

SELECTMEN'S MEETING
MONDAY, NOVEMBER 25, 1991
2ND FLOOR MEETING HALL
MAIN STREET, AYER, MA. 01432

7:30P.M. OPEN SESSION

THE BOARD MET WITH CHAIRMAN MCKINNEY, SELECTMAN SLARSKY AND SELECTMAN JONES.

THE MINUTES OF 11/12/91 WERE READ AND AMENDED TO CORRECT THE SPELLING OF STEPHEN TRINGALE, THE BOARD THEN MOVED AND SECONDED TO ACCEPT THE MINUTES OF NOV. 12, 1991 AS PRESENTED.

THE WEEKLY WARRANT WAS EXAMINED AND APPROVED IN THE FOLLOWING AMOUNTS: PAYROLL: \$36,185.28
EXPENSES: \$13,396.43

THE BOARD MET WITH VERNON GARDNER, COMMANDER, AND FRANK HARMON OF POST #139-JOS. CONNORS RE: THE PRESENTATION OF CERTIFICATES OF APPRECIATION TO THE BOARD OF SELECTMEN AND ACTING CHIEF ARTHUR BOISSEAU FOR THE BOARD'S AND POLICE DEPT.'S PARTICIPATION IN THE TOWN'S MEMORIAL DAY FESTIVITIES. THE BOARD INDIVIDUALLY THANKED THE COMMANDER AND MR. HARMON FOR THE CERTIFICATES AND CONGRATULATED THE LEGION UPON VERY SUCCESSFUL PARADES/EVENTS DURING THE PAST YEARS AND LOOKING FORWARD TO FUTURE YEARS EVENTS.

THE BOARD MET WITH SUPT. NEVILLE MARKHAM RE: THE FY-92 EQUAL EDUCATION OPPORTUNITY GRANT. THE PURPOSE FOR THE DISCUSSION WAS THE SIGNING OF THE FY-92 EQUAL EDUCATION OPPORTUNITY GRANT. CHAIRMAN MCKINNEY REFLECTED BACK TO THE ANNUAL TOWN MEETING THIS PAST MAY, REFLECTING UPON THE SCHOOL COMMITTEE'S REQUEST OF \$80,000.00, STATING THE SCHOOL COMMITTEE DECLARED THAT THE GRANT WOULD NOT BE FUNDED FOR FY-92 AND LATER FOUND OUT THAT THE GRANT WOULD BE FUNDED. CHAIRMAN MCKINNEY PRESENTED A LETTER TO MR. MARKHAM ADDRESSED TO THE SCHOOL COMMITTEE CHAIRMAN, MRS. CASAVECCHIA STATING THE BOARD'S RELUCTANCE TO SIGN THE EEO GRANT FOR FY-92 BASED UPON THE SCHOOL COMMITTEE'S FAILURE TO UPHOLD ITS END OF AN AGREEMENT STRUCK DURING BUDGET NEGOTIATIONS, THAT IN THE EVENT THE FUNDS WERE RECEIVED THE SCHOOL COMMITTEE WOULD RETURN THE \$80,000 TO THE GENERAL FUND. CHAIRMAN MCKINNEY STATED THE SCHOOL COMMITTEE HAS MADE PUBLIC ITS DISAGREEMENT WITH THE BOARDS RECOLLECTION OF THE FACTS. CHAIRMAN MCKINNEY STATED THE BOARDS DEEP CONCERN OVER SUCH A BREACH OF GOOD FAITH SHOULD HAVE HAPPENED AT ALL. SELECTMAN JONES STATED HE HOPED THIS TYPE OF SITUATION NEVER HAPPENS AGAIN THAT THE BUDGET PROCESS IS A VERY LONG PROCEDURE AND AGREEMENTS REACHED DURING THESE SESSIONS ARE CRITICAL TO THE TOWN'S WELL BEING MORE NOW SO WITH THE LOSS OF FORT DEVENS. SELECTMAN SLARSKY STATED THE BOTTOM LINE IS MISINFORMATION, WHETHER INTENTIONAL/ACCIDENTAL THE FINANCE ADVISORY BOARD SUPPORTS THE BOARD'S RECOLLECTION OF THE FACTS. INTEGRITY HAS BEEN BREACHED. SELECTMAN SLARSKY STATED THE BOARD IS OBLIGATED TO SIGN THE GRANT FOR THE GOOD OF THE SCHOOL CHILDREN OF THE TOWN. SELECTMAN SLARSKY MOVED THE BOARD

RELUCTANTLY SIGN THE GRANT, SECONDED BY CHARLES JONES, VOTE: UNANIMOUS, SO MOVED. THE BOARD TO WORK MORE CLOSELY WITH BUDGETS IN THE FUTURE TO ENSURE THIS NEVER HAPPENS AGAIN.

