

Selectmen Minutes February 13, 1990

7:00PM Open Session

Present: Chairman Jones, Selectmen Sifakis and Slarsky, Tim Higgins, Executive Secretary

The Board reviewed the minutes of January 23, 1990. A motion to approve the minutes was made by Selectman Sifakis, seconded by Chairman Jones and passed.

In the next matter of business, the Board signed the Weekly Warrant:

Expenses: \$418,698.47 and Payroll: \$37,738.10

The Board approved a one-day Beer & Wine license for the Ayer Gun and Sportsman Club. A motion to approve the license was made by Selectman Sifakis, seconded by Chairman Jones and passed.

Shirley Selectmen, Shirley Regionalization

Present: Kyle Keady, Peter Foulín, Mr. Gagnon and Patricia Pope and Miss Griffith. Chairman Jones assured the Shirley representatives that the Town of Ayer is still willing to regionalize with Shirley. Mr Keady responded that the Town of Shirley was still trying to re-group after the voters turned down regionalization with Lunenburg. It was noted that Ayer had extended the offer for regionalization in August of 1989. Mr. Keady stated at this point in time the Town of Shirley would re-evaluate its needs and there was every intention to talk again with the Town of Ayer. He recommended that the Town of Ayer Moderator re-appoint the Regionalization Committee and remain strong, and remarked on the good relationships between the two Towns for the past 50 years. Chairman Jones expressed the need for inter-local co-operation especially now with the fiscal problems in the state. All parties agreed to keep the lines of communication open. Mrs. Pope stated that the Shirley School Committee was aware of the budget constraints and that Shirley would move forward but that they also need time to evaluate. The Ayer School Committee noted that Ayer is happy that the students are still at Ayer, and would like to continue to have the Shirley Students at the High School.

Labor Strategy:

At this point Selectman Sifakis made a motion to enter into Executive Session only to enter back into Open Session, pursuant to MGL Chapter 39 Section 23C, regarding Labor Strategy, seconded by Chairman Jones and passed. (NOTE: Selectman Slarsky arrived at the meeting at this time)

7:55PM Open Session

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Chairman Jones noted that the Board had met February 10th to discuss the remodeling at the Rotar Klub. He stated that a letter had been received on the 12th from the Alcoholic Beverage Commission, concerning The Rotor Klub. Selectman Slarsky read the letter which explained that the Commission would be holding 2 Public Hearings in Boston concerning violations at the Rotor Klub. These hearings will take place March 6th, the Board designated Mr Higgins to attend these hearings on behalf of the Selectmen. NOTE: letters are on file with Mr. Higgins).

PUBLIC HEARING: Regarding Class II License

Present: Dennis Shivo, Regis Magnus, and Mr. Halligan

Mr Shivo stated that PDC buys and sells vehicles for the salesmen fleet, and that they would like to be able to go to the Auction and buy vehicles and that this license would give them that outlet. He noted that there is a number of unregistered cars on the property. Mr Halligan noted that he had walked the site and had found some of these vehicles, and had explained the Un-registered by-law to Mr. Magnus and Mr. Shivo and that the company should apply for a variance from the ZBA. At this point Mr. Valez from the ZBA noted that his Board had met with PDC and that in accordance with findings of Fact 1, 2, 3, and 4 it was the Boards view that a commercial use for auto sales and service establishments was not the intent of the zoning by-law in a light industrial zone. Mr. Magnus then remarked that his application may have been misunderstood, that it was not his intent to sell vehicles on the property. Restrictions on a Class 11 license was then discussed, <Mr. Magnus stated that he would be agreeable to any restrictions that the Selectmen would place on the license,. Citizens stated that they had concerns with excess traffic and speeding in the Scully Rd. area, Chairman Jones asked Mr. Higgins to check into this situation with the Police Chief. A resident of Shirley St stated that he did not want the area to look like a "used car lot". Mr Magnus advised the Board that the vehicles would not be within view, especially not within view of St. Mary's Church. A decision was then made by the Selectmen to take this matter under advisement. A motion to this effect, was made by Selectman Sifakis, seconded by Selectman Slarsky, adding that this be placed on next week's agenda.

