

Town of Ayer
Board of Selectmen
Ayer Town Hall – 1st Floor Meeting Room
Ayer, MA 01432



Open Session Meeting Minutes
Tuesday May 5, 2015

Broadcast and Recorded by APAC

Attendance: Christopher R. Hillman, Chair; Jannice L. Livingston, Vice Chair; Gary J. Luca Clerk
Robert A. Pontbriand, Town Administrator

Call to Order: The meeting was called to order in Open Session by Chairman Hillman at 7:03pm

Announcements: Selectman Hillman read into the record several upcoming events: May 9th Letter Carriers Food Drive; May 11th Town Meeting; May 18th Board of Health Public Hearing on Trash Hauler Regulations; and June 8th JBOS Super Town Meeting.

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the meeting agenda. Motion passed 3-0.

Chair of Honor Presentation: Mr. Mike Detellion, Ayer Veterans Services Officer presented the Chair of Honor for display in the First Floor Meeting Room. The Chair honors all POW and MIAs with a chair, the American Flag, and POW/MIA Flag flanking the Chair of Honor.

C. Hillman thanked Mr. Detellion on behalf of the Board and the Town for his work on this honor to the POW/MIAs.

Recognition Of Eagle Scout: The Board recognized Keith Kidder for achieving the rank of Eagle Scout. Keith cleaned up an area behind the high school including repairing picnic tables and planting a butterfly garden as well as new signage. Chairman Hillman presented Keith with a certificate from the Board.

Freedom's Way Hidden Treasures: Mr. Barry Schwartzel of the Ayer Historic Commission announced the inclusion of the Camp Stevens Memorial in the Program to be featured on Sunday, May 17th. Mr. Schwartzel made a brief presentation on the historical significance of Camp Stevens.

Public Input: None

Open Ayer Spring Festival: R. Pontbriand presented an overview of the event and introduced Mr. Mark DiCicco and Mr. David Berry who are sponsoring this three day event from May 15th to May 17th. The event will feature food and drink from local businesses as well as raffle baskets raising money for Loaves and Fishes. R. Pontbriand requested that the Board authorize a three, one-day liquor licenses contingent upon the Open Ayer Festival Plan being approved by the Police Chief and subject to all ABCC provisions.

Motion: A motion was made by G. Luca and seconded by J. Livingston to authorize three, one-day liquor licenses to the Open Ayer Spring Festival contingent upon the Open Ayer Festival Plan being approved by the Police Chief and subject to all ABCC provisions. Dates and times as follows: May 15, 2015: 5:00 PM – 12:00 AM; May 16, 2015: 2:00 PM – 12:00 AM; May 17, 2015 11:00 AM - 8:00 PM. Motion passed 3-0.

Mr. Thatcher Kezer – MassDevelopment: Mr. Kezer the new Senior Vice President for MassDevelopment at Devens appeared before the Board as a formal introduction and to discuss with the Board ways in which the Town and MassDevelopment can collaborate. Mr. Kezer stated that he realizes the importance of Ayer to MassDevelopment and that he looks forward to building regional partnerships/collaborations/and improving communications.

G. Luca stated that he had concerns about the proposed psychiatric facility at Devens and how that may compete with the Nashoba Valley Medical Center. Additionally, this issue is an example of a lack of direct communication from MassDevelopment to the Board.

T. Kezer stated that he inherited this project and is up to speed on it and has had dialogue with Mr. Sal Perla of Nashoba Valley Medical Center and that they have clarified the issues. Additionally the conversation needs to change from competition to one of growth in which growth in one community benefits all.

T. Kezer stated that this initial shuttle proposal is an effort to build up a strong reverse commute system for the whole region including Ayer. Currently the reverse commute from Boston ends at Littleton. This is not nor will it be an effort to avoid the Ayer Commuter Rail Station.

C. Hillman asked T. Kezer if he would look at the Wastewater Contract between the Town and MassDevelopment again as the Town understands the contract but is looking for rate relief and some ways in which this can be accomplished.

T. Kezer stated he was aware of this contract and the importance of the issue and that he is looking at it and will get back to the Town. He went on to discuss the proposed June 8, 2015 Super Town Meeting and that the zoning changes are still under legal review by MassDevelopment but that the BOS will receive them shortly and will have a week to review.