THE BOARD REVIEWED THE TOWN'S ELEVEN (11) ALCOHOL LICENSE RENEWAL APPLICATIONS FOR:

TONY'S OF AYER, INC.
TINY'S DONOUGHT TREAT, INC.
LASITA, INC.
LARRY'S D/B/A/ ROTOR KLUB
THE FORT CORP.
CARLIN'S
ROUX'S LIQUORS
AYER PACKAGE STORE
C.R. PIERCE
JACK-O-LANTERN OF AYER, INC.
NASHOBA RESTAURANT

THE BOARD REVIEWED ONE APPLICATION THAT WAS ON TAX TITLE AND STATED THIS YEARS ANNUAL TOWN MEETING ARTICLE WOULD PROHIBIT THE RENEWAL OF LICENSE'S IN THIS CATEGORY, BUT UNFORTUNATELY THE ATT. GENERAL'S OFFICE HAS NOT SUBMITTED BACK THEIR APPROVAL OF THE ARTICLES AT THIS TIME.

SELECTMAN SLARSKY MOVED THE BOARD APPROVE THE ELEVEN ALCOHOL LICENSE RENEWAL APPLICATIONS, SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS, SO MOVED.

THE BOARD MET WITH ARTHUR APPOINTE, MANAGER OF CAJUN JOE'S/SUBWAY FAST FOOD RESTAURANT LOCATED ON PARK ST., AYER, MA. RE: COMMON VICTUALLER'S LICENSE. THE BOARD STATED THAT AT THE LAST MEETING WITH MR. APPOINTE (8/26/91) HE WAS DIRECTED TO REPETITION THE SELECTMEN ONCE HE HAD SECURED THE FOOD HANDLER'S LICENSE FROM NASHOBA ASSOCIATED BOARDS OF HEALTH. MR. APPOINTE FAILED TO DO SO AND AT THE LAST MINUTE PRIOR TO THE GRAND OPENING CAME INTO THE SELECTMEN'S OFFICE AND OBTAINED A ONE DAY PERMIT. THE BOARD REMINDED MR. APPOINTE OF THE PROCEDURES INVOLVED WITH THE LICENSE. CHAIRMAN MCKINNEY REQUESTED IF THERE WAS ANYONE PRESENT TO SPEAK FOR OR AGAINST THE LICENSE, NO ONE CAME FORWARD. SELECTMAN SLARSKY MOVED THE BOARD APPROVE THE COMMON VICTUALLER'S LICENSE FOR CAJUN JOE'S/SUBWAY FAST FOOD RESTAURANT, SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS, SO MOVED.

THE BOARD MET WITH ACTING CHIEF ARTHUR BOISSEAU RE: SERGEANT'S APPOINTMENT.

CHAIRMAN MCKINNEY OPENED THE DISCUSSION STATING THE BOARD HAD INTERVIEWED THE FOUR (4) CANDIDATES FOR THE SERGEANTS POSITION ON SATURDAY, NOVEMBER 16, 1991. THE FOUR CANDIDATES FOR THE POSITION ARE:

- PATROLMAN HARVEY LAPRADE
- PATROLMAN PAUL CORMIER
- PATROLMAN WILLIAM O'CONNELL
- PATROLMAN WILLIAM MURRAY

CHAIRMAN MCKINNEY STATED ALL FOUR (4) CANDIDATES WERE HIGHLY QUALIFIED TO FILL THE POSITION BUT UNFORTUNATELY THERE IS ONLY ONE POSITION AND A VERY DIFFICULT CHOICE TO MAKE.

