

SELECTMEN'S MEETING
JUNE 1, 1993
2ND FLOOR TOWN HALL MEETING ROOM
TOWN HALL, MAIN ST., AYER, MA.

7:00P.M. Open Session

The Board met with Chairman Slarsky and Selectman Hamel.
Selectman Jones absent-vacation.

The Minutes of May 11, 1993 were read and accepted.

Chairman Slarsky called for a motion to accept the Agenda.
Selectman Hamel moved the Board accept the Agenda as posted, 2nd
by Chairman Slarsky, VOTE: unanimous, so moved.

The Weekly Warrant was examined and approved in the following
amount: P/R: \$36,380.24
EXP: \$321,676.37

PUBLIC INPUT: Chairman Slarsky requested if there was anyone
present for the meeting who wished to be heard. Mrs. Coleen
Norstrom stepped forward and Mr. Donald Messangil.

Mrs. Norstrom, Chairman of the Ayer Planning Board and member of
the Joint Planning Boards stated the Joint Planning Boards are
submitting a OEA Grant application to the State seeking to hire a
Joint Board's Co-Ordinator to work for the four (4) Towns to
assist with the paper work, planning for the re-use of Fort
Devens. The grant would pay for this position. Mrs. Norstrom
requested the Selectmen's support for this grant application.
Selectman Hamel moved the Board vote to support this Grant
Application by the Joint Planning Boards contingent that the
Board is not supporting a financial commitment.

On another matter Mrs. Norstrom presented to the Board a letter
from the Ayer Planning Board, dated June 1, 1993, advising the
Board of Selectmen of financial costs inherited by the Planning
Board, due to the hiring of outside consultants to review plans,
associated with road layouts, water & sewer and drainage
calculations during the absence of a Town Engineer. Mrs.
Norstrom stated the Planning Board's concern is budget
constraints and the timely hiring of a Town Engineer. The Board
thanked Mrs. Norstrom for bringing this matter to the their
attention.

The Board met with Donald Massengill re: Share-A-Ride Inc.
Mr. Massengill submitted to the Board Share-A-Ride literature.
Mr. Massengill requested the Board's support Share-A-Ride
a non-profit agency's drive to retain Mass. Transit Authority
Funding in order to provide and maintain services to people in
this area. Share-A-Ride' program allows elderly and disabled
citizens to access services that they otherwise would be barred
from receiving. The Board requested Mr. Higgins to contact the

Mass. Transit Authority to appose any proposal that would curtail transportation services currently provided to Ayer residents through Share-A-Ride.

The Board met with officials from the Environmental Protection Agency: Jim Byrne, Department of Environmental Protection: Lynn Chappell, Fort Devens: Jim Chambers-Ft. Devens Superfund Project Officer, Kristine Kingery-U.S. Army Environmental Center, Philip Morris, Community Relations, & Colonel Richard Dotchin, Fort Devens Installation Environmental Management Officer re: Grove Pond-Plow Shop Technical Review Report of March 31, 1993/Fort Devens Superfund Cleanup.

Mr. Morris opened the discussion re: concern of Ft. Devens cleanup of hazardous waste dumping sites and areas effected by this contamination. Mr. Morris advised the Board to findings at Plow Shop Pond and Grove Pond in connection with the Forts Shepley Hill Landfill site. Mr. Morris stated it was important to open lines of communication between the agencies present and the Town to defuse any fear that these agencies reported re: testing and assistance with remediation. Mr. Morris advised the Board to test findings to date. First samples in 8/91 in part of the remedial investigation at Shepley Hill landfill turned up the presence of ten (10) heavy metals "in potentially hazardous amounts in Plow Shop Pond sediment": arsenic, chromium, lead, mercury, cadmium, copper, nickel, manganese, barium and iron. Mr. Morris stated after conversation with Town officials a recommendation of "Catch & Release" signs be posted around the pond and "No Swimming" signs posted on the Fort Devens side. Fish sampling was also conducted. Two sets of tests of arsenic concentration in the ponds sediments indicated high concentrations in a rippling effect from the landfill, indicating that the landfill could be the source of this heavy metal and responsibility accepted for it. Tests of mercury concentration in sediment and in fish indicated there was no clear source of contamination found. Fish levels did not indicate detectable levels of either arsenic or other metals, and surface water appears to be much less contaminated. The water could be used to fight fires in the vicinity without need for concern about contamination spreading, which was addressed by the Selectmen. Mr. Morris stated the Agencies involved decided the findings merited a "No Emphasis" of the posting "Catch & release" and "No Swimming" signs but not the moving up to replacement with signs of "No Fishing".