Jim Meyers - NEMCO

Jim Meyers handed out phamplets to the Selectmen and then gave a presentation on the need for additional silos at the Ayer facility. He advised the Selectmen that he had met the concerns of abutters and Town Officials, i.e., noise mufflers would be installed, landscaping had been completed, privacy fences had been installed, trees were planted on the perimeter, truck traffic had been lessened and that the residents in the area had

been given his own telephone[#] if they needed to call him regarding any of the problems noted above. He was requesting the new silos because of the increase in the market. He noted that variances would be brought before the ZBA and that all permits would be applied for to the Building Commissioner. Also, that he had hoped for construction in the Spring. Chairman Jones asked if there would be additional impact on rail traffic, and Mr. Meyers responded that there would be more of an impact. Mr. Meyers also noted that the easements already in place would be adjusted to accomodate the new silos. Chairman Jones noted that the impact on water would be 250 gallons per hour.

Jim Small CDM
Present Mr. Redfield

Mr. Small noted that this was in regards to the Wright Road sewers. He presented documentation to the Board (see attached) explaining the additional costs incurred by CDM on the contract. He asked for an reimbursement of \$11,500. He explained that this occurred during the bidding process for >mbe and WBE requirements issued by DEP. He noted that this was a 1% increase, but Chairman Jones reminded him that this amount was 200% of the initial bid. Selectman Sifakis stated that Mr. Small had prepared a justified request. Selectman Slarsky made a motion to approve the additional expense, seconded by Selectman Sifakis. Chairman Jones stated that he thought this was a high figure and that he wished he had^{known} about this beforehand, and that he hoped the the Engineering firm was not asking for this because they knew the funds were available. At this point a vote was taken in the affirmative and the motion passed. The Board asked that, as suggested by Supt Redfield, Mr Small prepare an addendum.

Mr. Redfield also at this time, advised the Board that the time schedule for the Spectacle Pond instrumentation would have to be extended until June, because the electrical contractor was having problems obtaining the necessary equipment. He noted that a Sanitary Survey had been received on surface water that could affect the groundwater supplies. Mr. Small advised the Board that he would advise them if a contract would go out to bid.

Executive Secretary's Report:

Mr. Small presented his report to the Board (see report dated 1/24/90)
He gave the Board 1st

Board of Selectmen

MEETING TUESDAYS AT 7:00 P.M. • UPPER TOWN HALL • MAIN STREET • P. O. BOX 12 • AYER, MASSACHUSETTS 01432



HARLES H. JONES, *Chairperson*
MANUEL A. SIFAKIS, *Clerk*
STEPHEN M. SLARSKY, *Member*
(508) 772-2072

TIMOTHY S. HIGGINS
Executive Secretary
(508) 772-0231

EXECUTIVE SECRETARY'S REPORT

Tim presented his report to the Board (see report dated 2/13/90). He gave the Board letters he had drafted in response to Patriot Energy and concerning the Board's dissatisfaction with the MEPA process and also an appeal to the Governor for cutting local aid. These letters will be sent to the Boston Globe and the Herald with cc's to Boston Edison. The Board expressed their appreciation for the work Mr. Higgins had completed in drafting the letters.

In the matter of local aid he advised the Board that Ayer would be the largest loser of State Aid, percentage wise, in the State. That with Chapter 70, the Town receives an inordinate amount of money. He noted that some options would be to support the Golden-Kennedy Bill, put a ballot question to mandate the State to return 40% of growth revenues to cities & Towns and another ballot question on opposing further cuts in local aid. He brought the Board's attention to a letter received from Congressman Atkins regarding Patriot Energy, and along these lines noted that Town Counsel has forwarded the Town's comments to FEMA based on discrepancies found by the Maguire Group, in the flood plain revision, that there are concerns with Southeast portion of the site, and noted that with Perkins Co., gone, the Maguire Group had some problems getting material.