SELECTMAN JONES STATED HE AGREED TOTALLY WITH CHAIRMAN MCKINNEY STATING IT IS UPLIFTING TO KNOW THE DEPARTMENT HAS SUCH STRONG CANDIDATES, AND AGAIN THIS APPOINTMENT WAS A VERY DIFFICULT DECISION.

SELECTMAN SLARSKY STATED ALL THE CANDIDATES WERE VERY CAPABLE OF THE POSITION DEMONSTRATING VERY STRONG PERFORMANCE/LEADERSHIP QUALITIES. SELECTMAN SLARSKY STATED THE BOARD WILL NOT BE ABLE TO TELL IF THEIR DECISION IS GOOD OR BAD ONLY HISTORY WILL TELL.

THE BOARD RAN DOWN THE INDIVIDUAL CANDIDATES AND GAVE A BRIEF OVERVIEW OF THEIR BACKGROUNDS.

SELECTMAN JONES MOVED THAT THE BOARD APPOINT OFFICER WILLIAM MURRAY TO THE SERGEANT'S POSITION. SELECTMAN SLARSKY STATED HE WOULD SUPPORT AND SECONDED THE MOTION. SELECTMAN JONES STATED THAT HIS RECOMMENDATION HAD BEEN HARVEY LAPRADE, HE HAS A STRONG COMMAND PERFORMANCE RECORD AND FELT HE WOULD HAVE BEEN HIS CHOICE FOR SERGEANT. MOTION MADE BY SELECTMAN JONES SECONDED BY SELECTMAN SLARSKY, VOTE: UNANIMOUS, SO MOVED. THE BOARD WELCOMED OFFICER MURRAY TO THE TABLE TO CONGRATULATE HIM. OFFICER MURRAY THANKED THE BOARD FOR THEIR CONSIDERATION.

THE BOARD MET WITH DANIEL MCCARTHY OF MCCARTHY ASSOC. RE: PARK PLAZA. PRESENT FOR THE DISCUSSION WAS MARK FLAGG AND ROBERT DONELL.

MR. MCCARTHY OPENED THE MEETING BY ADVISING THE BOARD THAT HE HAD MET WITH CONNIE RAFAEL, DISTRICT HIGHWAY ENGINEER, RE: THE TOWN'S REQUEST TO INSTALL A TRAFFIC LIGHT AT THE ROUTE 2A/111 MAIN STREET INTERSECTION. THIS INTERSECTION IS UNDER THE JURISDICTION OF THE TOWN OF AYER AND MCCARTHY ASSOC. WISHES TO MITIGATE THE INSTALLATION AT THIS LOCATION. MC MCCARTHY ADVISED THE BOARD THAT IN DECEMBER OF 1990 THE TOWN WAS ADVISED BY PETER DONAHUE, THEN DISTRICT HIGHWAY ENGINEER PETER DONAHUE DETERMINED THIS LOCATION MET THE WARRANT FOR INSTALLATION OF A TRAFFIC LIGHT. THE SELECTMEN THEN WERE CONCERNED THAT THIS DETERMINATION WOULD EXPOSE THE TOWN TO ADDITIONAL LIABILITY UNLESS A SIGNAL WAS INSTALLED. THE BOARD THEN ENTERED NEGOTIATIONS WITH THE PROJECT PROPONENT FOR INSTALLATION OF THE LIGHT. SINCE THAT TIME MR. MCCARTHY, PROJECT ENGINEER, HAVE BEEN ADVISED BY CONNIE RAFAEL THAT MEETING THE WARRANT IS A MINIMUM STANDARD AND DOES NOT MEAN THE INTERSECTION IS DANGEROUS OR THAT A TRAFFIC SIGNAL IS REQUIRED. MRS. RAFAEL VISITED THE SITE AND SITED SEVERAL ISSUES, PARKING CONSIDERATIONS, THE POTENTIAL FOR ADDITIONAL REAR-END ACCIDENTS AND TRAFFIC CONGESTION WHICH LEADS HER TO ADVISE AGAINST THE INSTALLATION OF THE LIGHT. THE BOARD AFTER A LENGTHY

DISCUSSION BELIEVE THE STATEMENT IN THE C. 61 IS RATHER VAGUE AND REQUESTED THE DPW PUT MS. RAFAEL'S RECOMMENDATION IN WRITING IF THIS IS INDEED THE DETERMINATION. THE BOARD DIRECTED MR. HIGGINS TO WRITE TO THOMAS MCLAUGHLIN, DIRECTOR OF PUBLIC/PRIVATE DEVELOPMENT UNIT AT THE MASS. D.P.W. IN BOSTON AS SOON AS POSSIBLE AND SET THIS MATTER BACK UNTIL WRITTEN DETERMINATION HAS BEEN RECEIVED BY THE BOARD OF SELECTMEN.

