

**Town of Ayer
Ayer Board of Selectmen**



Meeting Minutes for Tuesday, June 3, 2014, 7pm

Selectmen in Attendance: C. Hillman, Chair; J. Livingston, Vice Chair; G. Luca, Clerk
Also In Attendance: R. Pontbriand, Town Administrator

Call to Order: Meeting was called to order in Open Session at 7pm by Chairman Hillman.

Review and Approval of Agenda: R. Pontbriand thru the Chair requested that the July 4th Grand Marshall Item be moved to June 17th and an item #5 added under the Town Administrator's Report for the Grove Pond Change Order for the Variable Pump Drive funded by the Green Communities Grant.

MOTION: Motion was made by G. Luca and seconded by J. Livingston to approve the meeting agenda as amended. Motion passes 3-0.

Morris Babcock, Chair of the Planning Board request to add an agenda item.

C. Hillman informs M. Babcock that the request is out of order and inappropriate in that items cannot be added to the agenda once the agenda is set but that he could address the Board under Public Input which is next.

Public Input: M. Babcock, Chair of the Planning Board comes to the table to discuss the issue(s) of the zeroing of the Planning Board Budget at the May 12, 2014 Ayer Town Meeting by Town Meeting. An exchange between the Planning Board Chair and BOS Chair occurs regarding inaccuracies of statements made by M. Babcock.

Note: The other three members of the Planning Board present, Mr. Jim Lucchesi, Mr. Rick Roper, and Mr. Kyle Gordon approach the table and sit down.

The members of the Planning Board under Public Input state their concerns regarding the actions of Town Meeting on May 12th and concerns about the future of the Planning Board and Zoning Board Office after July 1, 2014.

The Town Administrator thru the BOS Chair offered clarifications on legal inaccuracies stated by M. Babcock and explained that the services of Town Counsel would be available to assist the Planning Board with any questions they have as well as the three pending Open Meeting Law Complaints against the Planning Board.

M. Babcock stressed that without an Office Manager there will be no one to greet and assist the Public on Planning and Zoning matters at Town Hall. Additional concerns were stated by R. Roper regarding having no funding for supplies and stamps as of July 1, 2014.

G. Luca stated that the position of the Board of Selectmen has been to support the actions, will, and vote(s) of Town Meeting. The Board of Selectmen cannot undermine Town Meeting.

R. Roper stated that Town Meeting has held the Planning and Zoning Boards hostage and the acts of Town Meeting are unlawful.

G. Luca stated that is not true. Town Counsel was present at Town Meeting and Town Counsel has been consulted and Town Meeting has acted in accordance with the Law.

M. Babcock asked the Chair why he voted at Town Meeting to zero out the budgets.

C. Hillman stated that he reserves his right as a citizen of Ayer to vote at Town Meeting.

C. Hillman asked each of the Planning Board Members who was actually at Town Meeting.

J. Lucchesi was the only one that answered in the affirmative.

R. Roper stated that he wants the BOS to understand where they are coming from.

J. Livingston stated that Town Meeting is Town Meeting and it has voted and acted.

J. Lucchesi state that the action(s) of Town Meeting targeted one individual.

J. Livingston stated that the individual's name was not stated at Town Meeting and that voters of any Town Meeting not just in Ayer will show up for emotional reasons. It is the nature of Town Meetings.

J. Lucchesi stated that if we do not have a Zoning Board then constructive grants will be given out that could result in more money for law suits.

C. Hillman clarified that the budgets for the Planning and ZBA were zeroed out by Town Meeting but both Boards still exist.

M. Babcock stated that the Town need to find the funding for the Boards and that we need Ms. Sullivan.

C. Hillman called a point of order and stated that he and the BOS did not appreciate the Planning Board High jacking this meeting. They should have got onto the Agenda through the formal process. All of these matters are under consultation with Town Counsel, the BOS is very aware of the situation and no one on the BOS has issues with the Planning or Zoning Board and there is not ill will intended but this evening's meeting needs to move on to the items on the agenda.

J. Lucchesi stated that we have until June 30th to fix. 27 days to correct the matter.

R. Roper and M. Babcock stated that they were satisfied with being heard by the BOS.

C. Hillman said that the Town will continue to move forward.

G. Luca added that the BOS was aware of all the issues brought forward this evening.

J. Lucchesi stated that he wanted the public to be fully aware.

Pauline Conley approached the BOS Table under Public Input to discuss the May 21st BOS Meeting. She stated that she was not at the May 21st BOS Meeting but was surprised to learn that she was not appointed to the ZBA. More importantly, she stated her concerns from the May 30, 2014 Nashoba Public Spirit Article which stated that there was an outstanding ethics complaint regarding her and that was a factor according to G. Luca for her not being appointed. P. Conley stated that the only record at the Ethics Commission pertaining to her was a 2007 question she had asked at that time.

P. Conley went on to state that ZBA Members resigned as a result of her not being appointed. There are several projects which will receive constructive grants if not acted upon. Her purpose this evening was to publically address the statement that there is an open/ongoing ethics complaint regarding her is not correct.

C. Hillman stated that on May 26th, he made the motion to appoint but it was not seconded and only he and G. Luca were present.

P. Conley stated that there is no open ethics complaint regarding her and that she requests a public apology from the BOS for this erroneous statement by G. Luca and requests a letter from the BOS tomorrow.

J. Livingston stated that this stems from the November 19, 2013 meeting and that Selectman Fay at that meeting stated that he would file an ethics inquiry regarding your actions.

