



OFFICE OF THE  
**BOARD OF SELECTMEN**  
**TOWN OF MAYNARD**

MUNICIPAL BUILDING  
195 MAIN STREET

MAYNARD, MASSACHUSETTS 01754

Tel: 978-897-1301 Fax: 978-897-8457

**Selectmen's  
Meeting Minutes  
Tuesday, September 6, 2016  
Room 201, Town Hall  
Time: 6:30 pm**

**Present: Chairman, Chris DiSilva, Selectman Jason Kreil, Selectman David Gavin, Selectman Terrence Donovan, Selectman Tim Egan, Town Administrator Kevin Sweet, and Administrative Assistant Becky Mosca.**

**Executive Session** – To deliberate with respect to Collective Bargaining will return to open session  
**Roll Call**

<u>Selectmen</u>	YEA	NAY	ABSTAIN	ABSENT
Selectman Gavin	X			
Selectman Egan	X			
Selectman Kreil	X			
Selectman DiSilva	X			
Selectman Donovan	X			

Close Session note time 7:05 pm.

**(This public meeting was recorded).**

**Public Comments:** None

**Acceptance of Minute August 16, 2016**

**A motion was made** by Selectman DiSilva to accept and approve the minutes of August 16, 2016 as shown. Second by Selectman Egan. Vote 5-0. Motion approved.

**List of Correspondences (mail to the Selectmen's Office for September 06, 2016). A-P**

**A motion was made** by Selectman DiSilva to accept the list of correspondences A-P as shown. Second by Selectman Gavin. Vote 5-0. Motion approved.  
Sel. Gavin, comment on the item K, I submitted in the correspondences, email and pictures, after thinking about this more, we need a discussion on this and to take better care of the Memorial Park area. In addition, bring back to a level that we could all be proud of. We need to have a landscaper

look at this area. Town needs to handle this area with more care for our war veterans. TA, agreed and said Aaron already had a meeting set up with landscaper to look at this and price out.

Sel. DiSilva comment on the correspondences regarding the notes from the state regarding the drought – question is it ok for residents that have private wells to use the water or should they be held to the same mandatory water restrictions. TA, said residents with wells here are not held to the same restrictions at this time.

### **Consent Agenda**

- a) One-Day Permit, Block Party – Balcom Lane, October 1, 2016 repeat
- b) One-Day Permit, Maynard Fest – at Pleasant Café, Liquor & Entertainment, 10-1-16
- c) Board of Appeals Alternate Member Renewal – Jamal DaVita

**A motion was made** by Selectman DiSilva to accept and approve the consent as shown. Second by Selectman Egan. Vote 5-0. Motion approved

### **Board Interviews and Appointments**

- a) Board of Appeals
  - i. John Courville
  - ii. Jerry Culbert

**A motion was made** by Selectman DiSilva to appoint John Courville to the Board of Appeals with a term expiring on June 30, 2018. Second by Selectman Gavin. Vote 5-0. Motion approved

Sel. Gavin to John Courville; what generates your interest, past work as intern in another community and wanted to bring to Maynard

J. Culbert, Past experience here in Maynard chaired the School Building Committee, Senior citizens committee, moved to Florida a couple of years ago, wife missed family back here so they came back. Past Involvement in volunteer works and wants to do more. Has experience in Property Management, and licensed realtor.

Sel. Gavin commented on experience with work on Board with Jerry Culbert, and it was all positive.

Chair, to John Courville you are also being appointment to the Affordable Housing Trust. J. Courville, Yes.

**A motion was made** by Selectman DiSilva to appoint Jerry Culbert to the Board of Appeals with a term expiring on June 30, 2019. Second by Selectman Donovan. Vote 5-0. Motion approved

- b) Recreation Commission
  - Maggie Wallace

**A motion was made** by Selectman DiSilva to appoint Maggie Wallace to the Recreation Commission with a term expiring on June 30, 2017. Second by Selectman Gavin. Vote 5-0. Motion approved

Sel. Egan what brings you to Rec? Maggie talked to Bill Nemser and it sounds interesting. Have you attended a recreation meeting yet? M. Wallace, no.