CLASS II LICENSE-CONTINUANCE OF PUBLIC HEARING-STEPHEN TRINGALE

THE BOARD MET WITH STEPHEN TRINGALE AND WILLIAM HALLIGAN, BUILDING COMMISSIONER RE: DECISION OF MR. TRINGALE'S CLASS II LICENSE FOR 100 PARK ST., AYER, MA. CHAIRMAN MCKINNEY STATED HE HAD GONE DOWN TO MR. TRINGALE'S SITE AND TOURED THE FACILITY AND FELT HE SAW NOTHING DISAPPROPRIATE FOR THE AREA WITH MR. TRINGALE'S BUSINESS. MR. TRINGALE STATED HE WOULD BE WORKING ON NO MORE THAN 4-5 CARS INSIDE THE FACILITY AND THESE CARS WOULD BE WHOLESALED AT AUCTIONS NO RETAIL SALES WOULD BE CONDUCTED AT THE FACILITY. MR TRINGALE STATED THAT THERE IS 4 PARKING SPACES AVAILABLE TO HIM TWO (2) IN THE FRONT AND TWO (2) IN THE REAR. THE BOARD ADDRESSED THEIR CONCERN OVER THE AREA REMAINING CLEAN AND CLEAR OF DEBRIS, NO AUTO PARTS TO BE LEFT OUTSIDE OF BUILDING TO INCLUDE TIRE, ETC. SELECTMAN SLARSKY STATED HE HAD ALSO VISITED THE SITE AND FOUND NO PROBLEM WITH THE BUSINESS USE. SELECTMAN SLARSKY STATED HE HAD CONCERNS OVER THE ABUTTERS NOT WANTING THIS TYPE OF BUSINESS AT THIS LOCATION. MOST OF THE OBJECTIONS BY THE ABUTTERS RELATED TO CONGESTION AND APPEARANCE OF THE SITE. SELECTMAN SLARSKY FELT THE BOARD ADDRESSED BOTH OF THESE ISSUES WITH MR. TRINGALE AND FELT SATISFIED HE WOULD COMPLY WITH THE BOARD'S REQUEST. SELECTMAN SLARSKY MOVED THE BOARD APPROVE A RESTRICTED CLASS II LICENSE FOR MR TRINGALE AT THE 100 PARK ST. LOCATION.

SELECTMAN SLARSKY MOVED THE BOARD APPROVE THE LICENSE WITH THE FOLLOWING RESTRICTIONS: NOT TO EXCEED FOUR (4) CARS TO BE KEPT WITHIN THE BUILDING AT ALL TIMES, WITH THE EXCEPTION OF MOVING CARS FROM ONE LOCATION TO THE OTHER. THAT THERE BE NO RETAIL SALES OF VEHICLES AT THAT LOCATION. THAT ANY REPAIRS MADE ON THE VEHICLES AT THAT LOCATION BE OF A MINOR NATURE-TO INCLUDE TIRES, MOLDING, AND MINOR TOUCH-UPS, BUT NO MAJOR REPAIRS OR MAJOR PAINTING WILL BE ACCEPTABLE AT 100 PARK STREET, AYER, MA.

THIS MOTION WAS SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS SO MOVED.

