

**Town of Ayer
Board of Selectmen
Ayer Shirley Regional High School Auditorium
141 Washington Street
Ayer, MA 01432**



Tuesday November 5, 2019
Open Session Meeting Minutes

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TOWN OF AYER
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[Handwritten Signature]

BOS Present: Scott A. Houde, Chair; Jannice L. Livingston, Vice-Chair

Also Present: Robert A. Pontbriand, Town Manager
Carly M. Antonellis, Assistant Town Manager
William A. Murray, Police Chief
Robert J. Pedrazzi, Fire Chief
Brian P. Gill, Deputy Police Chief

Call to Order: S. Houde called the meeting to order at 6:00 PM.

Overview and Presentation of the Decision-Making Process Not to Hold the July 4, 2020 Fireworks at Pirone Park:

S. Houde introduced the panel and gave an overview of the agenda, stating that the panel would give an overview and presentation and then he would take questions and public input.

R. Pontbriand began the presentation explaining how the BOS came to the decision to cancel the Fourth of July Fireworks at Pirone Park stating that there have long-standing safety concerns brought forth by the Police and Fire Departments relating to the crowd size and the ability to safely control the Pirone Park event. Over the years, both departments have made it work, but this year they wanted to bring their concerns to the Board of Selectmen. On October 15, 2019, the BOS voted to "support any necessary changes to the 4th of July event as recommended by the Police and Fire Departments for public safety reasons" after reviewing a memo dated October 10, 2019 from the Town Manager summarizing the public safety concerns. Both Chiefs have recommended discontinuing the event because the combination of the Pirone Park venue and the fireworks is not being a viable scenario in terms of public safety for attendees and the public safety personnel working the event.

R. Pontbriand highlighted the challenges of Pirone Park stating that the Park is too small to accommodate 5,000-10,000 people that attend the event annually. He stated that the Park itself, is ideal to launch fireworks due to the topography of the Park and the proximity to Grove Pond, which reduces the chance of fires. Chief Pedrazzi stated that the venue is inspected each year by the State Fire Marshall's Office and that due to the proximity to Grove Pond and the hill (which acts as a natural buffer), the safety distance between the crowd and the launch site can be reduced.

Chief Murray stated that one of his main concerns with the park is the "one way in and one way out" issue stating that School Street is the only pedestrian access to the Park and he is becoming more and more concerned with public safety response times, if there was an emergency at the Park. He is also concerned about the lack of staffing available to patrol the barricades, stating that people often move them or go around.

Chief Murray then detailed staffing issues with the department stating that the Department has 20 sworn officers, including the Chief and the Deputy Chief. The minimum shift requirements are: 3-4 officers on the 7a-3p shift; 3-4 officers on the 3p-11p shift; and 3 officers on the 11p-7a shift. He stated that that all officers are ordered-in for the 4th of July event and that he tries to get officers from other towns to take shifts, but that has been difficult in previous years, as he does not have the ability to order in someone from an outside department. He believes that with the 2020 4th of July being on a Saturday, it will further add to the problematic issue of finding additional officers.

Chief Murray explained a slide showing that at a minimum he needs the following for Officers on the day of the event: 4 officers for set-up, which he is able to cover; 10 officers inside the Park during the event, which he only has 8 officers; and 11 for traffic posts, which he has none; leaving a deficit of 13 officers.

R. Pontbriand stated that cost has not been a factor in making the decision to cancel fireworks, but the cost to hire an additional 13 officers for the event, would be around \$7,100. R. Pontbriand reiterated it wasn't the cost of the additional officers, but the ability to find officers from other towns to help with coverage. R. Pontbriand also reported that the cost of the fireworks last year for public safety personnel was approximately \$11,200.

R. Pontbriand then presented some general questions that have been asked of the Town, since the October 15, 2019 BOS meeting. The first one addressed making the event "residents only", which would be administratively challenging, noting that it would be very difficult to enforce. Chief Murray stated that if we limited it to Ayer residents, the whole park would need to be fenced to monitor who was coming in and out.

Another question brought up to the Town prior to the meeting was to have the fireworks event at the Ayer Shirley Regional High School practice fields. Chief Pedrazzi explained that an 840' radius was needed from around the launch site, which would encompass both Groton Harvard Road and Washington Streets, which are the main accesses to the hospital. He also noted that as soon as the fireworks are on site, typically around 1:00 PM, the roads would need to be blocked off.