- c) Affordable Housing Trust
  - i. John Courville
  - ii. Odessa Deffenbaugh
  - iii. Rick Lefferts
  - iv. David Gavin – BOS Representative
  - v. Bob Larkin – MHA Representative

Vic Tomyl question Why are we going with an Affordable Housing Trust, Don't we already have a Maynard Housing Authority? Chair, yes, they are to separate entities. State runs the Maynard Housing Authority. TA, The Town will run and oversee the Affordable Housing Trust; it is funded through our Community Preservation Committee (CPC) and another funding source from other development agreements.

**A motion was made** by Selectman DiSilva to appoint David Gavin to the Affordable Housing Trust with a term expiring on June 30, 2018. Second by Selectman Egan. Vote 4-0-1 (Sel. Gavin abstained). Motion approved

**A motion was made** by Selectman DiSilva to appoint Bob Larkin to the Affordable Housing Trust with a term expiring on June 30, 2018. Second by Selectman Donovan. Vote 4-0-1 (Sel. Gavin abstained). Motion approved

**A motion was made** by Selectman DiSilva to appoint John Courville to the Affordable Housing Trust with a term expiring on June 30, 2018. Second by Selectman Egan. Vote 4-0-1 (Sel. Gavin abstained). Motion approved

7:15 pm

### LEGAL NOTICE

The Board of Selectmen will hold a public hearing on August 16, 2016 at 7:15 PM in the Michael Gianotis Room of Town Hall, 195 Main Street, Maynard, MA pursuant to the report and petition of the Maynard Building Commissioner that the presence of four (4) uninhabited camping trailers at 2 Rice Road, Assessor's Map 4 Parcel 124 constitutes a nuisance under Chapter IX, Section 22.2.5. All interested parties may attend and be heard at that time. A copy is on file with the Town Clerk.

**The subject to be discussed at this hearing includes the following alleged violations of applicable law, rules and/or regulations:**

1. **Whether, the owner of 2 Rice Road has caused by acculated uninhabited camping trailers at said 2 Rice Road**
1. **OPEN THE HEARING:**

**Prior to offering any evidence, I ask that if there is anyone here who will be presenting evidence to the Board to Stand, raise your right hand and repeat after me:**

**“I Richard Asmann, Building Commissioner (state your name) swear that the testimony I am about to provide is the whole truth.” From August 16, 2016**

**“I Ann-Marie Cook-English (state your name) swear that the testimony I am about to provide is the whole truth.” From August 16, 2016**

The hearing is open.

## ***2. Board Should Discuss the Count and Vote on to determine if a Violation Occurred.***

Given that the property owner’s representative is contesting the allegations contained in the Notice, the Board must determine whether a nuisance exists at the Property.

*Nuisance is defined as:*

*Any substantial interference with the common interest of the general public in the maintenance of decent, safe, and sanitary structures and neighborhoods, when such interference results from the hazardous or blighted condition of private real property. Specific conditions, which may be characterized as nuisances, may include, but shall not be limited to:*

- (a) Burnt structures not otherwise lawfully habitable or usable*
- (b) Dilapidated structures*
- (c) Dangerous or unsafe structures*
- (d) Overgrown vegetation which may harbor rats and vermin, conceal pools of stagnant water or other nuisances, or which is otherwise detrimental to neighboring properties or property values*
- (e) Dead, decayed, diseased, or hazardous trees, debris, or trash*

Restart of hearing, Chair DiSilva had a chance to speak with Ann Marie Cook, (2) of the trailers are now sold. (1) Trailer is gone, the one on the outside of the fence. The other trailer is waiting for pick-up. Ann agreed. Chair, said she has the work to do on the main trailer. Chair does not now see this property as a nuisance so is now in the opinion that it is no longer a nuisance, progress has been made and we can move forward. Chair said the Assistant Town Administrator, told him that the By-laws are being rewritten to update to address these issues and move forward on the nuisance By-Laws.

Sel. Gavin very pleased that this has been done and glad that the Board does not have to take legal action. Thanks for the good effort that has been made.