SELECTMAN JONES REQUESTED AT THIS TIME FROM MR. HALLIGAN WHAT WAS GOING ON AT THE OLD MILLSTREAM SITE? MR. HALLIGAN STATED THAT THIS AREA SPECIFICALLY THE ACCESS RD. HAD CLEARED THE CONSERVATION COMMISSION. MR. HALLIGAN STATED THE CULVERT WAS PRESENTLY UNDER THREE (3) FEET OF WATER, AND HE WAS VERY CONCERNED WITH PROCESS. SELECTMAN SLARSKY STATED THAT THE TOWN BY-LAWS RESTRICTED ANY SOIL BEING REMOVED FROM THE SITE AND THIS SHOULD BE MONITORED BY THE ZONING BOARD OF APPEALS BEFORE ANYTHING GOES IN THERE AND NO PERMITS SHOULD BE GIVEN UNTIL THEN.

SELECTMAN SLARSKY TOOK THIS OPPORTUNITY TO REQUEST ASSISTANCE FROM ROBERT EISENBERG, CHAIRMAN OF THE REDEVELOPMENT BOARD IN CONVEYING THE TOWNS CONCERN RELATIVE TO REPLACEMENT OF THE WEST MAIN STREET BRIDGE. THE BOARD'S CONCERN IS AN EXTENSIVE DELAY IN THE REPLACEMENT OF THE WEST MAIN ST. BRIDGE MAY NOT BE SUITABLE FOR SAFE CONVEYANCE OF TRAFFIC. THE BRIDGE IS POSTED FOR REDUCED SPEED AND IS WEIGHT RESTRICTED, THE SAFETY OF ALL THOSE WHO USE THE BRIDGE IS THE BOARD'S FOREMOST CONCERN AND THE BRIDGE IS A CRITICAL TRANSPORTATION COMPONENT TO THE AREA ECONOMY. THE BOARD REQUESTED MR. EISEBERG TO INTERVENE ON THEIR BEHALF TO THE DEPT. OF PUBLIC WORKS TO ADDRESS THIS ISSUE.

EXECUTIVE SECRETARY'S REPORT:

1. THE BOARD WAS ADVISED OF OVER 140 APPLICATIONS BEING RECEIVED REGARDING THE POLICE CHIEF'S POSITION BY THE CUT OFF DATE OF DEC. 1, 1991. MR. HIGGINS SUGGESTED THE BOARD APPOINT A SCREENING COMMITTEE TO REVIEW THE APPLICATIONS. THIS COMMITTEE TO CONSIST OF A NEIGHBORING POLICE CHIEF, MR. HIGGINS, AND 3 COMMUNITY LEADERS OF VARIOUS BACKGROUNDS/BROAD SPECTRUM. THE BOARD AUTHORIZED MR. HIGGINS TO PREPARE A LIST OF CANDIDATES FOR THIS COMMITTEE AND SUBMIT BACK TO THE BOARD FOR THEIR APPROVAL. SELECTMAN SLARSKY REQUESTING ACTING CHIEF BOISSEAU BE AMONG THE TOP RANKING CANDIDATES. THE COMMITTEE TO INTERVIEW TEN CANDIDATES AND PRESENT THE TOP THREE APPLICANTS TO THE BOARD BY MID JANUARY 1992.

2. MR. HIGGINS UPDATED THE BOARD TO HIS MEETING WITH JOHN RASMUSON RE: PROVIDING THE TOWN ENROLLMENT INFORMATION THE TOWN WILL NEED TO PLAN FOR FY-93. MR. RASMUSON REQUESTED THESE NUMBERS BE CROSS REFERENCED WITH THE SCHOOL DEPT.

MR. HIGGINS STATED HE RELAYED THIS INFORMATION TO MR. MARKHAM AND MR. MARKHAM ADVISED THAT THE SCHOOL WILL HAVE MORE DEFINITIVE NUMBERS BY JANUARY 1992.

3. MR. HIGGINS REQUESTED THE BOARD INCREASE THE FUNDING FOR THE FORT DEVENS RE-USE ISSUES TO FUND THE EXPENSES WHICH ARE NECESSARY AND ESSENTIAL. MR. HIGGINS REQUESTED THE BOARD VOTE TO TRANSFER ADDITIONAL FUNDS FROM UDAG INTO THE DEVENS RE-USE ACCT.

THE BOARD REQUESTED THIS ITEM BE TABLED DUE TO THE TOWN'S FINANCIAL SITUATION . THE BOARD TO DETERMINE AND IDENTIFY NEED PRIOR TO TRANSFERRING FUNDS.

