

Town of Ayer  
 Board of Selectmen  
 Town Hall, First Floor Meeting Room  
 Ayer Massachusetts, 1432  
 Tuesday, September 20, 2011



**Meeting televised on Town of Ayer Website see [www.ayer.ma.us](http://www.ayer.ma.us)**

Gary J. Luca, Chairman	X	Carolyn McCreary, 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		

7:05p.m. Open Session

Chairman –Luca called the meeting to order.

Selectman Fay spoke to five sets of minutes before the Board for approval this evening and requesting the Board also include the minutes of 9-14-11 to the agenda.

Chairman Luca requesting the Board’s approval to take up JBoS and Town Counsel discussion up after Supt. Nason’s Report due to these items being on the last Selectmen’s Agenda and not taken up before meeting adjourned. Selectman McCreary preferring not to change these evenings Agenda and to leave as it is.

Selectman Conley requesting to add under the Town Administrators Report item (i). Website discussion and under New Business-TIP Committee Meeting.

Town Administrator Robert Pontbriand requesting the Board removes Pondview Estates under Agenda Item 3 item (a) and move to the Selectmen’s October 3, 2011 Meeting due to Supt. Nason finalizing the details re the laying out of roads.

Chairman Luca called for a motion to accept the Agenda. Selectman Fay moved the Board approve the Agenda of 9-20-11 as amended and in order as agenda’d, 2<sup>nd</sup> by Selectman Maxant, VOTE: unanimous, so moved.

Agenda Item #1. Announcements- Chairman Luca made the following announcements

- Public Shade Tree Public Hearing-Tuesday, September 27, 2011 at 7pm at the Ayer Town Hall 2<sup>nd</sup> Floor Great Hall.
- Sex Offender Residency By-law Public Hearing also on Tuesday, September 27, 2011 at 8:00p.m. at the Ayer Town Hall, 2<sup>nd</sup> Floor Great Hall.
- Fall Town Meeting Warrant-opened on 9-6-11 and all warrant articles including citizen petitions to be submitted to the Town Administrator by Friday, September 30, 2011 by 5pm.  
 Selectman Conley advising to Fall Town Meeting actually a Special Town Meeting as advised by Town Counsel this would require Citizens Petitions to have 100 signatures of registered Town voters. Mary Spinner speaking to same and questioning Town Counsel back in 2002 what the difference was and advised to big difference –requiring Citizens Petitions to have 100 registered Town voters’ signatures on petitions and not the customary 25 to be placed on Town Meeting Warrants advising to this never being enforced and same as 2002 right now.
- Special Fall Town Meeting to be held on Monday, October 24<sup>th</sup>, 2011 at the Ayer/Shirley Regional High School-Laura S. Leavitt Auditorium, Washington St., Ayer, MA at 7:00p.m.

**Agenda Item #2. Public Input**-Chairman Luca requested if there was anyone present wishing to speak under Public Input, no one stepped forward.

**Agenda Item #3. Supt. Nason's Report-Town Cleaning Discussion**-Present for the discussion the office staff and employees of the Department of Public Works. Supt. Nason opened the discussion by updating the Board to emails going back and forth from the Chairman and him, which he read into record, requesting the Highway Dept. assistance with a town clean up i.e. weeds, graffiti, street sweeping, and residents contacting him re observing DPW workers riding around in trucks. Chairman Luca suggesting there appears to be breakdown in the Highway Dept. requesting this be brought to the employee's attention. Chairman Luca also advising to graffiti remover he purchased called "lift- off" which removes graffiti in a few seconds advising to it being environmentally friendly and easy to use. Supt. Nason stated he felt the need to defend the DPW as a whole and read into the record his discussion topics - a five page document- dated 9-21-11 (see attached) which encompassed the Departments work load from water to stormwater management, projects completed over the past two years, list of improvements achieved by him and the entire DPW staff from 2009 through 2011. Supt. Nason concluded with questioning what direction and just what does the Board want from the DPW i.e. hire more staff, establish a separate maintenance division, micromanage daily tasks of the DPW and other Departments as well, and reduce the Highway Dept. staff and decrease special project workload i.e. sidewalk construction, paving, culvert replacement/drain repairs to do full time maintenance of weeds, graffiti, street sweeping, etc.