Another test recommended that pending State & Federal tests on Grove Pond connected to Plow Shop Pond through a shared culvert, that both Grove Pond & Plow Shop be remediated in tandem. The intention of DEP & EPA is that Grove Pond lies out of immediate concern for Fort Devens. Mr. Byrne stated test results would be available in thirty (30) days.

Lynn Chappell-Mass. Dept. of Envirn. Prot. stated the back-up wells in the vicinity of Grove Pond tap into the aquifer and that only 20 to 30 percent of Grove Pond Water would be expected to work into the wells. Fort Devens Grove Pond well is shallower and therefore could draw more water from the pond thus addressing the fear of turning on the Town's back-up wells.

Kristine Kingery addressed preliminary testing in sediments in Grove pOnd. A hot spot for mercury contamination appears to exist south of the site of the old tannery. Ms. Kingery stated back in the 40's & 50's tanneries had problems of what to do to treat chromium waste and this hadn't been resolved by 1961 and it was sent through the wastewater treatment system. Ms. Kingery stated the capping of the Fort Devens Landfill is being done now and engineers will be monitoring the prevention of leaching of any contaminants into the ponds. The Closing is being carried out in accordance with EPA guidelines.

Chairman Slarsky expressed concern that clean-up could extend for 4-5 years. Jim Byrne-EPA stated it would be completed within one year. Town Counsel-Robert Gardner expressed concern re: air quality contamination. Mr. Byrne stated there was no air quality contamination to be associated with the ponds and their effects of hazardous waste dumping. Mr. Byrne could not satisfy the safety of young people playing games at the Town Park re: contact with pond sediment.

Ms. Chappell stated the Army's involvement has been going as quickly as possible in an effort to handle the problem. Selectman Hamel addressed specific heavy repair equipment sites Located on Fort Devens in the proximity of the wells could be responsible for run off of heavy metals. Ms. Kingery stated contacting the State Fisheries and Wildlife Agencies to receive their assurances after reviewing testing that there is no need to prohibit fishing in the ponds as long as it was made clear that people should not eat the fish. Remediation could take the form of dredging the ponds, lowering water levels to create a wetlands, removal of hot spots of contamination. Care would be taken to determine the effects of each remedy would have on the ecosystem. First must come more testing. Mr. Morris promised to keep Town Officials abreast of test results. Mr. Byrne requested the Selectmen find a replacement to fill Bill Redfields place at regular meetings of the Super Fund Clean-Up on the installation as the closure plan continues.

The Board thanked Fort Devens and State officials for coming to the meeting and reporting on the status of the study. (see report submitted to the Board from Fort Devens dated 6/1/93 attached)

A unexpected visitor entered the Meeting dressed in BLaCk and appeared to be looking for someone. As the visitor got closure it was apparent the visitor was the "GRIM REAPER" sent out to

welcome Selectman Slarsky into the bewitching age. The Grim Reaper came around the table and sang a wrenching rendition of "Ol Lang Syn" to Selectman Slarsky. As the Grim Reaper parted leaving behind a bouquet of black balloons he/she bellowed out "compliments of Selectman Jones" and warning to keep her/his eye on Selectman Slarsky as He entered the 40's zone.

The Board met with Ayer High School teacher Lynn Lutz and members of the Human Rights Squad: Melissa Cossett, Micheal Onge and Micheal Keohane. Mrs. Lutz wished to introduce members of this squad to the Board and presented their accomplishments this year in regard to violence prevention and also to advise the Board to the Violence Awareness Day scheduled for June 12, 1993.

The Board met with Timothy Holland, President of the Ayer Chamber of Commerce who read a Proclamation for Ayer Violence Prevention Awareness Week proclaiming June 6-12, 1993.

