

Selectmen's Meeting  
Monday, January 7, 1991  
Second Floor, Town Hall, Main St., Ayer, Ma.

7:35P.M. Open Session

The Board met with Chairman Slarsky, Selectman Jones, and Selectman McKinney.

The weekly warrant was examined and approved in the following amounts: Chairman Slarsky abstaining from signing bill warrant due to conflict of interest. Chairman Slarsky is a volunteer firefighter/EMT.

P.R. \$342,171.25  
Bills \$139,341.32

The Minutes of December 17, 1990 were read and amended and approved as amended.

The Board approved a One Day Beer & Wine License for the Ayer Sportsmen's Club for the following dates: Jan. 19, & Jan. 26, 1991.

The Board requested to go off the posted Agenda and correct an article which appeared in the local paper reporting a Public Hearing to be conducted at the Selectmen's meeting tonight regarding public input for a Boys & Girls Club to be located in Ayer. Selectman Jones apologized to citizens present for the Hearing stating that the article was incorrect and that there was no such meeting scheduled on the Boards Agenda regarding this. Chairman Slarsky requested Mary Sperazzo and Rita Cooper who were present for the meeting to come up and discuss the Boards suggestion of the possibility of utilizing UDAG funds for the children of Ayer. The Board raised the possibility of forming a Committee to look at defining the need, list those needs, recommend locations, and finally the cost of such improvement to run and maintain. The Board also requested Mr. Higgins to contact a representative from the Arlington Boys & Girls Club to come out and meet with a citizens group regarding the details of such an organization in Town. Mrs. Sperazzo requested this meeting to be posted in the local paper for two weeks prior to this person coming out.

The Board met with James DeAngelo and Jerry Dexter of Vanasse Hangen Brustlin, Inc. regarding a Highway Pavement Management System Presentation. Mr. Dexter gave a slide presentation prepared for the Town of Ayer depicting existing road conditions

in the Town of Ayer and the recommended treatment of the Town's roadways. The Board was presented a five (5) year Improvement Plan for \$2.8 million dollar bond depicted over a five (5) year period averaging an expenditure of approximately \$800,000 a year. Chairman Slarsky requested Vanasse Hangen to assist the Board with a presentation and representation should the Board agree to support this article at Town Meeting. A list of priority roads in Ayer to be defined and submitted to the Board for their review.

8:15p.m. Chairman Slarsky requested a five (5) minute recess.

8:35p.m. The Board re-entered Open Session.

#### PUBLIC HEARING

The Board met with Matt Hurley from N.E. Telephone Co., re: a pole relocation petition for Bishop Rd., Ayer, Ma.

Chairman Slarsky read the legal notice which appeared in the Weekly Town Crier.

Chairman Slarsky requested if the pole relocation would be blocking another driveway in the same area. Mr. Hurley stated it would not. Supt. Redfield stated he had looked over petition and approved it. Chairman Slarsky requested if there were any abutters present wishing to speak for or against the petition. No one came forward. Chairman Slarsky stated that the board had generally walked the site prior to approving petition. Selectman Jones moved the Board approve the petition based upon Supt. Redfield's recommendation, VOTE: unanimous, so moved. Chairman Slarsky expressed concern over the digging up of the road and of fire alarm cable connection being disconnected. Mr. Hurley stated all companies were notified using cable lines on pole.

The Board met with Daniel McCarthy and Walter Bennett of Daniel McCarthy Assoc. regarding continuing discussion on Park Square Retail Center to be located on Fitchburg Rd., Ayer, Ma.

Mr. McCarthy stated that in accordance with the Board of Selectmen's request he had prepared an agreement between First Ayer Realty Trust and the Ayer Board of Selectmen relative to the off site improvements for the Park Sq. Retail Center project.

Mr. McCarthy stated he had forwarded a copy of this Agreement to Robert Gardner, Town Counsel for his review. Mr. McCarthy stated this agreement contained improvements for the Water, traffic & widening roadway as well as traffic signals and incorporated Supt. Redfield's letter of 12/10/90 delineating such improvements as Attachment "A".

Presented as part of the Agreement was included a Performance Bond for the work and associated costs to extend the Towns sewer line 3,000-5,000 feet to create a loop and increase the water

pressure in the Fitchburg Rd./Groton School Rd. area.

Chairman Slarsky questioned the one (1) year time frame for the installation of Traffic Light at the Park & Main St., intersection. Stating that the Board had received recommendations from the Police Chief, Planning Board and Mass. D.P.W. for the traffic light to be installed at that intersection. Mr. McCarthy stated he was unclear on that issue and presented a one year time frame from substantial occupancy of the supermarket and pharmacy to decide if a traffic light was needed. Chairman Slarsky stated again that the Board had requested Performance Bonds to guarantee the installation of the traffic lights prior to the issuance of occupancy permits. Based upon this Selectman Jones moved the Board request the developer include the installation of a traffic light at the intersection of Park st., and Main St. as part of the project, seconded by Selectman McKinney, VOTE: UNANIMOUS, SO MOVED.