DPW Superintendent's Report: M. Wetzel appeared before the BOS regarding the following:

Street Light Purchase and LED Upgrade. M. Wetzel made a presentation. The Town has approximately 511 streetlights with an FY 2015 budget of \$76,400. The Town could buy the lights from \$7,800 from National Grid and receive potential savings with buying and converting to LED of upwards of \$40,000 in savings.

Motion: A motion was made by G. Luca and seconded by J. Livingston to authorize the DPW Superintendent to notify National Grid of the Town's intent to purchase the Street Lights. **Motion passed 3-0.**

Shirley Street Bridge - M. Wetzel just received the State Bridge inspection for the Town-owned Shirley Street Bridge. The report recommends a total replacement of the bridge if it is to be reopened for vehicular traffic. The deck was given a rating of "4" (poor); Superstructure "4" (poor); and Substructure "3" (serious). The bridge is safe to walk and bike across but it has no structural strength for vehicular traffic.

M. Wetzel state that he needed to go under the West Main Street Bridge to make sure there are no issues with that bridge in the event that it would have to be temporarily closed, the Shirley Street Bridge would be needed.

C. Hillman stated that if the Shirley Street Bridge is not needed for public safety vehicle access, than the Town should consider keeping it as a pedestrian/bicycle bridge only. It is difficult to justify spending between \$750,000 to \$1 million to replace a bridge that is not needed. It is important that it not just be abandoned though like in other Towns but be cleaned up.

M. Wetzel stated that he would consult with the Chiefs on the Public Safety Issue(s) and do further investigation of potential scenarios for the Town to consider.

C. Hillman asked if the DPW can straighten the street sign poles and cut the street sign poles that have excess material. M. Wetzel stated that the DPW can do that.

G. Luca stated that there is no street sign at Pearl and Groton Streets. Additionally he was informed that a house if for sale on the Groton Town Line (in Ayer) on Westford Road and that the issue of whether or not that property is tied into the Town's sewer needs to be looked at.

M. Wetzel stated this was the first he had heard of this and that he would look into it. G. Luca asked what Chapter 90 paving projects were proposed for this year.

M. Wetzel stated Groton Harvard Road (continuing from where left of from last paving); Copeland Drive; and a milling and overlay of Central Ave from Groton Harvard Road to Sandy Pond Road.

C. Hillman asked if the Victor Drive Culvert was open. M. Wetzel stated yes.

Town Administrator's Report: R. Pontbriand gave a brief oral administrative update.

Municipal Hearings Officer: R. Pontbriand stated that the Town needed to appoint a municipal hearing officer as a result of the Town now pursuing non-criminal fire code violations. R. Pontbriand recommended that Carly Antonellis, Assistant to the Town Administrator be appointed as the Town's Municipal Hearings Officer and that upon appointment she will complete the required training.

Motion: A motion was made by G. Luca and seconded by J. Livingston to appoint Carly M. Antonellis, Assistant to the Town Administrator at the Town of Ayer's Municipal Hearing Officer. **Motion passed 3-0.**

FMLA Policy / Sick Leave Policy: R. Pontbriand presented a proposed DRAFT FMLA policy under which an Employee using FMLA must first exhaust half of their accrued vacation and/or personal time before using their accrued sick time.

G. Luca stated that he had some concerns regarding the proposed FMLA policy in that the Town should just follow the Federal Law perhaps with one sentence dealing on how leave must be used.

J. Livingston stated that the Board should review and take under advisement.

The Board decided to take no action on the proposed DRAFT FMLA Policy and to take under advisement for a future meeting.

R. Pontbriand recommended that with the passage of the new sick leave law in November 2014, municipalities can opt not to adopt the new law. R. Pontbriand recommended that the Board take a definitive vote not to adopt the new sick leave law in the interest(s) of cost savings; reducing sick leave time, etc.

Motion: A motion was made by G. Luca and seconded by J. Livingston that the Town not adopt the new provisions of the Massachusetts Sick Leave Law and to consult with Town Counsel if and when additional changes in the law require action by the Town. **Motion passed 3-0.**

Building Department Staffing: R. Pontbriand presented proposed DRAFT job descriptions for the position of Administrative Assistant to the Building Department and the position of Zoning Enforcement Officer. R.