Ann, I did purchase a 2-acre lot in Maine and have 2-years to pay off this loan. Ann does not want a limit put on her period to restore the trailer, I other trailer is to be used as a shed. I am leaving and do not want a timeline.

Chair noted that a new By-Law would be in place and at that time, we would be enforcing accordingly.

Mary Robblee has questions, one trailer is gone and another is sold, so when is the next trailer leaving? Therefore, the item is still there with no timeline.

Ann, I have a bill of sales.

Mary Robblee but that does not have a date tied to the trailers leaving the property. We need a timeline and want a timeline for when these items will be off the property. I asked when this item (Trailer) would be gone and you are saying when you are ready and done with the work. We need a time line. Ann, I am not ready to give a timeline. Mary asked about the other issue regarding the power of attorney. Ann, I have them. Mary, the By-Law, I know we don't have a substantial By-Law and what we do have is a nuisance in the neighborhood if Joe down the road has 4 trucks and is issue but it is not in this neighborhood it doesn't affect me. This is in our neighborhood and if we do not get a timeline, it is still an issue for this neighborhood. No timeline put in place so we have to come back at another time. We left the meeting the last time with the understanding that this was motioned as a nuisance and now it is being removed. The rest of the neighbors are not here because they thought this was a done deal.

Chair DiSilva, we did not walk in the door with that in mind, several things took place. Ann sold (2) trailers she received the power of attorney so we are moving forward.

Chair DiSilva and Ann had meetings and Town as a By-Law that is unenforceable. Therefore, we could not move to in that direction and have it stand for the Town. (The Town By-Law is unenforceable). She has made progress; Ann sold 2 trailers, has a bill of sale and received power of attorney – that is progress.

Mary Robblee, but it is still unclear when the other sold trailer will be gone.

Valerie Galvin, I was here at the last meeting, we have a property that has 3 trailers that look like a trailer park. Would you want that property (2Rice Road) next to your house? I am sure you would not.

Chair DiSilva we have a couple of neighbors that have issues in their yards. Our Town By-Law is unenforceable.

Valerie Galvin after the last meeting it was determined that the correct action to do was to clean up the property and remove the nuisance.

Chair DiSilva, she (Ann) is making progress.

Valerie Galvin, She (Ann) is breaking the law.

Chair we do not have a By-Law to enforce this so until we do we will work with her to make this right. We voted on it but it is not enforceable.

Valerie Galvin, you need to be defending us not her (Ann)

Chair there are several properties in Town that have issues but until we have a By-Law that is enforceable, we need to be cautious of this matter.

Valerie Galvin is there our people calling the Selectmen's office making complaints. Have you had other hearings?

Chair, some and we reach out and try to settle the issue. Ann Marie was not given the opportunity to fix the issues before this hearing was requested

Sel. Egan is this it is all about you selling your house (Valerie Galvin) I am not selling my house. It (2 Rice Road) does not look good. I paid a lot of money for my house and pay a lot in taxes to have to look at this it is awful.

Sel. Egan, that fact that in the 4 months we have been hearing about this, she (Ann) has made progress. That is progress, it is phenomenal. It sounds like progress.

Valerie Galvin, I drive by the trailers every night. Someone is living in the trailers. She (Ann) is lying to you. She also said, threaten you with litigation so she come to agreement it is fair to everyone.

Sel. Gavin, she (Ann) is still under Oath. Legal, Sarah Bellino, "yes". Question to Ann – is anyone living in the trailers Ann – "absolutely not". I have a grill out there and flowers, and lights they look pretty.

Valerie Galvin, they have tarps over them they are ugly.

Ann, they have leaks in the roofs.

Chair, I do not know what a dead line should be so I am comfortable with this. If she has, a timeline and it not complete than we can come back.

The next time we come back the By-Law should be written and valid and we would have something with teeth to come back on.

John Robblee should this property be class as commercial. Next, we will see other property selling trucks on their property.

Mary Robblee do these vehicles need tags.

