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Town of Ayer
 Board of Selectmen
 Town Hall, First Floor Meeting Room



Tuesday, April 19, 2011

James M. Fay, Chairman	X	Carolyn McCreary, Member (Selectman McCreary)	X
Frank F. Maxant, Clerk	X	Gary J. Luca, Member- (Selectman Luca)	X
Janet S. Lewis, Secretary	X	Robert Pontbriand, Town Administrator	X

7:05p.m-

7:13p.m. Call to Order

Agenda Item #1. Agenda-Announcements

Selectman Luca moved the Board take up Agenda item #9 JBoS Abby Goldenfarb after Agenda Item #3. 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Chairman Fay called for a motion to approve the Agenda as amended. Selectman Luca Moved to approve the Agenda of 4-19-11 as amended, 2nd by Selectman McCreary, VOTE: unanimous, so Announcements: Chairman Fay made the following announcements

- Town Election –Monday, April 26, 2011 7:00a.m. to 8:00p.m. 2nd floor Great Hall, Town Hall
- Clean Ayer-Saturday, April 30, 2011 meet at Depot Sq. 9:00a.m. to 12:00noon.
- Annual Town Meeting Monday, May 9, 2011 7:00p.m.-Ayer High School-Washington St.

Agenda Item #2. Public Input- No one requested to speak under Public Input

Agenda Item #3. Marianne Graham-Green Communities Action Plan-Mr. Pontbriand introduced

Ms. Graham to the Board advising to Ms. Graham assigned to the Town of Ayer, under the Green Communities Planning Grant. Ms. Graham presented an overhead presentation of the proposed “Green Communities Action Plan” for the Board. Ms. Graham ran through requirements for “Green Communities status once all five criteria are met advising to date the Town has met four (4) of the five criteria. The remaining fifth criteria is the adoption of the “Stretch Code” by Town Meeting. Ms. Graham took questions from the Board and room re adoption of the Stretch Code and advising to deadline for current grant being 6-10-11. Ms. Graham also advising to 53 communities in MA out of 351 Green. Selectman Maxant expressed concern re inhibiting development, which promote jobs and increases cost of government urging to be very careful not repeat mistakes i.e. California, not wander down same road. Selectman Luca also expressing his concern re mandates in place and cost to implement. Ms. Graham stating in cost analysis increased cost also in savings, and net value to homeowner. The Board acknowledging energy reduction plan already exists in Town of Ayer, new homes marketed as energy reduction, state proving incentive. Selectman McCreary advising to ConCom to host presentation at their 4-28-11 meeting and Planning Board hosting one in on May5, 2011. Chairman Fay closing with consumer protection successful selling point. Chairman Fay called for a motion to approve the Green Communities Action Plan. Selectman McCreary moved the Board vote to approve the Action plan, 2nd by selectman Luca, VOTE: unanimous, so moved.

Agenda Item # 9 –JBoS Update-Trinity Vision Session -moved up earlier in meeting. The Board met with Abby Goldenfarb representing Trinity. Ms. Goldenfarb announced Vision Session to be held in Ayer at the Ayer Town Hall-2nd Floor Great Hall on Saturday, May 7, 2011 from 9-12 and also in Town of Harvard at 1:00p.m. Ms. Goldenfarb spoke to the Concept Plan and transformation at Vicksburg Square encompassing community and encouraging everyone to come out to hear plan and share

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comments. Selectman Maxant quoting President re supporting innovation and requesting if Trinity had any incorporation of a “Technology Center” in Plans? Mr. Kelley expressing concern re turnout due to “Ducky Wucky” Festival on same day. Ms. Goldenfarb again advising to two session being held on the 7th one at 9am and one at 1:00p.m. Ms. Goldenfarb closed her discussion with reviewing with the Board Vicksburg Square public meeting process from April 2011 through June 2011 which delineated Trinity’s meeting dates though the Super Town Meeting on June 22, 2011.

