

Ayer Board of Selectmen's Meeting  
Tuesday, August 3, 2004  
Ayer Town Hall 1<sup>st</sup> Floor Meeting Room, Main Street, Ayer, MA

**7:00p.m. Open Session**

The Board met with Chairman Bresnahan, Selectman Morrison, Selectman Fay and Selectman Maxant, Selectman Sullivan absent due to vacation.

Chairman Bresnahan opened the meeting by requesting if there was anyone present wishing to speak under  
**Agenda Item #1. Public Input.**

1. Douglas Friedrich-Veterans Monument-requesting status of the newly determined veterans names to be added to the WWII monument. Ms. Scheipers advised to need to appropriate additional funds at the Fall Town Meeting (approximately \$2K). Mr. Friedrich requested another notice be placed in the paper to see if there are other eligible veterans whose names should also be added to monument.
2. Frank Maxant-MART advising MART representative at the 7/22/04 Public Information Meeting that Ayer has the highest rider ship numbers due, some say due to Fitchburg Const., but really due to Ayer being a magnet.

Chairman Bresnahan called for a motion to approve the Agenda as amended. Selectman Morrison moved the Board approve the Agenda of 8-3-04 as amended, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #2. Minutes & Agenda Item #5. Fy-05 Appointments**

The Board moved to pass on the Minutes and Fy-05 Appointments due to Selectman Sullivan's absence. Motion made by Selectman Morrison, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #3. Part-time Accountant's Assistant**

The Board met with Lisa Gabree who recommended the appointment of Janet M. Berube, of Littleton, MA who will replace Susan Provencher as the permanent part-time assistant to the Town Accountant's Office. Ms. Gabree advised the Board to 45 applicants applying and nine interviews conducted. Ms. Berube was deemed the most qualified and requested the Board appoint Janet Berube effective 8-9-04 at Grade 6 Step 2 (\$14.70/hr) with no benefits. Selectman Morrison moved the Board accept the recommendations of the Town Treasurer-Denis Callahan and Town Accountant-Lisa Gabree and appoint Janet Berube to the part-time assistant to the Town Accountant's Office effective 8-9-04, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

**Agenda Item #4. Building Commissioner-Gabriel Vellante**

**1. Chandler Place-Building Permits**

**Rate of Growth By-law-** Only allows 32 new housing units per year and a maximum of six per year by any single developer stating as of May 04 the total of new units permitted reached sixteen (16). Mr. Vellante updated the Board to the ZBA approving a variance for a developer to build a total of sixteen (16) condominium units at one time, bringing the total to the maximum with another five (5) months left in the calendar year. Mr. Vellante stated he asked Town Counsel for a ruling on where this would leave the By-law maximum and Town Counsel advised him due to the variance he should not count any of the sixteen (16) condo units toward the 32-unit maximum. Mr. Vellante's preference was to charge six units toward the maximum and allow ten (10) more units/building permits for 2004, adding he has two (2) more single family homes and a third in the works on the back burner. Selectman Fay feeling all 16 units should be exempted stating condos were never considered at the time the by-law was written adding by-law exempts cluster development. Selectman Morrison expressed her concern setting precedent. Chairman Bresnahan stated by-law was targeted toward residential subdivision developers rather than a person seeking to build a single family home and should not be considered under this by-law. Selectman Maxant stated Board should send a message to the ZBA that each variance approved expands the use of the Growth Control By-law and should have close discussion with ZBA on all future variance requests. Selectman Maxant moved the Board endorse Mr. Vellante's recommendation to not count ten (10) of the units under the Rate of Development By-law, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

2. **Nuisance By-law-**Mr. Vellante advised the Board to the By-law poorly written and vague and only health hazards can justify Board of Health action. Mr. Vellante stated difficulty he has taking action

on debris strewn about residences in Town adding some people make a career of doing this stuff. Mr. Vellante stated property owners get around the wording in the by-law "in plain view" by throwing a tarp over debris. Working through due process also makes the by-law difficult to enforce, his office creates a paper trail of three (3) warnings before looking at firmer enforcement, but expects lengthy delays as he takes a case before the court. Selectman Maxant feeling a property owner's property rights are paramount stating enforcement of the by-law should be strictly on the grounds that the offense affects public health. Selectman Morrison expressing her concern about residents living next to properties with abandoned motor vehicles and other debris strewn around adding there has to be a balance between this and a property owners rights. Chairman Bresnahan stating if a filthy mess exists it violates others rights suggesting the need to address with the Board of Health to strengthen the by-law in cooperation with the building inspector. Mr. Vellante stated enforcement is very lengthy and very costly advising to last year's success rate 50-80% re junk cars but noting less successful with junk/debris. Mr. Vellante stating staffing is an issue re time availability or immediate need for life safety issues he does not have the staff to do full enforcement and has a back log currently-typical resolution time takes 90+ days. Mr. Vellante suggesting we work to strengthen the by-law. The Board asked if there is need for a full time Building Inspector Mr. Vellante stated no but need more hours to handle zoning issues (30+ calls per office shift) may need 2<sup>nd</sup> Building Inspector for zoning in the future (Fy-06)

3. **Building Dept. trends**-Mr. Vellante stated home owners are increasingly applying for their own permits which leads to incomplete permit applications or requests to rush permits. Building code requirements often make a complex task out of a simple project like building a deck which often leads to complaints which the Board concurred with, having heard a few of them themselves. Chairman Bresnahan echoed time constraints involved and alluding to it only getting busier expressing his concern for adequate hours of work for the Building Commissioner & his assistants are addressed in the near future.