Mary Robblee it is a safety issue with no timeline, now you are going to remove the nuisance that you motion at last meeting. I wish the rest of the neighborhood were here to defend this as it is now not a nuisance but that ruling should stand.

Legal, Sarah Bellino, The way the By-Laws are currently – it is a very broad range on the current By-Law for nuisance.

Zoning issue on the past trailer – Powdermill Road trailer was not hook-up to electricity or sewer.

Sel. Gavin – It is fair and what happens next June. The Boards eyes are opened and if not other progress is made or was made a year from now – we would hope we could come to an agreement.

The danger that will happen

Pop tents some type of concern. My concern was the trailer that was leaning but it is gone at this time.

Ann, If I am not allowed to keep 1 or 2 trailers on my property then I do not want anyone to have trailers in their property.

Sel. Donovan. Let us keep that facts straight, you had 4-trailers on the property.

Ann that is what I am getting at if I cannot keep a couple of trailers then no one should have trailers on their property.

Chair that is what we have to get to. We need the teeth to get to this new By-Law.

Vic Tomy – question for Town Counsel/Chairman, will the new By-Law cover and be enforceable – can the Town go after her (Ann) later. The trailer on Powdermill Road had issue that issue went to court. Town lost case.

Legal, Sarah Bellino, The way the By-Laws are currently – it is a very broad range on the current By-Law for nuisance. It will not today stand.

Sel. Donovan, the (5) Board members here do not rewrite the By-Laws. A By-Law Committee and Legal rewrite By-Laws.

Legal camper By-Law,

Valerie Galvin, if they declare it a nuisance how can they change their minds?

Legal, Sarah Bellino if they do declare it a nuisance

The board did not close the hearing the last time so they did restart the meeting at the time certain tonight and

Valerie Galvin do you think this is a nuisance

Sel. Donovan, if you are asking us a board – you need to give us a chance to answer the question In addition, you need to ask indivisible board members.

Sel. Egan, not going to answer the question

Chair DiSilva the last time we were here several things have changed since the last time based on what has happened since the last meeting. Information that was given to us, several things have changed. A number of things have happened. Based on what I know I do not see it as a nuisance.

Sel. Gavin, the trailer on the outside of the fence and now it is gone.  
I would hate to say one trailer is a nuisance but is it 2 trailers or 3 trailers.  
The trailers on the inside we need to work on it. Our By-Law needs to be updated.

John Robblee it is not just the trailers it is the tarps, it is the condition of the trailers they are dumps of trailers they are not in great condition.

Valerie Galvin, remembers a neighbor that had a large trailer on site but it was nice looking

Ann The 1952 trailer is in mint condition on the inside. Outside in near mint condition – the tarp is to keep it in good condition. Your building inspection has inspected the trailers.

Jason Kreil, I feel bad for you folks this is clearly a neighbor dispute. I don't want this town telling me I clearly think this is a nuisance or we can say it is a nuisance and try to enforce this or do we have a shot at this

No from Valerie Galvin and Mary Robblee – we have never met her before. We have never complaint before. This issue has transpired in the past year.

Jason Kreil, What is the nuisance at hand? Various things at play. Different folks have different things in your yard. I do not think any town should tell you what you can and cannot have in your yard. Do we still have a nuisance here, apparently yea because we are still here but I guess we could put a timeline and when that timeline comes about, we can try to enforce this with what we have? Deferred to legal would this blow up in our face consider the bylaw?

Legal, Sarah yes you can set a timeline as a nuisance. Based on Subjective evidence. You can issue a removal order under nuisance bylaw and set timeline. If property owners fails to comply you can remove the items yourself at the Town's expense.

Ann there is an appeals process to superior court.

What is timeline of appeals process?

Legal you have 3 days to file appeal after service of removal file.

David Gavin deal with superior court cases, usually a year and a half timeline.

Ann there is 2 steps above this.

Chair my goal in this was to come to an agreement with process I have enough to do with project. If neighbors do not feel enough progress is being made then we address them and to remedy the issues then. We need to allow this to move forward and I do not know what the timeline should be but as long as the nuisance lessens itself then we move forward.