Agenda Item #4. Gabriel Vellante re Building/Zoning violations three (3) properties.. The Board

met with Gabe Vellante re conditions of homes in Town of Ayer

14 Williams St.- 128 Washington St. The Board met with Hugh Ernisse owner of 14 Williams St. & 128 Washington St. Mr. Ernisse updated the Board to clean up presently in progress and admittedly stated both properties were in violation of Board of Health policies. Mr. Vellante advised to Mr. Ernisse also in violation of Zoning ordinances and sent certified letter re same and having received confirmation of receipt acknowledged by Mr. Ernisse who contended he never signed for, nor knew of any zoning ordinance violation from the Building Inspector re his properties. Mr. Vellante cited Mr. Ernisse for removal of junk, construction materials and trash. Mr. Ernisse agreeing with Mr. Vellante stating both places a mess. Mr. Ernisse stated his contention to clean up properties stating the recent snow storm/s were a setback stating all that is considered trash will be gone. Mr. Ernisse advising the Board to his being in foreclosure on the house/s in bankruptcy and finances low and struggling with people problems working with drug addiction and Level 2 sex offender/s who reside at his property. Board of Health warned Mr. Ernisse re comingling trash with recyclable as well as improper disposal of hypodermic needles, again to which Mr. Ernisse spoke to needles being broken off and not placed in trash. Mr. Ernisse spoke to clean-up ongoing progress being made. Selectman Maxant stating his displeasure re landlord not being informed of petition at 14 Williams St. urging residents if they have a beef with their neighbors go to their neighbors first and read nuisance by-law into record-citing Section 1 questioning how this applies to someone yard or property, and stating snow removal example of enforcement.

71 Sandy Pond Rd.- Mr. Vellante updated the Board to property owner making progress on clean-up. Awaiting ADA documentation re zoning violation from Town Counsel. Mr. Valardi present in room and not participating in discussion.

Agenda #5. Superintendent Nason’s Report-the Board met with Dan Nason.

50 Cambridge St. Water/Sewer Abatement -request for reconsideration-Supt. Nason recommending the Board deny due to water being treated. Selectman Luca stating Section 9.2 of the Water Rules and Regulations –All water that passes through a meter will be charged for whether used or wasted By-law clear re water going through system and moved the Board re-affirm original decision made on April 5, 2011. Supt. Nason advising Board to being verbally accosted by both parties requesting abatements after last meeting in the parking lot. The Board requesting language be placed in letters to both parties re unprofessional comments re decision.

Water Restriction/s- Supt. Nason reviewed with the Board DEP’s Water Use Restrictions and Compliance with the MA DEP Water Management Act. Supt. Nason advised to mandatory water ban effective immediately re outside watering in the Town of Ayer-no nonessential outdoor water use from 9am to 5pm.May 1st -September 30th.

Scrap Metal Pile-Transfer Station- The Board met with Andrew Jackson, Foreman, Transfer Station.- Mr. Jackson updated the Board to metal picking by residents at a dangerous level i.e. safety/liability concerns re sharp objects and taking valuable revenue resource. Chairman Fay stated his thoughts re metal picking being less the Town has to pay to get rid of. Selectman Maxant stating his concern re old

traditions that dies off. Selectman McCreary requesting the Board post restriction “No Public Access” at the discretion of the Foreman, 2nd by Selectman Luca, VOTE: unanimous, so moved.

National Public Works Week Proclamation- Chairman Fay read into the record a Proclamation proclaiming

5-15-11 to 5-21-11 as National Public Works Week in the Town of Ayer. Supt. Nason advising to activities planned for week with School to include tours of DPW facilities i.e. WWTP, WTP and water conservation inviting public & officials to participate.