**Agenda Item #5. Town Administrator's Report-the Board met with Town Administrator Anita Scheipers**

1. **OCED Subordination Request**-the Board met with Susan Provencher. Ms. Provencher requested the Board approve a subordination of the Town's lien conditional upon new first mortgage not to exceed \$60K for property located at 57 Shirley St., Ayer, MA. Motion to approve made by Selectman Morrison, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
2. **OCED Housing Rehab Single Case Waiver**-Case # 03-243 Ms. Provencher presented the single case waiver for property located at 98 West Main St., Ayer to implement scope of work for code improvements for a maximum amount of \$16,750.00-subject to modification by any case required change orders. Selectman Morrison moved to approve the Single Case Waiver as recommended by Timothy Hansen for Case #03-243 at property located at 98 West Main St., Ayer, MA, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.
3. **Elevator Maintenance Contract-Ayer Town Hall**-Ms Scheipers presented the Board the one year maintenance contract with Keystone Elevator Service & Modernization Co., Inc. of Weymouth, MA for the unit price of \$100.00/per service (bi-annual) for covered routine maintenance and the hourly rate of \$95.00 for additional work as needed. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
4. **Town Hall Stage Lift Maintenance Contract**- Ms. Scheipers presented the Board the one year elevator maintenance contract with Keystone Elevator Service & Modernization Co., Inc. of Weymouth, MA for the unit price of \$100.00 per service (bi-annual) for covered routine maintenance and the hourly rate of \$95.00 for additional work. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous, so moved.
5. **Fall town Meeting**-Ms. Scheipers presented the Calendar for the Board's review for the Fall Town Meeting scheduled for Monday, October 25, 2004. Fall Town Meeting Warrant opens on Wednesday, August 4, 2004 for acceptance of warrant articles from departments and citizens and closes on Friday, September 3, 2004. The Board approved the calendar as presented (see attached) by Ms Scheipers. Motion to approve made by Selectman Fay, 2<sup>nd</sup> by Selectman Morrison, VOTE: unanimous.

**AGENDA ITEM #6. Selectmen's Questions/New Business**

**New Business-Consultant-Downtown Parking Plan**

The Board presently has before them a proposed 350-car parking facility for Main St. to serve the MBTA train station-MART is proposing an \$8million garage at one of four (4) proposed downtown sites. Ms. Scheipers updated the Board to a working session scheduled for Tuesday, August 17, 2004 at 6pm to determine the scope of the project. Chairman Bresnahan stated the consultant should understand main street planning and be able to work with business owners, town officials, and citizens in the community to develop a plan for Ayer. Ms Scheipers advised to the cost for a consultant estimated at \$10K which could be funded under UDAG. Selectman Maxant updated the Board to MART meeting he attended reporting that the Ayer commuter rail station is first in the number of riders among stations in the Nashoba Valley area. Selectman Maxant stating reason commuters came to Ayer was availability of shops/errands in Ayer and agreed the Town needs this selling point but not the large scale facility presented at the 7-22-04 informational meeting adding a parking facility needs to enhance the retail not blot it out, providing more parking doesn't have to change the character/focus of downtown Ayer for the commuters.

**Selectmen's Questions:**

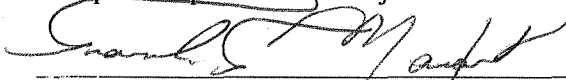
**Selectman Maxant:**

1. Corner of Pine & E. Main Sts. dead tree have DPW look at.
2. Bikes complaints from citizens/merchants-keep off sidewalks on Main Street have Police enforce.
3. Requested final cost of new Fire Station.

**Selectman Fay-** Requesting what the Board can do to help the owners of the Video Store on W. Main St. asking for Shaun to look into.

9:30p.m. Chairman Bresnahan called for a motion to enter into Executive Session. Selectman Maxant moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39 Section 23B, Exemption #3 re: contact negotiations and present litigation before the Board to adjourn from this Executive Session to reenter into Open Session for the sole purpose of adjourning the meeting, 2<sup>nd</sup> by Selectman Morrison, VOTE: Selectman Maxant aye, Selectman Fay aye, Selectman Morrison aye, Chairman Bresnahan aye, VOTE: unanimous, so moved.

9:30p.m. Open Session adjourned



DATE: 9/6/14

Frank F. Maxant, Acting Clerk  
AYER BOARD OF SELECTMEN