Valerie Galvin – I agree with you but put a time limit on it. Then she would have

Chair if you want to huff in the back room

Valerie Galvin, did you just say you did not have time for things like this?

Chair, No, it's why I stay involved in these things

She (Ann) is getting it ready to move to Maine

Valerie Gavin, but if we gave her a timeline.

She (Ann) may never do another thing to the trailers.

Peg Brown she has a right to have that trailer on her property for life she has a right for the next 50 years or whatever she wants. She has a legal right to keep her trailer, it is in pristine condition.

Valerie Galvin she does not.

Chair, No for the last hour we have been going back and forth on this issue

If someone else wants to make a motion, otherwise we move on the motion at hand. Unless anyone wants to make a motion.

Gavin comment before we began I thought we had a motion Chair no it was interrupted.

Mary how many the house and subsequence buildings can you have on the property.  
Therefore, you are allowed one trailer and one shed plus the other trailer as another trailer extra.

Legal it depends on the zoning. Accessory building is up to zoning per Town.

Peg Brown - it is not the number of building, the square footage that they cover.

Chair I am closing the hearing in another ten seconds and assume the progress will continue. We will keep our eye on it. And continue to monitor that progress is made.

Hearing Closed 8:18 pm

Ann I will see you in court.

**A motion was made by** Selectman DiSilva to close the hearing at 8:18.

**Restart after Legal hearing; Affordable Housing Trust**

**A motion was made** by Selectman DiSilva to appoint Odessa Deffenbaugh to the Affordable Housing Trust with a term expiring on June 30, 2018. Second by Selectman Kreil. Vote 4-0-1 ( Sel. Gavin abstained). Motion approved

Sel. Donovan no questions but thank you. Odessa is very excited about this appointment and looking forward to serve.

**A motion was made** by Selectman DiSilva to appoint Rick Lefferts to the Affordable Housing Trust with a term expiring on June 30, 2018. Second by Selectman Kreil. Vote 4-0-1 ( Sel. Gavin abstained). Motion approved

Sel. Kreil you were interest and on the last committee. So thank you for stepping up to this and waiting many years to get this committee started again.

**Police Officer Appointment: Mirella Ruggiero**

Chief DuBois gave a brief summary with his field of internal candidates and that Officer Fletcher left last June and created this opening. Police had a panel that interview as many as 5 candidates and that Mirella Ruggiero was a stand out to all panel members, which included 2 BOS members. She is a current Dispatcher for Maynard since July 2014, A graduate with a Bachelor's Degree in Crime and Justice Studies, and A graduate of the Reserve Intermittent Police Academy, which she received the Directors Award on behalf of the staff.

**A motion was made** by Selectman DiSilva as a Patrolman with an indefinite term. Second by Selectman Donovan. Vote 5-0. Motion approved

**Discuss Request for Parade Permit: – 6 Bridges Gallery – Seagull Cinderella**

Delayed for applicant to provide additional details timeline for this event and at what costs and who will pick up the expense. To block the streets downtown for a certain amount of time there is a cost. Sel. Gavin it is an artist/community event to welcome back this piece of art when it leaves and comes back home. People want to celebrate its return. Sel. Egan that is what that is a seagull. Chair, I did not know this was art. Chair requests that we have someone from 6 Bridges come in.

**Updates from ABCC, eLicensing – Pilot Program**

After many seminars with the ABCC, they have kicked off a Pilot Program with 8 Towns. This will roll out to all communities in the spring of 2017.

Pilot Towns: Boston, Cambridge, Chelmsford, Dedham, Lawrence, New Bedford, Salem, and Somerville

The roll out for each community required us to have our IT department open a new account. All emails from the ABCC come in via the new account. Maynard = [ePlace@townofmaynard.net](mailto:ePlace@townofmaynard.net)

Currently if you go on the ABCC website, it looks very different than it did last June of 2016. I have attached a few examples in the packet to show you what the changes look like.

**How will Pilot municipalities be affected?**

These municipalities will be accepting applications and approving applications, amendments to licenses, and renewals electronically. Although the remaining municipalities will continue to follow the current process, using paper applications, the Alcoholic Beverages Control Commission (ABCC) will be utilizing the back office of ePLACE.