Agenda Item #6. Director of Planning & Development’s Report-the Board met with David Maher Fletcher Building EDF Grant Application- Mr. Maher presented the Board’s letter of support for the Town’s 2010 Economic Development Grant Application to rehabilitate the historic Fletcher Building with six (6) units of affordable housing and two store fronts of commercial space on the first floor totaling \$750K. Mr. Maher revised the letter for the full Board’s signatures. Selectman Luca moved the Board approve the Board’s letter of support to Tina Brooks Undersecretary –Dept. of Housing & Community Development, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Home rule Petition-Vineyard Mr. Maher presented the Board the Vineyard’s Home Rule Petition for their consideration. Mr. Maher updated the Board to Jeffrey Gendron requesting the Board’s consideration and approval of a Home Rule Petition to update his present Beer & Wine License to a full All Alcohol license for his Park St. location in Ayer. The Board opened the discussion. Selectman Luca feeling what the Town has presently is sufficient. Selectman McCreary pondering fair competition. Selectman Maxant echoing Selectmen Luca. Mark Fermanian (Jack-O-Lantern) stating all businesses struggling, should not be another way to get license, encouraging the Board to vote against. Phil Berry advising to communities number of licenses population based and not ready for another license in Town. Selectman Maxant feeling proponent not present to speak on and should have been if wanted Board’s support. Selectman Luca requesting Board not support take no action. No action taken by Board. Economic Development Update – see report dated April 19, 2011 Mr. Maher highlighted a few items of interest for the Board.

Mr. Maher updated the Board to a new Hi-Tec company coming to Ayer (Hybricon Building-Willow Rd.) and coordinating relocation with them.

Mr. Maher updated the Board to a DHCD Economic Development pre-application reviewed and approved and Senate Construction seeking a \$250K CPC grant which is on the 5-9-11 Annual Town Meeting Warrant.

4th of July Update- Mr. Maher advised the Board to the Sock-Hop Dance a huge success raising nearly \$2K between ticket & raffle sales, sponsorship letters coming in well with commitments exceeding over \$1K. Sales for the St. Patrick’s and current Mother’s Day Basket exceeding expectations. Mr. Maher extending Committee members a huge thank you.

Agenda Item #7. May 9th 2011 Annual Town Meeting Warrant –

Mr. Pontbriand opened the discussion by updating the Board to revised warrant before them encompassing 38 Articles for consideration at Town Meeting.:

Article 34. Aquifer Protection District By-law Amendment-added to include Zone II area around Grove Pond Well per Board of Health

Articles 35-37 Contracts Ratified-DPW, Police Superiors, Town Hall Unions –no appropriation

Articles 23 & 24 Central Ave. Central Ave. Properties place holders

Article 25. Stabilization-ten percent of appropriation to go into Capital Stabilization. Mr. Pontbriand advising to Fin-Com recommending splitting Stabilization and GASB45 down the middle. Motion made by Selectman Luca, 2nd by Selectman McCreary VOTE: unanimous, so moved.

Article 28- CPAC-Change language (not Town owned)

Article 21. Binding of Books-Town Clerk -Remove Selectmen support to Town Clerk Support and Fin-Com not supporting

Article 5-Omnibus –Selectman Luca moved the Board to remove Asst. Treasurer’s position from Treasurer’s Budget line item and create another line-item under Dept. 100 Town Administrator/Selectmen to state Human Resource, 2nd by Selectman McCreary. Ms. Spinner questioning Board to what is the rush? Last minute change-have not run by Town Government Study Committee. Stephanie Gintner, Treasurer stating her dismay this being proposed without speaking to her, just as a courtesy would have been nice. Ms. Gintner read into the record Chapter 41 S39 Payroll requirements and Town’s Personnel Policy Chapter 6 Classification re new position, which was clarified as being under the Board’s purview. Selectman Luca advised Ms Gintner to Personnel Board and Fin-Com supporting new position and position not being about personalities. Chairman Fay called for a vote re removing Asst. Treasurer from Treasurer’s budget and creating additional line item under Dept. 100 – Human Resources Chairman Fay no, Selectman McCreary aye, Selectman Luca aye, Selectman Maxant no 2-2 motion fails.

