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



Tuesday, May 1, 2012
Selectmen’s Meeting on Town of Ayer Website www.ayer.ma.us

Gary J. Luca, Chairman	X	Christopher R. Hillman, Member	X
James M. Fay, Vice Chairman	X	Pauline Conley, Member	X
Frank F. Maxant, Clerk	X	Robert Pontbriand, Town Administrator	X
Janet S. Lewis, Secretary	X		

6:00p.m Open Session-posted as Executive Session pursuant to MGL 30A Section21A Exemption #3 Collective Bargaining-AFSCME 93 position -Status/Hours Proposal. Mr. Pontbriand reported that this Executive Session met in Open Session.

7:05p.m . Chairman Luca called the meeting to order. Town Administrator requesting the Board enter into record the earlier posted Executive Session opened under Open Session re Collective Bargaining-AFSCME position re hours/status of position Mr. Pontbriand requesting to update under his report later in the meeting.

Announcements: Chairman Luca made the following announcements:

- 4th of July Com. sponsoring dance on Saturday, May 5, 2012 from 7-11p.m. Music from 60’s, 70’s, 80’s at the Ayer Sportsmen’s Club on Snakehill Rd. Tickets available at Town Hall. (\$10.00/ea)
- Post Office Annual Food Drive-Saturday, May 12, 2012, leave non-perishable foods beside mailbox Postman will pick-up.
- Memorial Day Parade-Saturday, May 26, 2012 starting at 10:00a.m. on Bishop Rd. ending at Pirone Park.
- Fin-Com Fy-13 Budget Public Hearing Wednesday, May 2, 2012 at 7:00p.m. at the Ayer Town Hall
- Native American Pow-Wow honoring all Veterans on Saturday May 19 and Sunday May 20 on Devens Golf Tournament sponsored by the Ayer/Shirley Regional School District, Wednesday, May 9th green fee \$125.00

Agenda Item #1. Public Input-Chairman Luca invited former Selectwoman Carolyn McCreary to the Selectmen’s table. Chairman Luca presented Ms. McCreary a gavel representing her six (6) years/two (2) terms of office, and recognizing her commitment to the Town in which she served. Ms. McCreary thanking everyone who had faith in her and voted for her. Ms. McCreary turning gavel around and jokingly advising to a new career ahead of her as a music conductor giving a brief demonstration. Mr. Pontbriand thanking Ms. McCreary for all her efforts and successes spearheading the Green Communities initiative and the Town being the benefactor to over \$150K in Green Community Funding; which funded the new street lights on Main St., the Town H all new generator and heating system at the WWTP. Mr. Pontbriand presenting Ms McCreary with a “green money tree” from himself and Selectmen’s staff, with the hopes more funding will prevail and more Green Community initiatives is ahead for the Town. Ms. McCreary advising Board to her not giving up the Green Communities Committee, more to come. Selectman Fay took this opportunity to present Ms. McCreary with a decorated baton made by Melisa Doig, Asst. Treasurer, and inviting her to join the 4th of July Celebration Parade, advising all to Ms. McCreary a talented baton-ist in her college days. Melisa also a State Champion in her younger days and challenging her to join her in the parade. Ms McCreary gave everyone a

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short demonstration of her baton talents. Ms McCreary departed thanking everyone and advising to her thinking the parade invitation over.