G. Luca stated that is what Mr. Fay told me, that he had filed an ethics inquiry.

P. Conley restated that there is nothing but a 2007 letter of inquiry at the ethics commission pertaining to her name. There is no open record and there is no open ethics violation. I want a letter of apology from the BOS and a retraction.

The Town Administrator was asked through the Chair by P. Conley if there is an open ethics complaint pertaining to her. R. Pontbriand stated that there is no open ethics complaint in the BOS Office and that the BOS Office did not file such a complaint.

P. Conley stated that Ms. Katharine Gallant at the Ethics Commission would be the person to speak to.

Old Business:

1. Update on Ayer Commuter Rail Station Access and Ayer Commuter Rail Surface Parking Lot Project.

The Town Administrator provided an overview of the issue and the project.

C. Hillman stated that the MBTA has dropped the ball in that the 30 days they said for resolution of the access issue has expired as of May 29th.

Pauline Hamel (Town Representative to MJTC) offered historic information to the BOS regarding the issue of the ticket booth and bathrooms.

C. Hillman stated that he can understand the frustrations of Mr. Berry in terms of just having the public walk all thru his property and that the goal of this project is to provide a dedicated access to the platform. C. Hillman further commented on the deplorable conditions of the parking lot and current access to the platform.

Ellen Fitzpatrick (Resident) was acknowledged by the Chair and state her frustrations about the lack of progress in resolving the MBTA/Mr. Berry property dispute as well as the access/easement issues. She urged the Board to exert additional leadership and pressure in resolving this issue.

C. Hillman raised the issue of the BOS reversing its 2006 policy position and putting the issue of Eminent Domain back on the table as a potential policy consideration.

G. Luca stated that he had to tread lightly on the issue and in fact recused himself from the discussion.

The BOS discussed Eminent Domain. C. Hillman made a motion to reverse the BOS 2006 policy on eminent domain with respect to this project but there was not second. No official motion or vote was taken at this time with J. Livingston stating that it is definitely an option but she cannot make a formal decision tonight on that without additional information.

C. Hillman stated that the BOS should revisit the issue.

Presentation of TADS (Teenage Anxiety and Depression Solutions)

Ms. Betsy Dolan, ASRSD Guidance Counselor and Officer Jennifer Bigelow, School Resource Officer made a presentation to the BOS on the Teenage Anxiety and Depression Solutions. Ms. Dolan was seeking a total of \$8,000 in funding for the TADS Grant for a two year grant contract effective Nov. 1, 2014 to Nov. 1, 2016. ASRSD to pay \$8,000 and Town of Shirley to pay \$8,000 as well.

MOTION: A motion made by G. Luca and seconded by J. Livingston to accept and support TADS and to find \$8,000 to fund Ayer's portion of the matching grant contract. Motion passes 3-0.

Ayer July 4th Committee

1. Mr. Sal Perla, Director of Economic Development introduce Mr. Salvatore Perla, President of Nashoba Valley Medical Center who presented the BOS and 4th of July Committee with a check for \$2,000 for the Ayer 4th of July Celebration.
2. Mr. Maher provided an update on this year's 4th of July Schedule of Events.

Economic Development Discussion

The BOS had a discussion about the Economic Development Office and Economic Development Strategy for the Town with Mr. Maher. Selectmen emphasized the importance of not only retaining the businesses the Town has but also marketing to potential businesses and growing the Town's commercial/industrial base. The Selectmen further stated that Ayer has so many great assets such as public water, sewer, a hospital, a new high school project, commuter and freight rail, and a close proximity to Routes 2 and 495.

C. Hillman stated that part of our strategy needs to be to market and attract the businesses that other Town's do not have that could come here. C. Hillman further stated that West Main Street has great potential as does Park Street, and the Rotary. Additionally the Town needs a large drugstore such as a CVS.

D. Maher stated that his office will be focusing on developing a better web presence for economic development for the Town as well as improved signage on Route 2 for businesses such as restaurants.

Administrative Update

The Town Administrator provided an administrative update to the BOS.

Appointment of Lisa White to the Personnel Board was presented to the BOS.

P. Conley was recognized from the audience and stated that the appointment of Ms. White would be in conflict with Town Meeting's approved Personnel Bylaw from 1996.

Appointment was withdrawn to June 17, 2014 pending further research.

FY2015 Appointments

The Town Administrator provided an overview of the FY 2015 Appointments and stated that the BOS would be making appointments on June 17, 2014.

Properties Enforcement

The Town Administrator provided an overview of ongoing properties enforcement at 64 Westford Road; 14 Williams Road; 128 Washington Road; and 71 Sandy Pond.

C. Hillman asked if G. Luca, the Town Administrator and one of the Chiefs could meet with McNiff.

JBOS Update

G. Luca stated there was no JBOS Update at this time.

New Business / Selectmen's Questions

C. Hillman asked the Town Administrator to look into the legalities of the Planning Board Meeting held recently in Executive Session at 6pm.

Approval of Minutes

May 6th Minutes were moved to June 17, 2014 for approval


May 21, 2014 Minutes were approved by a motion made by G. Luca and seconded by J. Livingston. **Motion to approve minutes for May 21, 2014 passes 3-0.**

Adjournment

Motion was made by G. Luca and seconded by C. Hillman to adjourn the meeting at 9:55pm. Motion passes 3-0. Meeting adjourned at 9:55pm.

Minutes Recorded and Respectfully Submitted By: R. Pontbriand, Town Administrator

BOS Approved Minutes on: 6/17/14

Signed by Clerk:  Gary J. Luca, Clerk