4. THE BOARD WAS ADVISED OF THE OFFICIAL CONFIRMATION FROM THE DEPARTMENT OF REVENUE (DOR) THAT THE TOWN'S FREE CASH IS IN A DEFICIT OF \$171,207.00. MR. HIGGINS STATED HE AND THE TOWN ACCOUNTANT WILL BE RESUBMITTING FOR RECERTIFICATION IN HOPES OF ELIMINATING THE DEFICIT.

5. THE BOARD WAS ADVISED THAT THE TOWN ACCOUNTANT AND MR. HIGGINS ARE CURRENTLY WORKING ON THE REVENUE PROJECTION FOR NEXT

YEAR. THE BOARD WAS ADVISING THAT PRELIMINARY PROJECTIONS WERE NOT ENCOURAGING.

6. THE BOARD WAS UPDATED ON UNION NEGOTIATIONS WITH THE TOWN'S VARIOUS UNIONS.

- A. NEGOTIATIONS ARE PROCEEDING WELL WITH LOCAL 346B.
- B. NEGOTIATIONS HAVE HIT A SNAG WITH LOCAL 346A.
- C. NEGOTIATIONS HAVE BEEN RECEIVED FROM THE DPW WISHING TO COMMENCE. THE CURRENT CONTRACT EXPIRED ON 6/30/91.

7. THE BOARD WAS UPDATED ON THE BUSACK HEARING 10/28/91, AND OF BRIEFS BEING SUBMITTED.

8. THE BOARD WAS ADVISED THAT THE EOOD GRANT ANNOUNCEMENT FOR THE SMALL CITIES GRANT WAS EXPECTED SHORTLY.

SUPT. REDFIELD'S REPORT:

1. THE BOARD MOVED TO AWARD THE TRACTOR/LOADER WITH EXTENDABLE DIPPERSTICK BACKHOE TO SCHMIDT EQUIPMENT CO. OF NORTH OXFORD PER THE RECOMMENDATION OF SUPT. REDFIELD FOR THE LOWEST ACCEPTABLE PROPOSAL PRICE OF \$59,681.00 PLUS TRADE IN OF ONE 1972 580D CASE LOADER/BACKHOE. MOTION MOVED BY SELECTMAN JONES, SECONDED BY CHAIRMAN MCKINNEY. VOTE: UNANIMOUS, SO MOVED.


2. THE BOARD WAS ADVISED THAT THE TOWNS WATER & SEWER BILLING RECORDS HAVE BEEN COMPLETED IN-HOUSE ON THE TOWNS COMPUTERIZED SYSTEM. BILLS ARE TENTATIVELY SCHEDULED TO BE CALCULATED AND ISSUED DURING THE MONTH OF DECEMBER AND NEW POSTCARDS WILL BE ISSUED SAVING THE TOWN TEN CENTS (\$0.10) PER CUSTOMER.

3. SELECTMAN SLARSKY TOOK THIS OPPORTUNITY TO ADVISE SUPT. REDFIELD THAT CARS WERE STILL ENTERING THE TRANSFER STATION WITHOUT STICKERS AND WISHING EMPLOYEES TO BE MORE CAREFUL ON ALLOWING VEHICLES INTO THE FACILITY WITHOUT CHECKING THEM FIRST.

4. THE BOARD REVIEWED THE SPECTACLE POND OUT-PUT RE: FLUCTUATION OF WELLS. SELECTMAN SLARSKY STATED THAT HE HAD RECEIVED COMPLAINTS THAT RESIDENTS WERE RECEIVING DISCOLORED WATER AGAIN AND WERE GROVE POND WELLS PUT BACK ON? SUPT. REDFIELD STATED THAT GROVE POND WELLS HAVE NOT BEEN PUT BACK ON FOR ONE YEAR NOW. THAT MORE THAN LIKELY HYDRANT STIR-UP MAY HAVE BEEN THE PROBLEM.

CHAIRMAN MCKINNEY MOVED THE BOARD ADJOURN THE MEETING, SECONDED BY SELECTMAN JONES, VOTE: UNANIMOUS, SO MOVED.

10:00P.M. MEETING ADJOURNED.

 Clerk DATE: Jan 28, 1992
STEPHEN M. SLARSKY, CLERK