Agenda item #2. Status/Update of Sex Offender Residency By-law Posting-The Board met with Town Clerk-John Canney. Selectman Conley opened the discussion re why there was a delay in the posting of the Town's Sex Offender Residency Bylaw for over two months causing a two (2) month delay in the law's enactment. Selectman Conley advised to the Police Chief notifying the Selectmen on 4-20-12 that a level 3 sex offender contacted his office looking to register as a sex offender living in town adjacent to Pirone Park. The Bylaw prohibits level 2&3 sex offenders from establishing residence 1000 feet from public parks and several other places. Police Chief Murray notified the Selectmen of this man's serious history of violent crimes and unfortunately the Town's new by-law is not in place and there is nothing prohibiting him from moving to this location. Chief Murray's memo stated when he discovered and reported to the Town Administrator that the Town clerk has neglected his duties he was told by the Clerk that it was due to a lack of finances in his office now he learns that all it took was to post the by-law in five public places and it would have been done. Chief Murray questioning why this wasn't done back in February when the Town received approval from the AG. Selectman Conley stating she was extremely embarrassed that this by-law to so long to be official, requesting the posting be placed in the Town's official notice board-on the Columbia side of the building. Mr. Canney stated he focused on the many caveats in the AG 's letter re to open and close the legal posting requirement stating he wanted to make sure it wasn't open to challenge. Selectman Hillman stating .. and this took three months. Mr. Canney stated it took 60 days. Selectman Hillman questioned why Mr. Canney did not inform the Chief that this was not in effect. Selectman Hillman questioning the coincidence of the posting of the bylaw on April 24th after he and Selectman Conley found out it was not posted. Chief Murray advising to the suspect (level 3) having a technical snafu in his manner of notice to the Town and subsequent posting the bylaw and the offender decided not to move back to Town. Selectman Maxant stated the By-law itself puts a big bull's eye on our forehead stating the controversial bylaw is ripe for challenge by the Civil Liberties Union (ACLU). Chairman Luca stated that's not the Clerk's purview he is to post. Residents present stated their anger the re the Bylaw not being posted. Ms. Spinner challenging the posting not having a stamp on it and advised by Mr. Canney to this being the type of questions he discussed with the AG's Office. Selectman Maxant stating hindsight is 20/20 and the criticisms are not well taken. Chairman Luca firing back the people wants answers too. Ms. Shannahan

Angrily asking if the bylaw is in effect now and the priority is that none of these people come back into town. Selectman Hillman agreeing and requesting the Town Clerk engage in better communication with the Chief to keep him in the loop. Selectman Conley questioning the Town Clerk if all the other By-law were posted i.e. aquifer, zoning etc. and requesting copies be submitted to her via the Town Administrator as soon as possible.

Agenda Item #3. Mark DiCicco-Lucia's Tavola-One Day Beer & Wine License Extension-

The Board met with Mark DiCicco, owner of Lucia's Tavola-31 Main St., Ayer, MA Mr. DiCicco advising the Board to his temporary One Day Beer & Wine License expiring on May 5, 2012. Selectman Conley moved the Board vote to extend Lucia's Tavola's One Day Beer & wine License to June 2, 2012. Mr. DiCicco advising the Board to his being open on Sundays commencing on Mother's Day May 13, 2012, he then will be open seven (7) days a week. Selectman Maxant 2nd Selectman Conley's motion , VOTE: unanimous, so moved. The Board hopeful Mr. DiCicco will have his license from the ABCC by then.

Agenda Item #4. Matthew Field –Side-track Pub. Main 63 Main St., Ayer, MA The Board met with Matthew Field. Mr. Field reviewed his plans to add a patio to the front entrance of his building (Main St.; area)Mr. Field stating patio would totally be inside of his property. The Board requested Mr. Field revise his application to include the patio area to be decided by ABCC if appropriate wishing area to be placed on footprint. Selectman Conley requesting when Mr. Field would be opening his business and advised in a month and a half or so. Selectman Conley requesting status of application and advised by Ms. Lewis to application in

safe in Selectmen's Office. Business is still under construction requiring the Building Commissioner and Fire Chiefs sign off prior to submission to ABCC. Selectman Fay requesting to see if this extended patio area will fall into the original scope of the application. Mr. Field also inquired re getting permission to erect a temporary sign and advised to applications for signs falling under the Building Department. Mr. Field advised to conducting a job fair for local residents re working in his restaurant and advised to utilizing the Town Hall and to see Ms. Lewis re a Town Hall use application. Chairman Luca thanked Mr. Field for the update and wished him luck with his application to the ABCC. Selectman Conley encouraging Mr. Field to apply for a One Day Beer & Wine License if ABCC delayed.

Agenda Item #4. Town Administrator's Report- The Board met with Robert Pontbriand

