

# Town of Ayer

## Board of Selectmen

### Town Hall, First Floor Meeting Room Ayer Massachusetts, 01432



4-20-10

Tuesday, April 20, 2010

Present:

Gary J. Luca, Interim Chairman (Mr. Luca)	X	Carolyn McCreary, Member (Ms. McCreary)	X
Richard D. Gilles, Vice-Chairman (Mr. Gilles)	X		
James M. Fay, Clerk (Mr. Fay)	X	Jeff Ritter, Town Administrator (Mr. Ritter)	X
Janet Lewis, Secretary (Mrs. Lewis)	X		

Open 7:05p.m.

Chairman Luca requested if there was anyone present wishing to speak under Public Input:

Selectman Fay re Screening Committee

Chairman Luca re email letter from Town Administrator

Ruth Maxant re: 66 Westford Rd.

Elizabeth Burdurtha-re National Grid-Energy Audit

Benjamin Franklin Pierce-re harassment

- **Selectman Luca** announced the Town Election on Monday April 26, 2010 at the Ayer Town Hall from 7:00a.m. to 8:00p.m. Selectman Fay congratulating all candidates running for office seeing all the Town Election signs all around Town speaks volumes to Town of Ayer being so fortunate to have residents so willing to serve their community.

Chairman Luca questioning Board re Town Administrator Screening Committee as to who selected Chairman, questioning email going around from Committee members re Harry Zane resigning from Committee.

Selectman Gilles advising to his suggesting Harry Zane carry the ball due to Town Administrator leaving and needing someone to facilitate start-up. The Board accepted Mr. Zane's resignation with regrets and thanked him for graciously stepping up. The Board taking up the vacated seat of Mr. Zane and decided to have a sitting Selectman on the Committee. Selectman Fay opting to be on the Committee. Chairman Luca moved to appoint Selectman Fay to the Town Administrator's Screening Committee as the Board's delegate, 2<sup>nd</sup> by Selectman McCreary, VOTE: unanimous, so moved. The Committee now at seven (7) members no need to fill additional DBA member. Joe Sampson representing businesses.

- **Ruth Maxant**-spoke on behalf of Ralph McNiff-Foreclosure property-66 Westford Rd. advising the Board to Mr. McNiff not knowing about losing his property. Ms. Maxant advising Board to harassment of Mr. McNiff and herself by the Board of Health on numerous occasion's re the operation/running of their farms and encouraging him to sue them. Ms Maxant encouraged local farmers and urged residents to buy local fruits/vegetables referencing a recent National Geographic article. Ms. Maxant spoke to Mr. McNiff's pig farm being one of the best run in the State and checked regularly by Animal Inspectors urging the Board to do everything in their power to keep this property producing quality food.
- **Elizabeth Bodurtha**-updated the Board to National Grid -Prism offering Town to conduct energy audit recommending much better savings for Town than Green Communities Town is currently pursuing. Ms. Bodurtha distributed information she collected along with contact information. The Board thanked Ms. Bodurtha for taking the time to look into this issue and advised her to the Board to look into.
- **Benjamin Pierce**-Mr. Pierce elaborated to his being harassed/threatened (name calling) by residents implying that he is a pedophile and police taking no action when he called for assistance. Mr. Pierce admitting to incident over thirty three years ago which registered him as a level 3 sex-offender. Mr. Pierce stating harassment incidents reported to the police went unreported, meeting request with Police

Chief unanswered. The Board requested Mr. Ritter look into, contact Chief Murray and requesting Mr. Pierce to schedule a meeting with Mr. Ritter.

**Agenda Item #1. Certificate/s of Recognition-**The Board welcomed Ann Callahan to the table. Chairman Luca read into the record and presented Ms. Callahan with a Certificate of Recognition upon her retirement with the Town of Ayer having served in the Treasurer's Office and as Town Clerk/Tax Collector for thirty (30) years. Ms. Callahan was treated to a standing ovation and paused to take a picture with the Board. Treasurer Denis Callahan unable to be present due to a conflicting engagement. The Board read into the record Mr. Callahan Certificate of Recognition upon his retirement of nine years serving as Town Treasurer. The Board to present this Certificate at a later date.