He advised the Board that in light of the Town Counsel's budget report by the Town Accountant, the Board may need to take money out of the Reserve Fund. The Board noted that it would be important to hold a Public Hearing to go over the budget figures, that the public needs to know the facts about an over ride, that Tim should meet with the Financial Advisory Committee and come up with facts and figures. That the Town is facing a million dollar deficiency, and how to maintain current services, Tim stated that he needs the School Budget.

Tim noted that the Town of Pepperell needed the assistance of Mr. Halligan concerning a noise problem with the Gas Plant in that town. It was agreed that co operation between Towns was valuable, especially at this time. Continuing, Mr. Higgins informed the Board that Town Counsel has requested an extension to the DEIR, and that this was granted by Sec. Devillars.

Mr. Higgins noted that he had received bids for the Town Report, 3 in all, 1 was rejected because it had arrived late, and the other two bids were reviewed. Al Smith, of Marshall=Cameron for \$6370.00 and from Heffernan Press, Inc of Worcester for \$3,531.00. In discussion Tim explained that the latter bidder offered only photo copy and that the Town of Ayer had been using Mr. Smith for six years, and is more local and willing to come in and pick up the reports as necessary for printing. Although the cost was more, the quality should be taken into consideration. Selectman Sifakis made a motion to award the contract to Marshall/ Cameron Inc., seconded by Selectman Slarsky and the motion passed.

UPT REDFIELD'S REPORT: (see His report dated 2/13/90)

Mr. Redfield noted that an agreement had been made with Sandman Elec. Co., Inc of Braintree for the Town's Wastewater Facility participation in the Mass. Elec. Co., Energy Initiative Program.

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He noted that replacing the older motors the Town will save \$6,870.00 plus make a notable decrease in energy consumption in order to treat the wastewater received at the facility.

He presented SEA's transmittal letter and proposed agreement Amendment No. 4 on the contract for services at the Transfer Station and the Closure Plan. The amount appropriated for \$75,000.00 for the Phase II hydrogeological Study. He noted that SEA needed approximately \$25,000.00 to be appropriated at the 1990 Annual town Meeting for additional survey work and revisions to the final closure of the Landfill. He recommended that the Town not enter into this Amendment No. 4 with SEA, but include the engineering services in with the RFP for the additional work required for the Landfill Closure Plan.

He continued that he has not received the ink mylar from N.E. Apple Products Co., and that he had notified that the sewer/water services would be suspended bu 3/30/90 if the drawings were not received. Selectman Slarsky asked that before this happens, Supt Redfield should call the Company president concerning this and to keep the Board updated.

Supt Redfield commented on a question by a voter, as to why the catch basins were not cleaned or the roadways marked by the DPW personnel. Mr. Redfield noted that an outside contractor charges \$5.95 for each basin cleaned, at a total cost of \$3,900 which has been the same for the past three years. This saves the Town money rather than providing these services in-house., especially with decreased staffing. Mr Redfield recommended the appointment of Richard Linde to the position of water meter reader, a motion to appoint Mr. Linde was made by Selectman Slarsky, seconded by Selectman Sifakis all in favor and the motion passed.

557 Sewer Extension Grant

Mr. Redfield emphasized the need to close out the Snake Hill Road 557 Sewer Extension Project in order for the Town to be reimbursed approximately \$50,000.00, and that sewer service problems should be corrected for 52 Sandy Pd Rd, out of several options, he recommended the the Board approve a change order be issued to J.T. & C. Construction Co., Inc to include as part of the Wright Rd. Sandy Pond Area Sewer Construction Project, 335 Linear feet of PVC sewer main together with two manholes to be installed on old Sandy Pond Rd based on time and material method of payment.

In conclusion, the Board asked Mr. Redfield about the Pot Hole problems, Mr. Redfield noted that some had been caused by excavation work done by Mass. Elec and that the Elec. Co., had been notified. He also stated that some were cased by wear and tear and were patched, but the weather is a factor and the patching is only temporary until the temperature gets higher.

A motion to adjourn the meeting was made by Selectman Slarsky and seconded by Selectman Sifakis, all in favor and the motion passed. 10:15PM

Manuel A. Sifakis

2/27/90

DATE