The Board met with Grace DeSouza Grabowski, Co-Ordinator for the activities for Non-Violence Week. Mrs. Grabowski told the Board she lived in Ayer and worked for the Dept. of Public Health/Welfare, in Boston, Ma. and as a resident and official she is very concerned about violence in the Town of Ayer. Mrs. Grabowski stated activities were planned for Saturday, June 12, 1993 starting at 10:00A.M. with a March from the Ayer High School down Washington St. were other groups/agencies would be joining in and continuing down to Newton St., to the Town Hall where a public rally would be conducted and then proceeding to the 2nd floor town hall for workshops and public information phamplets would be distributed.

The Board endorsed the efforts of Mrs. Grabowski and the High School Human Rights Squad in their efforts to this worthy and admirable endeavor.

The Board called for a five minute recess:

8:30P.M. the Board re-opened the meeting.

The Board met with Wellman Parker-E-911 Co-Ordinator. Mr. Parker stated he had met with area residents involved with the Streets in Town that were to be renamed due to duplication/confusion. Mr. Parker stated all of the residents had no opposition to these changes:

OLD NAME:

Mechanic St. Ext.
(1st left off Brook St.)
Norwood Ave. (Casey Aubutuck)
Norwood Ave. (Parker/Fitzgerald)
Wachusett Ave. (Schwartz/Lewis)
Wachusett Ave. (Pond)

NEW NAME:

ANGARD WAY

Norwood Ave. North
Norwood Ave. South
Wachusett Ave. West
Wachusett Ave. East

Lincoln St. (Adamson)
Groton School Rd. (Walsh/Frame)

Lincoln St. Ext.
Off Groton School Rd.

Chairman Slarsky requested a motion to accept the names of Streets as presented by the E-911 Co-Ordinator. Selectman Hamel moved to accept the names as presented by Wellman Parker-E-911 Co-Ordiantor, 2nd by Chairman Slarsky, VOTE: unanimous.

Mr. Parker stated with this completed he would be sending off the E-911 report to the State for the Town's adoption of E-911 service.

PUBLIC HEARING: N. E. Telephone/Mass. Elec. Pole Petition
Sedgeway, Ayer, Ma.

The Board met with Matt Hurley, Supervisor of Right-of-Way for N.E. Telephone.

Chairman Slarsky read into the minutes the Legal Notice which ran in the Nashoba Publications Newspaper the weeks of May 19, 1993 and May 26, 1993.

Chairman Slarsky requested if abutters were all notified. Mrs. Lewis stated yes. Selectman Slarsky stated he received an Abutters Notice and requested if the Petitioner had reservations about him hearing and acting on this petition. The Petitioner stated no.

Mr. Hurley stated the request in the petition to locate one new J.O. pole on Sedgeway, plans depicting the location were presented to the Board for their review. Chairman Slarsky stated the Board had received correspondence from a resident objecting to the pole being located on property belonging to her and requesting the petitioner run underground cables/wires to the property. Mrs. Rockwood's letter was then read into the record.

Chairman Slarsky requested if there were abutters present to speak for or against the petition. Paul Bresnahan stepped forward to review the proposed location of the pole representing himself and his mother's property. Mr. Bresnahan after review of the map depicting the location for the pole stated no objection.

Chairman Slarsky requested the Board schedule a site visit of proposed new pole for Thursday, June 3, 1993 at 7:30P.M. Mr. Hurley confirmed his attendance for the site walk on behalf of N.E. Telephone Co. The Board moved to extend the Public Hearing and take this under advisement pending the site walk on 6/3/93, Selectman Hamel moved the motion 2nd by Chairman Slarsky, VOTE: unanimous, so moved.

EXECUTIVE SECRETARY'S REPORT: (see report dated 6-1-93)

1. Mr. Higgins presented to the board five (5) bank notes

re: borrowing \$1.5 million in anticipation of taxes. Treasurer Thomas Callahan had submitted the documentation depicting a 2 1/2% interest note from the State Street Bank for ninety (90) days. This note reflecting property tax bills being projected to be sent out in August of 93. Selectman Hamel moved the Board approved the \$1.5 million Bank Note secured for 90 days at 2 1/2% interest in anticipation of taxes, 2nd by Chairman Slarsky. The Board signed five (5) copies of the Note.