**Agenda Item #2. Appointments:**

**Barry Schwarzel-Historical Commission-**Present for the discussion George Bacon, Chairman of the Historical Commission. Mr. Schwarzel advised to being the son of the late Kenneth Pillman raised in Town of Ayer, left for many years and moved back to Town in 1997. Mr. Schwarzel gave the Board a brief background and desire to serve on this Commission. Mr. Bacon advised to Mr. Schwarzel meeting with the Commission and Commission endorsing his appointment. The Board moved to approve Mr. Schwarzel's appointment to the Historical Commission for the period of 4-20-10 to 6-30-13 -three (3) year appointment. Motion to approve made by Selectman McCreary, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

**Robert Hammond-**The Board before taking up Mr. Hammond's request to serve on the Council on Aging presented Mr. Hammond a Certificate of Recognition upon his 54 years in Scouting as a troop leader in Troop 2. Mr. Hammond spoke to his love of scouting and the many town of Ayer residents that came through his troop many of which went on to become Eagle Scout and many now raising their own scouts. The Board paused for a moment to take a picture with Mr. Hammond. The Board met with Sister Paula McCrea, Chairman of the Council on Aging. Sister Paula advising to Gene Downing unable to continue with the Council due to declining health and change of address. Sister Paula advising to the Council meeting with Mr. Hammond and unanimously accepting his request to serve on the Council in Mr. Downing vacated seat. Selectman Fay moved the Board vote to appoint Robert Hammond to the Council on Aging for the period of 4-20-10 to 6-30-13, 2<sup>nd</sup> by Chairman Luca, VOTE unanimous, so moved.

**Agenda Item #3. David Maher, Director of Planning & Development-**

**1. Breezeway Farm Consulting-FY-11 CDBG Grant-**Mr. Maher requesting the Board's input re utilizing the services of Breezeway Farms to support the Town's efforts to secure the Fy-11 CDBG Grant. Fee: \$4,500.00 plus additional expenses re final copy of application plus 13% for project administration included. The Board reviewed the proposal submitted by Breezeway and expressed their desire to meet with Consultant to understand conditions of services, explain in detail their proposal and ensure they understand they don't get paid if Town does not receive grant. Selectman Gilles agreeing of need of Board to meet with Consultant to get a better handle on. Mr. Maher advised to deadline December 2010. the Board requested getting a copy of previous unfunded grant application to see what was missed to not miss out again and what the Town's eligibility score was for 2010. The Board rescheduled this matter for their 5-4-10 meeting.

Mr. Maher updated the Board to three (3) new businesses coming to Town: Brazilian Café across from NMSB and at Riley's (former Bookberry Building) Deb Halloway Natural Food Store/Restaurant and Holistic Spa and a new book store at Cumberland Farms Shopping Ctr. on Park St.

**Agenda Item #4. Kelly Brown, Central Regional Coordinator-Green Communities-**Ms Brown ran through a brief presentation re the Com. of MA Green Communities Program DOER Program Support i.e. technical assistance, regional coordinators-DEP Regional Office, MassEnergyInsight formerly EIS, Green Communities Grant Program, Fy-20 designation and grant application timeline, grant program status, Why become a Green Community?, outreach-regional coordinators-WEBSITE-go to green communities, stretch code webinars,

Energy stretch code training for building inspectors, etc. Ms. Brown explained the Energy Stretch Code being a more stringent way of building houses and more efficient source of fuel. The Board requested this information presented by Ms. Brown be placed on the Town's Web Site. Ms. Brown closed by running through the five (5) criteria to become a "Green Community" the Board reminded everyone to Energy Com. Meeting scheduled for Tuesday the 27<sup>th</sup> at 2p.m.

**Agenda Item #5. Spring Annual Town Meeting-**Mr. Ritter presented the final draft of the 5-1-10 Annual Town Meeting Warrant to the Board. The Board met with Frank Maxant who advised the Board to going into Boston and meeting with Senator Eldridge's Aid-Neel Chaudhury re transitional funding earmark of \$475K to Ayer/Shirley Regionalization and check still not received by Town. Mr. Maxant spoke to Mr. Chaudhury re placing a warrant article on the 5-10-10 Annual Town Meeting Warrant asking the voters to rescind the vote for School Regionalization based upon empty promises from State... renegeing on promise. The Board requested Mr. Ritter contact Kopelman & Paige re review -need to know legal issues and to also check with Supt. George Frost.

Mr. Ritter advised to Article 21. First year's borrowing reducing Stabilization by \$40,450 re interest charges on raise & appropriate articles.

The Board took no action on Article 3. Freezing Steps in the Compensation Plan -letting Town Meeting decide.