Selectman Jones presented his concerns regarding potential liability issues plus the problem with the State recommending the traffic light be placed at the intersection and not wanting to place the Town in two (2) positions 1. having to fund it and 2. having the liability factor should an accident happen there and the Town deemed negligent after having the recommendation from the State. Selectman Jones wishing to see the light operational or tied into the opening of the store. Chairman Slarsky requesting if Selectman Jones wished to amend the motion, Selectman Jones states yes, that he felt 1993 was to long a period to wait for the installation of the traffic light just for liability reasons alone. NEW MOTION: To request the developer include the installation of the traffic light at the intersection of Park St. and Main St. as part of the project and to have the light substantially operational at the time of occupancy by the supermarket and pharmacy, SECONDED: by Selectman McKinney, Vote: unanimous, so moved.

Town Counsel and McCarthy Assoc. to work out new Bond language for resubmission to Board.

The Board met with Shi Jung Yi, regarding the continuation of the Public Hearing of 12/17/90 for Hanil Restaurant to be located at the rear of Lee's Pizza. Mrs. Yi is also the proprietor of Lee's Pizza. Present for the discussion was Building Commissioner, William Halligan. The Board requested the plans of the new establishment, a 44 seat 11 table restaurant. Mr. Halligan stated that the establishment met the Building Code requirements and was handicap accessible as well as bathroom. The Board questioned the ownership of the abutting land regarding parking and egresses questioning the ownership of land on Park St. being a Right of Way, Building Commissioner to look into this. The Board requested if the Food Handlers License had been received by Nashoba Associated Boards of Health? Mrs. Yi stated not at this time, an inspection to be scheduled for week of January 7, 1991.

Selectman Jones moved the Board approve the Common Victualler's License pending Food Handlers License. Common Victualler's License to be held upon receipt of Food Handler License, seconded by Selectman McKinney, Vote: unanimous, so moved.

Chairman Slarsky requesting at this time for seat capacity limit of 44 be typed on License.

The Board met with Supt. Redfield regarding the Water Treatment Plant-Engineering & Design.

The Board continued the discussion regarding the second water treatment plant. The Board expressed concerns regarding contamination from the closed Ft. Devens landfill and national Guard motor pool. Selectman McKinney specifically addressing the direction of water flows in the aquifer around Grove Pond. Supt. Redfield stated he thought the flow would be the same direction the water moves in Grove Pond from east to west, therefore towards Devens and not out of Devens to Grove Pond. Supt. Redfield stated that the present Superfund cleanup at Ft. Devens would detect the flows and should bulk organics traces be found, he has been assured would be filtered out. Supt. Redfield stated that Grove Pond Wells were the only viable source of new water for the Town other than tapping into the Nashua River, and that could bring in additional problems. Selectman McKinney moved the Board wait until further inquiries had been made to Ft. Devens Superfund reporting re: direction of the flows, seconded by Selectman Jones, VOTE: unanimous, so moved.

At this time Executive Secretary Timothy Higgins advised the Board of a Ayer resident bringing into his office a bag of soiled clothing discolored from the Town's water. Mr. Higgins advised the Board the resident planned on submitting a bill for the clothing to the Board. Supt. Redfield stated the mineral deposit is due to movements of water in the pipes loosing up mineral deposits lodged in the pipes. Selectman Jones requested Supt. Redfield do what he could

to have Grove Pond Wells run water into the system during the morning hours and turned off later so that this water will not overflow from the standpipes, yet have enough reserve to maintain the safety factor for the Town. Selectman Jones also reminded Supt. Redfield to clean and repaint the standpipes, Supt. Redfield stated that this was planned for late March. Selectman Jones elaborating on the Town's need to install new larger standpipes.

#### SUPT. REDFIELD'S REPORT:

1. Supt. Redfield advised the Board that the Commonwealth of Massachusetts, Department of Environmental Protection (DEP) issued a State of Water Emergency on Dec. 14, 1990. The declaration states that the town will no longer be allowed to approve and issue new water connections after December 14, 1990. Applications received prior to December 14, 1990, but not approved by the Board of Selectmen, may be approved after they

meet all of the Town's technical requirements. This will also apply to all Building Permit applications for additions i.e. residential, bedrooms, expanding sq. ft. to commercial or industrial buildings or increased usage of processed water. The Board of Selectmen will put all requests on a pending water connection list on a first come first serve basis after December 14, 1990. The Bldg. Commissioner to notify the Supt. of Public Works in writing of all new requests for water usage and put in writing the amount of water usage needed per new request. The Board of Selectmen when the water emergency is lifted will approve all new water connection applications in the order in which they are listed on the pending water list.