Pontbriand was seeking Boar approval to proceed with the hiring process for both positions. Funding for both positions is in the FY 2015 Budget and is in the proposed FY 2016 Budget.

Motion: A motion was made by G. Luca and seconded by J. Livingston to authorize the hiring of the positions of Administrative Assistant to the Building Department and Zoning Enforcement Officer. **Motion passed 3-0.**

Chapter 61A Lands (Pleasant and Nashua Street(s)): R. Pontbriand stated that on April 27, 2015 the Town received three letters from Mr. Calvin Moore regarding his intent to develop various parcels of land on Pleasant and Nashua Street that are currently designated as forestry lands under MGL Chapter 61A. Upon review by Town Counsel, the letters have been determined to be legally deficient to constitute legal notification(s) to the Town under MGL Chapter 61A. Since it is the policy of the Town that the MGL Chapter 61A process regarding the Town's right of first refusal will be followed to the letter of the law, it is requested that Town Counsel be authorized to formally contact the property owner(s) in writing that the notices (letters) are deficient. Under MGL Chapter 61A the Town has thirty days from receipt to notify the owner(s) that the notices are deficient.

Motion: A motion was made by G. Luca and seconded by J. Livingston to authorize Town Counsel to officially notify the property owner(s) (Mr. Calvin Moore and Mr. Calvin Moore, Junior) that the three notices received on April 27, 2015 are deemed legally deficient. **Motion passed 3-0.**

C. Hillman recognized Ms. Christa Maxant in the audience. Ms. Maxant stated that she and several other present this evening are frustrated with this process and how long it has taken and that the Town appears to be bearing the brunt of the legal costs yet Mr. Moore is the one who is seeking to develop these MGL 61A properties into residential homes. She had contacted the BOS Office previously and was told that the matter may be in litigation and was unable to get any further information on the process.

J. Livingston stated that the Board has discussed this matter in its open sessions and was "disturbed" to hear that the BOS Office had not been responsive.

Ms. Maxant stated that she agreed with the Board's motion and vote tonight but is just frustrated as to what is going on.

C. Hillman recognized C. Moore in the audience. C. Moore stated that there were several inaccuracies in the letter he received from Town Counsel. Additionally the Board has indicated to him that the Town has no interest in buying this land. He is prepared to wait on the development for a year and let the statutory time line run out. The property is not for sale.

C. Hillman stated that the Board and the Town has made no indication about whether or not to purchase the land. We need to follow the process and the law as set forth by MGL Chapter 61A. The Board received the letters sent them to Town Counsel for review, we have been advised that they do not meet the requirements of the law.

C. Moore stated that the land is not for sale. The Town should not waste any more time or money on this process.

C. Hillman disagreed in that the Town must follow the process and the law to protect the best interest of the Town of Ayer. He stated that while the Town can appreciate that the abutters to this land want the land purchased, we as a Town must follow the process and look out for the best interests of the whole Town. This discussion tonight is way ahead of where we need to be.

New Business/ Selectmen's Questions: C. Hillman reiterated that the Towns street signage poles need to be straightened and in many cases the excess pole material cut off.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by G. Luca to approve the meeting minutes of April 7, 2015. **Motion passed 3-0.**

Reorganization of The Board Of Selectmen: G. Luca and J. Livingston thanked C. Hillman for his service and leadership as Chairman for the past year.

C. Hillman stated that this was a very productive year and that he enjoyed the positive working relationship developed by this Board which is something the Town has not had in many years.

Motion: A motion was made by G. Luca and seconded by C. Hillman to appoint J. Livingston as Chair of the Board for the upcoming year. **Motion passed 3-0.**

Motion: A motion was made by C. Hillman and seconded by J. Livingston to appoint G. Luca as Vice Chair of the Board for the upcoming year. **Motion passed 3-0.**

Motion: A motion was made by J. Livingston and seconded by G. Luca to appoint C. Hillman as Clerk of the Board for the upcoming year. **Motion passed 3-0.**

Motion: A motion to adjourn the meeting was made by G. Luca and seconded by C. Hillman. **Motion passed 3-0.**

The Board of Selectmen Adjourned at 9:30pm.

Recorded and Submitted by R. Pontbriand, Town Administrator

Minutes Approved on:

5-19-15

Christopher R. Hillman, Clerk:

Christopher R. Hillman