

Town of Ayer
Board of Selectmen
Ayer Town Hall – 1st Floor Meeting Room
Ayer, MA 01432



Tuesday September 1, 2015
Meeting Minutes

Broadcast and Recorded by APAC

Present: Jannice L. Livingston, Chair; Gary J. Luca, Vice-Chair; Christopher R. Hillman, Clerk

Robert A. Pontbriand, Town Administrator
Carly M. Antonellis, Assistant to the Town Administrator

Call to Order: J. Livingston called the meeting to order at 7:00 PM.

Review and Approve Agenda: R. Pontbriand asked to amend the agenda by adding under his report an update on the Sex Offender Residency Bylaw given the Massachusetts Supreme Court's decision made last week.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the agenda as amended. **Motion passed 3-0.**

Announcements: J. Livingston announced the Recycle Your Reusables event that will take place on Saturday October 17, 2015 from 9:00 AM – 2:00 PM at the Ayer Shirley Middle School located in Shirley.

Public Input: None

Superintendent Mark Wetzel, Department of Public Works: *Request for Sewer Abatement* – M. Wetzel introduced Mr. Robert Collins from the Hillside Mobile Home Park, located at 25 Groton School Road. Mr. Collins is requesting an abatement for his sewer service that resulted from a freeze-up and subsequent leak at an unoccupied property in the mobile home park. M. Wetzel stated that he reviewed the past 6 years of past usage records and determined the abatement amount (\$2,453.82 for sewer only).

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the abatement in the amount of \$2,453.82 for only sewer charges at 25 Groton School Road. **Motion passed 3-0.**

Approval of MOU for JAR Realty – As part of the expansion of their facility, JAR Realty/Catania Spagna is seeking to enter into a Memorandum of Understanding (MOU). The MOU will address the relocation of a water and sewer line in an existing easement. JAR Realty and the Town will eliminate the current easements, after the new pipes are in the ground and the meets and bounds are drawn up for the new easement agreement.

Approval of Drainage Easement for JAR Realty – M. Wetzel explained that JAR Realty was seeking a drainage easement for their roof drains only. He explained further that when the land was given to the Town by San-Val, future occupants would have rights to discharge drainage at certain location on the site.

Motion: A motion was made by G. Luca and seconded by C. Hillman to enter into a Memorandum of Understanding with JAR Realty, as outlined by the DPW Superintendent. **Motion passed 3-0.**

J. Livingston asked M. Wetzel about the status of the Stony Brook Pumping station project. M. Wetzel stated the project is on schedule and that all the parts have been ordered.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the drainage easement between the Town of Ayer and JAR Realty in accordance with the deed conditions set forth in the 1982 land transfer and outlined by the DPW Superintendent. **Motion passed 3-0.**

Intention to layout Mulberry Circle, Calvin St Extension, Blueberry Circle, Hibiscus Lane, Magnolia Drive and Samantha Lane – Town Engineer Dan Van Schalkwyk joined M. Wetzel to discuss the process of accepting a number of streets that have not been formally accepted by Town Meeting. R. Pontbriand added that this is part of a larger project, as set forth by the BOS for Town Administrator’s 2015 Goals and Objectives. M. Wetzel stated that the streets are generally in good condition and the infrastructure has been spot checked.

Motion: A motion was made by G. Luca and seconded by C. Hillman the intent to layout Mulberry Circle, Calvin St Extension, Blueberry Circle, Hibiscus Lane, Magnolia Drive and Samantha Lane and send recommendation to the Planning Board. **Motion passed 3-0.**

Transfer Station Update – M. Wetzel stated that the paving upgrades needed at the Transfer Station were more involved than originally thought. The Town needs DEP approval because a portion of the paving will be done on the capped landfill. Also, the Town received no bidders. He is working with the Inspector General’s Office to rebid the project.

Ms. Alicia Hersey, Office of Community Development: Ms. Hersey was in attendance to request a lien subordination on case #04-271. The owners are refinancing to obtain a more favorable interest rate and the equity taken from the home is to cover the signing costs.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the lien subordination request in the amount of \$214,194 on case #04-271, as outlined by A. Hersey. **Motion passed 3-0.**

Chief Robert Pedrazzi, Ayer Fire Department: Chief Pedrazzi explained that the Fire Department is in receipt of a donation in the amount of \$5,000 from F & P Willow Trust to provide equipment for Fire Department Use. According to Town Counsel, the gift needs to be formally accepted by the Board of Selectmen.