2. The Board was presented a list of Water & Sewer ratepayers who have not paid their water & sewer bills for more than one (1) year. The Board endorsement of this list to begin process of placing liens on properties. Chairman Slarsky called for a motion to sign the water & sewer liens. Selectman Hamel moved the Board sign the list of water & sewer ratepayer who have not paid their water & sewer bills for 1992 and to place this list on lien, 2nd by Chairman Slarsky VOTE: unanimous, so moved.

3. The Board was advised to meeting at the State House Meeting being postponed for June 2, 1993 re: Fort Devens Redevelopment Corp. Legislation.

4. The Board was advised to Supt. of Public works interviews being conducted Wednesday June 3, 1993 and Thursday, June 4, 1993 at the Ayer Town Hall with the Screening Committee, and with recommendation being prepared for at least 3 candidate for the Selectmen's Meeting of June 15, 1993.

5. The Board was advised to forty (40) resumes being received for the Economic Developers position and of interviews being conducted after the close of the Supt. of Public Works position.

6. The Board was advised to upcoming meetings and activities:
6/4/93 Class of 93 Graduation Ayer High School 6:00P.M.
6/8/93 Joint Boards of Selectmen's Meeting 7:00P.M. -Base
6/10/93 Fort Devens's Quarterly Dinner 6:30P.M. Officers Club
6/11/93 Fort Devens's Elementary School Closing Ceremony

The Board met with Karen Makaisu owner of Larry's Inc. D/B/A Karen's. re: Alcoholic Beverage Control Commission's notification of their decision to suspend the liquor license of Larry's Inc. D/B/A Karen's located on Fitchburg Rd., Ayer, Ma.

Chairman Slarsky requested if there was anyone present representing Karen's. Mrs. Makaisu stated she was present. Chairman Slarsky requested if she wished to enter into Executive Session or stay in Open Session. Mrs. Makaisu stated Open. Chairman Slarsky requested if she had anyone representing her. Mrs. Makaisu stated no she was here on her own behalf.

Chairman Slarsky stated the Board received correspondence dated

May 5, 1993 re: violations of ABCC Regulation 204 CMR 2.05 Chapter 138 s23 & s22. ABCC Regulation 204 CMR 4.03 (1) (B) ABCC Regulation 204 CMR 2.16 (1) ABCC Regulation 204 CMR 2.05 (2) Chap 138, S69. Suspending Karen's License from June 9, 1993 at 9:00A.M. to June 28, 1993. (a Twenty Day (20) suspension)

Chairman Slarsky requested if the Board wished to conduct a formal Hearing to determine if there is sufficient evidence of violations of the terms and conditions of Karen's Alcohol License.

Chairman Slarsky called upon Chief Boisseau to state the Police Dept./Chief's concerns. Chief Boisseau stated the Department has had problems in the past with incidents that began inside and ended up outside with automatic weapons, and of the repeated calls for assistance in the past re: removal of drunk patrons. Chief Boisseau stated these calls are fewer now due to owner not wanting Police Reports on these incidents reported. The Police Department has received notice from the Attorney General's Office within the past 18 months of 42 people convicted of driving under the influence after leaving Karen's. Chief Boisseau stated Karen's booked bands that attract large crowds which means mutual aid. Chief Boisseau stated better supervision of the establishment is needed to alleviate problems.

Present for this discussion was a gentleman who was speaking on behalf of his family who had engaged Karen's for a Wedding Reception which was booked unknowingly during this suspension.

Chairman Slarsky stated this suspension was not a local suspension but a State suspension. Chairman Slarsky requested Mr. Higgins meet with this gentleman after the meeting and leave his card with him re: contacting him later.

Chairman Slarsky called for a motion re: scheduling a Public Hearing re: to determine whether there is sufficient evidence of violations of the terms and conditions of Karen's alcohol license to warrant the Selectmen as the local licensing authority, taking disciplinary action against Mrs. Makaisu as the licensee. Selectman Hamel made the above motion, 2nd by Chairman Slarsky, VOTE: unanimous, so moved.

9:25P.M. Selectman Hamel moved the Board adjourn the meeting.

9:25P.M. Meeting adjourned.

DATE: _____

CHARLES H. JONES, CLERK
AYER BOARD OF SELECTMEN