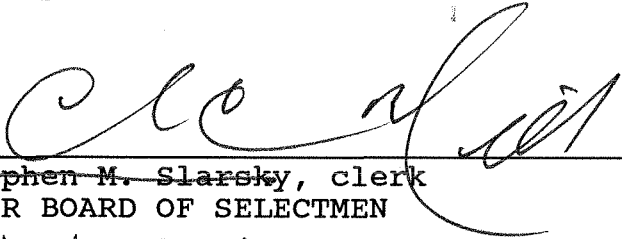
6. The Board signed a release of lien for the MSCP Program for Lorraine Dumas. Motion moved by Selectman Slarsky 2nd by Selectman Miller, VOTE: unanimous.

Selectman Slarsky moved the Board adjourn from Open Session to enter into Executive Session pursuant to MG.L. Chapter 39 Section 23b, re: a Real Estate acquisition, to adjourn and enter into another Executive Session pursuant to M.G.,L. Chapter 39 section 23B, re: pending litigation, 2nd by Selectman Miller, VOTE:

BOSMIN8-22-94/PG. 7.

unanimous, so moved.

10:00p.m. Executive Session


~~Stephen M. Slarsky, clerk~~
AYER BOARD OF SELECTMEN

Date:

9/19/94

Charles E. Miller

Fort Devens Bylaw Changes

Page 4 - Section 1a2 - question necessity of having this in

Page 6 - #6 - We feel quorum should be 9 and that more than a majority should be for some decisions.

Page 6 - B2 Site Plan Review

Selectmen for Liquor Licenses

Page 7 - added the word regulations in C1 after "the Reuse Plan"

Page 8 - Levels of Review - Level one approvals shall be listed on the agenda of the next commission meeting and an opportunity for public input shall be afforded prior to issuance of any approval.

Page 11 A - The applicant shall participate in a mandatory pre-permitting (add: public conference under open meeting law)

Page 13 - 3 takeout 2/3 vote of commissioners present should be vote of no fewer than 8 commissioners in other words 2/3 of commissioners not just 2/3 of those present.

Page 14 - add a section on posting and agendas

Page 15 - add under VA1B - not to include those businesses that store or landfill materials without substantial processing and scheduled reuse or removal of said materials

Page 17 - 3. Gateway II - the residential buildings extant as of 1 October 94 shall not be reused except for incidental uses in connection with demolition and construction on the site

? Fall back

- Residential

+ General Business

(viii) Residence - Residence 1 accessory to primary use.

Page 19 - Copy A from page 18 substituting for (Vii) limitation re mediation and control of traffic onto roads and streets lying outside Devens.

(ix) Housing as accessory use to aviation related (Airpark)

Page 20 - 6. Delete make into no site specific description

Page 22 - C Permitted uses - VIII Owner occupied

Page 29 - 15D Native American Use

Page 30 - Add zoning boundaries shall be described in an unambiguous