Motion: A motion was made by C. Hillman and seconded by G. Luca to accept the gift in the amount of \$5,000 from F & P Willow Trust for Fire Department use. **Motion passed 3-0.**

Senator Jamie Eldridge, Rep. Jen Benson and Rep. Sheila Harrington: Senator Eldridge and Representatives Benson and Harrington were in attendance to give a Beacon Hill Legislative update as well as provide time for a Q & A with the Board and town residents.

Senator Eldridge gave a brief overview of the state’s FY ‘16 budget process.

Representative Benson gave an update of her committee assignments; as well as relevant legislation that would affect the Town of Ayer such as the Public Records law.

Rep. Harrington also spoke about the public records law legislation and the possibility that it would change if it is reported out, as the MMA is opposition to the bill. She also highlighted the Governor’s Community Compact program.

The Board and the Delegation then spoke about progress of the Commuter Rail Surface Lot project. The Board and the Delegation agreed to keep in contact as the process moves forward.

G. Luca asked about a project that was funded by former Senator Pam Resor in the 2004 Transportation Bond Bill relative to improvements at the intersection of 2A/Willow Road. The delegation asked the Town to send more information and they would look into it.

Mary Spinner, 18 Myrick Street spoke about her concern with DCF services and was concerned about the children in the Commonwealth. She stated that the state needs to evaluate potential foster parents with more scrutiny.

C. Hillman added that the Ayer Shirley Regional Schools were doing great and encouraged them to visit the new high school.

Town Administrator's Report: R. Pontbriand suggested in the interest of time, the Board take up the appointment of the recommended candidate for the Conservation Administrator position.

Conservation Commission members Jess Gugino and George Bacon were in attendance to introduce Mr. Brian Colleran. He was interviewed by the Conservation Commission and is their recommended candidate for the Conservation Administrator.

Motion: A motion was made by G. Luca and seconded by C. Hillman to appoint Mr. Brian Colleran to the position of Conservation Agent with the start date of September 8, 2015. **Motion passed 3-0.**

R. Pontbriand stated that he had received a letter of interest from Ms. Bonnie Tillotson seeking appointment to the Conservation Commission.

Motion: A motion was made by G. Luca and seconded by C. Hillman to appoint Ms. Bonnie Tillotson to the Conservation Commission to fill a vacant seat, term to expire June 30, 2017. **Motion passed 3-0.**

R. Pontbriand then went over his Administrative Update, highlighting major activities and projects that are currently ongoing in Town Hall. His update included the Town Hall carpet replacement project, the Non-Union Compensation Study, the Comprehensive Plan, proposed update to the nuisance bylaw and the opening of the 2015 – 2016 school year.

R. Pontbriand then advised the Board that as a result of the ruling of the Massachusetts Supreme Judicial Court (SJC) on Friday, August 28, 2015 in the case of Doe, et. al. v. City of Lynn, the ruling of the SJC has rendered sex offender residency bylaws (such as the Town of Ayer's) unconstitutional and unenforceable across the Commonwealth. As a result, the Town has been advised by the Chief of Police, Town Counsel, and the Massachusetts Police Chief's Association not to enforce the Town's Sex Offender Residency Bylaw pending further action by the Massachusetts Legislature. The Board authorized the Town Administrator to issue a public notification (to include the full decision of the SJC in Doe v. City of Lynn) regarding this matter.

The Board expressed their disappointment in the decision and asked that the information be disseminated to residents with the assistance of the Ayer Police Department.

Approval of the Minutes:

Motion: A motion was made by C. Hillman and seconded by J. Livingston to approve the meeting minutes from August 11, 2015. **Motion passed 3-0.**

Adjournment:

Motion: A motion was made by C. Hillman and seconded by J. Livingston to adjourn at 9:10 PM. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: September 15, 2015

Christopher R. Hillman, Clerk: Christopher R. Hillman