Selectman McCreary thanking the DPW for all the work they do and not to mention new energy upgrades to the WWTP which will save the town a lot of money and noting the very successful Public Works Week held at the DPW this year. Selectman Maxant noting the wonderful list of accomplishments thanking the DPW for their diligence stating they should be very proud to ride around in trucks, very effective division. Selectman Fay advising to email was not a Board email. Stating he does not hear a lot of complaints noting recent accomplishments by department including Newton Street paving completed tonight. Selectman Conley echoing Selectman's Fay remark re complaints and complimenting department being a friendly, concienous group and commended all employees for doing their job. Selectman Conley advising she has heard similar complaints as Selectman Luca feeling Selectman Luca did not mean for this to be blown out of proportion as it has. Selectman Luca clarifying his email was from him and not from Board stating people are afraid to come forward to put their issues out and it is the Board's responsibility to business owners/residents to ensure Town property looks good i.e. weeds, street sweeping removal of graffiti. Selectman Luca stated he was sorry this was taken in wrong way, can't ignore residents/businesses complaints. Selectman Luca suggesting use of Prisoners, re Community Service Project, etc. Supt. Nason advising to Town having 37 miles of road and a Highway staff of five (5) and cannot utilize prisoners due to complaints from residents and graffiti not a Town problem but a neighborhood problem. Supt. Nason advising if sign is readable he does not assign staff to clean off graffiti and need to choose sidewalk cleaning vs. curbing what do citizens want, Selectman Maxant agreeing... if both will get 1/2 done. Selectman Luca stating DPW doing a great job just looking for direction perhaps the hiring of offenders to do community service from court house, or summer help hired at lower rate to do some of the clean-up. Selectman Fay suggesting Job Corp -perhaps requesting a Community Clean-up once a year. David Bodurtha spoke to people afraid to speak up and gossip gets everyone upset. Jeremy Callahan advising to knowing one of the people involved with graffiti suggesting having him clean it up. Supt. Nason closed with updating Board to current status of DPW projects in Town. The Board thanked DPW employees for coming to meeting to show their support of Department.

8:00p.m. Discussion ended.

**Agenda 4. Town Administrator's Report**-see report dated 9-7-11 through 9-20-11

**Action Items: Town Administrator's Report**

Devens Wastewater-Meeting 10-6-11 @9:00a.m. –Supt. Nason, Lisa Gabree to attend  
 Town Treasurer to be contacted re timeliness of deposits i.e. checks being deposited more timely.  
 Selectman McCreary to compile Board's recommendations re Town Administrator's Goals & Objectives into draft document for the Board's review of 10-4-11.  
 Town Administrator to review legal advertisement re legality of running two weeks re Sex Offender By-law Public Hearing Notice.  
 Audit Report-Memo distributed to Treasurer, Collector and Town Accountant, all have thirty days to respond back in writing to Board.  
 Chief Murray to submit map re Sex Offender By-law.  
 Nashoba Valley Technical School proposal to be prepared re potential membership.  
 Policy to be developed re Website /Facebook re what information goes on & who put on.

**Agenda 5. JBoS**-Selectman Fay advised the Board to Shirley formally dis-enrolled from JBoS last Monday and questioning if Ayer Board of Selectmen want to continue? Stating JBoS umbrella not effective, running amuck- proven to be not successful effort going forward. Chairman Luca stating he is on the fence- collaborative effort, need transition. Selectman Fay stating he is closer to withdrawal. Question being do we continue or withdraw.

**Agenda 6.** Home Rule Petition-

**Agenda Item 6. Minutes**-Selectman Maxant moved the Board vote to approve the Minutes of 7-1911, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved. Selectman Maxant moved the Board vote to approve the Minutes of 8-2-11, 2<sup>nd</sup> by Selectman Conley, VOTE: unanimous, so moved.

9:50p.m. Selectman Fay moved the Board adjourn the meeting, 2<sup>nd</sup> by Selectman McCreary VOTE: unanimous, so moved.

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

Frank F. Maxant, Clerk