2. The Board set back pending water & sewer applications until 2/15/91 due to the shutting down of Spectacle Pond Well #2 and the activation of the Grove Pond wells from January 14, 1991 to February 15, 1991.

3. The Board approved the contract for the Cleaning and Redeveloping of Spectacle Pond #2 to Hydro Group of Dracut, Ma. for the low bid price of \$10,072.50 to be paid from the unused funds of Spec. Article for the construction of this well which has a unused balance of \$17,101.07. Work to commence in ten (10) days and ten (10) day to complete the project. Motion made by Selectman Jones for the Board to endorse the contract, seconded by Selectman McKinney, VOTE: unanimous, so moved.

4. Supt. Redfield presented to the Board a letter he received from Peter J. Donahue, District Highway Engineer of transportation and construction re: safety implications of placing drum mounted pedestrian warning signs within motor vehicle traffic lanes. Specifically addressed were these signs placed along Main & Columbia St. The Board requested Supt. Redfield re-contact Mr. Donahue and request alternative direction from him to keep the barrels in the roadway for the protection of pedestrians.

5. Chairman Slarsky stated that he had received complaints regarding the snow plows not out and when they came out it was very late into the day. Supt. Redfield stated the sanders were out at 5:30a.m. plows 7:30a.m. Problem was that there is only three (3) men in the highway dept. two (2) of those men were on vacation and that the Town had to employ additional personnel to plow and sand the primary roads/secondary roads.

The Board met with William Halligan, Building Commissioner re: Mr. Halligan's monthly report:

1. Mr. Halligan updated the Board on the status of Fred's Gun shop advising the Board that he had submitted letters to Mr. Darling re: zoning and building violations. The Board was advised of Mr. Darling storing 36,700 rounds of ammunition at the Central Ave. address. The Board was advised of Mr. Darling having the option of taking this matter before the Zoning Board

of Appeals.

2. The Board was advised of status of Ralph McNiffs violations of the unregistered, dissembled, discarded or dismantled vehicle and nuisance by-laws.

EXECUTIVE SECRETARY'S REPORT:

1. The Board was advised of Memo received 1-4-91 from Don Haapakoski, Vice President of I.B.P.O. Local #346 stating the locals full support for the utilization of part-time dispatchers to fill desk shifts.

2. The Board was advised of Mass. Aeronautics meeting at Atlantic Union College this Thursday 1/10/91 at 7:30p.m. to continue discussions re: MAC Study. Mr. Higgins stated that the respective Towns have requested each Town to appoint a 3-MEMBER committee to the Steering Committee, each committee to consist of a member from the Selectmen, Planning Board, & representative selected by Board. The Board appointed Mr. Higgins to this third member position.

The Board was advised of next MAC Meetings being:

1/15/91	7:00p.m.	Fitchburg State College-Weston Auditorium
1/17/91	7:00p.m.	So. Mass. Univ. -Main auditorium
1/22/91	7:00p.m.	Mass. Maritime Academy -Harrington Hall

3. The Board was advised of Performance reviews being submitted to all employees under the jurisdiction of the Selectmen. Reviews to be conducted in March-April 1991.

4. The Board was advised of first contract being close to a tentative agreement for the Dispatchers. The Board received a copy of the tentative Management proposals for review.

5. The Board was advised of IBPO Local 346B SUPERVISORS seeking to begin negotiations, a copy of proposals was submitted to Board from Local 346B for review.

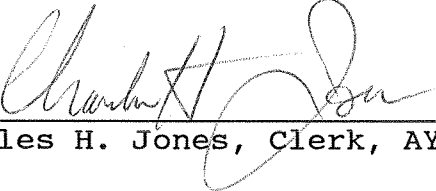
6. The Board was advised of Town Accountant and himself completing a projection of expected revenues in FY-92 and of this projection being placed on the next Selectmen's Agenda.

7. The Board was advised that Fire Chief Wellman Parker and Police Chief Philip Connors will be scheduled for the next Selectmen's Meeting 2/22/91 to discuss steps to implement 911 for the Town. The Board was advised also of letter of intent being submitted to N.E. Telephone to proceed with the analysis of the project.

The Board was advised of Taxi License Application for Keith Rumbo. Mr. Rumbo again was not present for this discussion and the Board requested this matter be rescheduled for later date.

seconded by Selectman McKinney, VOTE: UNANIMOUS, SO MOVED.

10:39p.m. EXECUTIVE SESSION

 DATE: 1/22/91  
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Charles H. Jones, Clerk, AYER BOARD OF SELECTMEN

10:39 Selectman Jones moved the Board adjourn from Open Session and enter into Executive Session pursuant to M.G.L. Chapter 39 Section 23b regarding IBPO Grievances of 11/3/90 & 12/26/90, seconded by Selectman McKinney, VOTE: UNANIMOUS, SO MOVED.

10:39p.m. EXECUTIVE SESSION

DATE:

Charles H. Jones, Clerk, AYER BOARD OF SELECTMEN^R