Petition Articles last three on warrant the Board took no action. Selectman Luca moved the Board vote to approve articles 1-29 with exception of Article 3, 2<sup>nd</sup>, by Selectman McCreary for discussion clarifying that vote excludes Petitioned Articles and Article 3 left blank, VOTE: unanimous, so moved.

Selectman Luca moved the Board vote to close the 5-10-10 Annual Town Meeting Warrant, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

**Agenda Item #6. JBoS**

1. Selectman Luca updating the Board to Devens not part of Central MA Mosquito Control but can be with vote of three (3) Town's making up Devens: Ayer, Shirley & Harvard. Devens residents have expressed their support for this spraying requesting the Board if Ayer has any objections to this spraying. Selectman Luca moved the Board advise Devens in writing to Town of Ayer having no objection to Central MA Mosquito spraying on Devens and authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Fay, VOTE: unanimous, so moved.

2. Selectman Luca advising to new Executive Vice-President at Devens George Ramirez and advising Board to cancellation of JBoS meeting this week.

**Agenda Item #7. Town Administrator's Report-**The Board met with Jeff Ritter

1. Mr. Ritter updated the Board to Department Head Meeting held earlier this month re getting a handle on operational issues, basic steps/problems/process with more meeting being planned next one on 5-7-10 at the DPW building.

2. Local Emergency Planning Committee made up of the Town's key Public Safety Personnel meeting and updated to Town's facilities up and running and recommending the Board "Lift the Town's Water Restriction" Selectman Luca moved the Board based upon the recommendation of the Town's Emergency Planning Com. lift the Water Emergency Restriction, 2<sup>nd</sup> by Selectman Fay VOTE: unanimous, so moved. The Board expressed their sincere gratitude to the DPW Superintendent and staff for their outstanding service during this emergency.

3. Mr. Ritter reminding the Board to Energy Com. scheduled for 4-27-10 with Johnson Controls.

4. Mr. Ritter advised the Board to Senator Eldridge hosting a Regional Public Meeting at the Ayer Town Hall

2<sup>nd</sup> floor Great Hall on 5-21-10 from 9-3:30p.m.

5. Mr. Ritter updated the Board to his receiving correspondence from National Grid regarding the Board's request to look into purchasing the town's Street Lights and advised to price of \$30,330.00.

6. Water/Sewer Permits-Selectman McCreary moved the Board vote to approve Supt. Nason's Recommendation of approval of the following water/sewer permits: Crabtree Dev.-67, 125, 142 Old Farm Way and Habitech Inc. for 40A, 40B, 40C Longview Circle. For 1"CU water services and 6" PVC Sewer services, and to authorize the Chairman's signature, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

**Agenda Item #8. New Business/Selectmen's Questions-**

**Selectman Luca:** stated his objection to recent email and blind copied to him and not agreeing to blind copy wishing the Board to be as transparent as possible. The Board re-discussed email policy-non compliant with the Open Meeting Law reaffirming Town Counsel's review and recommendation.

**Selectman McCreary-** updating the Board to positive feedback from Senator Eldridge's Office re meeting being set up in Boston with DOT Officials, Mr. Ritter to keep Board posted re date & time of meeting confirmed.

**Selectman Fay-**updated the Board to the Memorial Garden Committee finalizing plans for the May 29<sup>th</sup> Ceremony in conjunction with the American Legion's Memorial Day Celebration. Letters have gone out to State Officials and to 88 citizens of the Town being recognized, a lot of work, 10 year process collimating on the 29<sup>th</sup> with the unveiling of the plaque. Mr. Fay stated as promised by the Committee not a cent of Town money went into this effort all done with donations and fund raising.

Fire Station Re-use -Selectman Fay advising to finalized report to be given by the Committee at the Fall Town Meeting of their findings and recommendations -progress being made.

**Minutes-** Selectman Fay moved the Board vote to approve the Minutes of 3-2-10, 3-16-10, 3-30-10, 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

**Selectman Luca** reminding all to the National Postal Work-Letter Carriers of America's food drive on Saturday, May 8, 2010, reminding residents to leave non-perishables by their mailboxes for the postal workers to pick-up stating need is great at Loves & Fishes lot of people laid off/unemployed. Selectman Luca also congratulating Selectmen Fay on a fantastic job and accomplishment re the Memorial Garden plaque.

9:40p.m. Selectman McCreary moved the Board adjourn the meeting 2<sup>nd</sup> by Selectman Luca, VOTE: unanimous, so moved.

9:40p.m. Meeting adjourned

Date: \_\_\_\_\_

James M. Fay, Clerk  
AYER BOARD OF SELECTMEN