Article 5-Omnibus--Line Item 200-05 Treasurer’s Office part-timer \$6,789.00 Motion made by Selectman Luca to remove part-time position, 2nd by Selectman McCreary, VOTE: Selectman Luca aye, Selectman McCreary aye, Chairman Fay aye, Selectman Maxant no 3-1 motion passes.

Article 5-Omnibus-Dept. 400-Line Item 09 Library add \$6,841 to Library. Motion made by Selectman Luca in order for Library not to lose certification, 2nd by Selectman McCreary VOTE; unanimous, so moved.

Articles 6 & 7 Regional Schools Assessment –Transitional Operating Assessment and Principal & Interest Debt Service. Mr. Pontbriand updating the Board to meeting with George Frost, Supt. Of Schools and advised to both Articles 6 & 7 housekeeping and need to occur to reflect assessment, Mr. Frost to speak to both articles at Town Meeting and advised assessment cannot go higher can only go lower. Selectman Luca moved the Board vote to support as presented, 2nd by Selectman McCreary, VOTE: Selectman Luca aye, Selectman McCreary aye, Chairman Fay aye, Selectman Maxant no, Motion passes 3-1.

Article 38 Weed Control –Flanagan Pond-After three unsuccessful motions re funding options the Board voted to borrow \$35K from UDAG –Program Income Specific-to treat Flanagan Pond to be administrated by the Conservation Commission, 2nd by Chairman Fay, VOTE: Selectman Luca aye, Chairman Fay aye, Selectman McCreary aye, Selectman Maxant no 3-1 motion passes.

Chairman Fay called for a motion to approve the 5-9-11 Spring Town Meeting Warrant with edits. Motion made by Selectman Luca, 2nd by Selectman McCreary VOTE: unanimous, so moved. Chairman Fay called for a motion to close the 5-9-11 Spring Town Meeting Warrant. Selectman Luca moved the Board vote to close the 5-9-11 Spring Town Meeting Warrant, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Agenda Item #8 Town Administrator’s Report-(see report dated 4-5-11 to 4-19-11)

Mr. Pontbriand reviewing a few of the items under his report with the Board.

St. Mary’s One Day Beer & Wine License-The Board approved a One Day Beer & Wine License request from St. Mary’s Parish for Friday, May 20, 2011 for a movie night “The King’s Speech” Motion made by Selectman Luca to approve, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

North Middlesex Savings Bank-The Board approved permission for the bank to set up a children’s bounce house between the bank and Town Hall on Saturday, May 21, 2011 between the hours of 9am and -3pm. contingent upon one day event insurance. Motion to approve made by Selectman McCreary, 2nd by Selectman Luca, VOTE: unanimous, so moved.

The Board was updated to Energy committee receiving a proposal from Constellation energy for a solar field project at the Wastewater Treatment Plant. An informal proposal is forthcoming and will update Board when received. Lease for project considered for incorporation on Super Town Meeting in June. Mr. Pontbriand advising the board to no new information re commuter parking from DOT.

Mr. Pontbriand updated the Board to Sex Offender By-law slated for Fall Town Meeting, looking to have policy well worded to hold up to challenges –will draft policy run by Town Counsel prepare for Public Hearing and AG approval.

Mr. Pontbriand recommended Veteran’s Agent Michael Detillion re-appointment as Town of Ayer Veterans Agent which comes up for renewal every April and expires the 1st of May. Selectman Luca moved the Board vote to re-appoint Michael Detillion as Veteran’s Agent, 2nd by Selectman McCreary, VOTE: unanimous, so moved.

Mr. Pontbriand advised the Board to Dam Management Plan being drafted re Flanagan’s Pond to control water level at Pond.

Agenda Item #9 Selectmen’s Questions/New Business

Selectmen Maxant –inquiring about Generator on Election ballot and updated to bigger more efficient generator necessary to support the entire building, equipment, utilities and current generator unable to support entire building.

11:15p.m. Selectmen McCreary moved to adjourn the meeting, 2nd by selectmen Luca, VOTE: unanimous, so moved.

11:15p.m. Meeting adjourned.

Date: _____

Frank F. Maxant, Clerk