1. Administrative Update-(April 18, 2012 to May 1, 2012) see attached. Mr. Pontbriand review his report with the Board.
2. Mr. Pontbriand updated Board to Town's Annual Drinking Water Permit finalized and submitted to AMEC on 4-23-12. (see matrix)
3. Fy-13 Budget finalized and May 14, 2012 ATM Warrant at press with residence mailing going out Friday, May 4, 2012.
4. Fy-13 Contract negotiations well underway-see project list attached in matrix.
5. Chairman Luca advising to Town's of Shirley, Chelmsford, Westford and Littleton approving Ayer's partnering at NVTRS.
6. Selectman Conley requesting written responses from Department Heads re Town Audit.
7. St. Mary's Parish One Day Beer & Wine License Request-Saturday, May 19, 2012, from 5:30p.m. to 9:00p.m. Polish Dinner. Selectman Fay moved the Board vote to approve 2nd by Selectman Hillman, VOTE: unanimous, so moved.
8. Spectacle Pond Backwash Pump Upgrades Notice of Award.-Onsite Engineering, Inc.-Mr. Pontbriand presented Onsite Engineering, Inc. of Franklin, MA bid proposal dated 4-24-12 for the backwash pump upgrades re the installation of new backwash water pumps, piping, valving, supports, hatch and associated electrical equipment. Mr. Pontbriand advising to Onsite reviewed the bid forms of each contractor's bid. Four bids received, references checked and based upon information and correspondence received recommended the Notice of Award to Barbato Construction Co. Inc. of Middleboro, MA for the contract price of \$54,972.00 . Selectman Conley moved the award to Barbato Construction 2nd b y Selectman Fay, VOTE: unanimous, so moved.

Agenda Item #5. Pondview Estates Public Access Issue-Mr. Pontbrian advised the Board to issue resurfacing at Pondview Estates regarding the blocking of public access to Long Pond. Mr. Pontbriand introduced Jon Andrews to the Board. Mr. Andrews advised the Board to bringing this matter before the Conservation Commission and the Officers of Pondview Estates. Mr. Pontbriand requested Cindy Knox, IT Director to conduct an overhead presentation of the area in question. Ms. Knox presented the Board four (4) pictures of the site exposing the blocking of the public access. Selectman Fay recommending that this matter be forwarded to the Planning Board and ZBA as it is not under the Selectmen's jurisdiction and falls under the Planning Board and Zoning Board of Appeals. Mr. Andrews advised the Board to his frustration when the Building Commissioner found no violation of zoning re fence blocking the access. Selectman Conley requesting copy of the building Commissioners written report. Selectman Fay stating Pondview changed the location of the public access which is in violation. Selectman Maxant concurring stating no one has right to place anything in the Public's Way. (fence). Mr. Pontbriand advising the Board to his submitting all documentation to Town Counsel. Pondview contending Conservation Com. issued permit to extend the fence last fall. Pondview maintains area trashed by public and built a private dock. Mr. Andrews contending Pondview cannot move public access. The access there now for the public is not a path does not have required 25' access to pond for boats, you cannot access pond easily and it has a steep downgrade and located in heavy brush.

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8:25p.m. Chairman Luca left meeting.

Pondview contending the property is clearly included within their boundaries and control. More discussion was heard re deed restriction and access moved within compliance of the Conservation Commission's jurisdiction. Selectman Fay again advising parties to meet with the Planning Board re area in question as well as the Zoning Board of Appeals re violation of Public Access.

8:35p.m. Town Administrator announced the earlier posted (6:00p.m.) Executive Session called in Open Session and read into the record the following: The Board met win Open Session re Collective Bargaining Agreement between AFSCME 93 position- part-time Grant Assistant for the Office of Planning & Development. Present for the meeting: Board of Selectman, Susan Sullivan, Union Steward, Nadine Kennedy, AFSCME Representative, Susan Provencher, Financial Manager, and David Maher, Director of Planning & Development and himself. Mr. Pontbriand announced the Board's vote of the hiring of a Department Assistant not to exceed eighteen (18) hours a week at the rate of \$18.59 per hour subject to grant funding for fiscal years 2012, 2013, & 2014. Motion made by Selectman Conley 2nd by Selectman Maxant, VOTE: unanimous, so moved. This action concluding the matter,

Selectman Maxant made an editorial comment re MBTA Advisory Board Financial status to resolve problem.

8:40p.m. Selectman Fay moved the Board adjourn from Open Session and enter into Executive Session pursuant to MGL Chapter 30A Section 21A, Exemption #3 re Collective Bargaining to adjourn from this Executive Session solely to adjourn the meeting, 2nd by Selectman Conley, VOTE: Selectman Fay aye, Selectman Conley aye, Selectman Maxant aye, Selectman Hillman aye, 4-0 motion passes.

8:40p.m. Open Session adjourned.

Date: _____

Pauline Conley, Clerk

AYER BOARD OF SELECTMEN

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