**What does that mean?**

It means that the non-Pilot municipalities will continue to mail the paper applications along with the processing fee and the supporting documentation to the ABCC and the ABCC will input all of the information into the eLicensing system.

**How will non-Pilot municipalities be affected?**

Municipalities will no longer receive an approved Form 43 from the ABCC. Going forward, the municipalities will receive an email notification from the ABCC that the license application or amendment has been approved, disapproved or returned with no action.

Thank you for your continued support and cooperation.

The Alcoholic Beverages Control Commission

[www.mass.gov/abcc](http://www.mass.gov/abcc)

Vic Tomyl asked about the past liquor license with Monsoon Restaurant, it was returned to Town June of 2015. TA, that license is now with Roasted Peppers.

**129 Parker Street MOA Discussion & Possible Ratification****Legal Jon Witten,**

Note, correction on page 4 typo error. Comments on the footnotes on page 11.

Sel. Gavin, wants to thank Bob, Angelo, Jon, and BOS members never wanted to block this project but wants to get the best project for Town. Now thinks compared to the old development agreement this is far better and is proud of this agreement. It is a win for Maynard.

Sel. Kreil that the many added changes to the plan, these changes made with our legal help – Jon Witten

**A motion was made** by Selectman DiSilva to accept and approve the 129 Parker Street Memorandum of Agreement. Second by Selectman Egan. Vote 5-0 Motion approved.

**Approve and Accept Special Town Meeting Article**

Correction on article, date changed in regards to the final concept plan to July 11, 2016

**A motion was made** by Selectman DiSilva to accept and approve Control A for placement on the STM Warrant as amended. Second by Selectman Gavin. Vote 5-0. Motion approved.

**Approve Special Town Meeting Warrant**

Correction on article, date changed in regards to the final concept plan to July 11, 2016

**A motion was made** by Selectman DiSilva to accept and approve the Special Town Meeting Warrant as amended. Second by Selectman Donovan. Vote 5-0. Motion approved.

**Town Administrator Delegated Approval Authority**

**A motion was made** by Selectman DiSilva to authorize the Town Administrator the authority to approve Block Party requests and add them into Board correspondences. Second by Selectman Gavin. Vote 5-0. Motion approved.

TA, currently authorized for contract executions up to \$25,000.00 consistent with Chapter 30B. With the Governors signing of the Municipal Modernization Act, this should be increased consistent with 30B minimum requirements.

**A motion was made** by Selectman DiSilva to increase the Town Administrator authorization to execute contracts on behalf of the Town of Maynard to \$50,000.00. Second by Selectman Kreil. Vote 5-0. Motion approved.

**Town Administrator Review** - Delayed until next meeting, BOS, 9-20-16.

**Town Administrator Report;**

TA, met with Artemis & Lincoln Property, new Management at Mill & Main.

MASSDEP sent a Non-Compliance & response letter to Mill & Main; we have asked to be copied on those letters.

No Special BOS meeting on 9/8/16 we need to reschedule per State Primary, Board agreed to meet on 9/15/16.

**Chair Report;** All Set

**Board Member Reports**

**Selectman Egan;** Can we remove the water ban on our sports field so they do not play on dust bowls. TA, no not at this time – we have a full drought – everyone is treated the same. This would need to be added as agenda item.

**Selectmen Donovan;** No – but thanks to the older BOS members for their efforts on the 129 Parker Street Agreement and work,

**Selectman Gavin;** Tape from Chief DuBois, regarding issue on Main Street, after listening to the tape I can say that the Dispatcher handled the issue with professional and control. Thank you again. Other BOS members agreed.

**Selectman Kreil;** Nothing additional.

**A motion** to adjourn the meeting was made by Selectman DiSilva. Second by Selectman Gavin. Vote 5-0. Motion approved

Meeting ended at 9:45 pm  
Time: 9:45 pm

Approved: 5-0

Date: 10/4/2016

Initials: BJM



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Selectman, Jason Kreil, Clerk