R. Pontbriand also explained that the event couldn't simply be moved to Devens, as suggested. Devens is not under the jurisdiction of the Town and MassDevelopment would have to agree to host the fireworks. R. Pontbriand has spoken to Devens leadership recently and several years ago and they were not interested in hosting the event. They previously had their own fireworks but cancelled them several years ago. R. Pontbriand did not rule out working with Devens/MassDevelopment in the future but cautioned it would take an enormous amount of planning from both the Town and Devens.

R. Pontbriand concluded his remarks by stating that the decision to cancel was not easy to make and many alternatives were looked at. He stressed that the Town hosts a number of events throughout the year and encouraged people to attend. He stated that he, the BOS, and the Chiefs want to hear from the public on this issue but cautioned that public opinion cannot sway fundamental public safety concerns.

S. Houde then asked for public input/questions from the audience. He went over a slide for rules of conduct while speaking.

Public Input: Mr. David Bodurtha, 28 Coolidge Road stated that the presentation was very well done. He asked the Board to hold an event similar to this evening before cancelling or changing a major event. He said that he has reached out to Tanglewood and Great Woods and may have possible solutions and feels there is enough time before the event to talk about them.

Mr. Henry Pare, 45 Sandy Pond Road asked if people manning the traffic posts had to be police officers and asked if volunteers could be used. Chief Murray said he would consider using volunteers that are not police officers. Mr. Pare then asked if the event could be held at the Moore Airfield. R. Pontbriand responded that the Moor Airfield is under the jurisdiction of Devens.

Mr. Eric Sechman, 7 School Street stated that no real efforts have been made to hold the fireworks. There are large sporting events in stadiums that are not cancelled. He then asked if the Town has made any changes to address the safety concerns. Chief Murray stated that the planning for the event changes every year, as they find ways to improve public safety. He also reiterated that the issue is that there are too many people attending the event and that he does not have enough officers.

Mr. Keilin Bickar, 64 Washington Street said it sounded like all the identified obstacles can be overcome. He stated that there are always people willing to help and that you don't have to be a trained professional to volunteer. Chief Murray said that we are not cancelling celebrating the 4th of July, and that other events, such as a parade, don't draw the crowd that the fireworks do. S. Houde stated that it is a question about resources and that we can't will the resources to appear.

Mr. Howard Griffin, 8 Newton Street asked why the DPW could not help and man the barricades. DPW Superintendent Mark Wetzel stated that he has equipment at the event every year. Chief Murray stated that he didn't mean it to sound like the Police Department was the only department working the event.

Ms. Sue Kennedy, 5 Nashua Street said that there was a process problem in making the decision and the public input session should have been before the decision was made.

Mr. James McGowan, 16 Pond Street asked if the Town had consulted with MEMA to help in their decision-making process. Chief Murray stated that he had not consulted with MEMA but had consulted with the North Eastern Massachusetts Law Enforcement Council (NEMLEC) who provided the Town with a safety plan for the event last year. Chief Pedrazzi stated that he thought the message was getting lost and that the issue was the one way in and one way out scenario and the overcrowding at the Park.

Ms. Ruth Maxant-Schulz, 17 Taft Street said that she remembers seeing in the newspaper that the Town held disaster scenarios and asked if the Town had thought about running one for the fireworks celebration. Chief Pedrazzi stated that the Town has a volunteer CERT team that is trained to assist in emergencies. She then said she was messaged by a security expert in California who would help coordinate the safety of the event. Ms. Maxant-Schulz then read a note that her brother left her stating that he had spoken with Devens about hosting the event.

Mr. David Bodurtha spoke again stating that he should have the chance to assemble a team of people to make this work and to see if they really want it to happen.

S. Houde thanked the audience for attending and stated that the BOS and the Administration will take the feedback under advisement.

Adjournment:

Motion: A motion was made by S. Houde and seconded by J. Livingston to adjourn at 7:06 PM. **Motion passed 2-0.**

Minutes Recorded and Submitted by Carly M. Antonellis, Assistant Town Manager

Date Minutes Approved by BOS: 12/4/19

Signature Indicating Approval:  