

Town of Ayer  
Board of Selectmen  
Ayer Town Hall – 1<sup>st</sup> Floor Meeting Room  
Ayer, MA 01432



*Broadcast and Recorded by APAC*

**Tuesday September 19, 2017**  
**Open Session Meeting Minutes**

**Present:** Christopher R. Hillman, Chair; Jannice L. Livingston, Vice – Chair (*Exits at 8:32 PM*); Gary J. Luca, Clerk

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

**Call to Order:** C. Hillman called the meeting to order at 7:02 PM.

**Pledge of Allegiance:** BOS members and meeting attendees stood and recited the Pledge of Allegiance.

**Review and Approve Agenda:** R. Pontbriand asked to amend the agenda by adding three additional Cultural Council appointees under his report. He also asked to add a discussion on the establishment of a Conservation Fund under his report.

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

**Announcements:** C. Hillman announced the following:

- There will be a Special Town Meeting this coming Monday September 25, 2017 at 7:00 PM on the 2<sup>nd</sup> Floor of the Ayer Town Hall to consider the Special Tax Assessment Agreement with AMSC and 114 East Main, LLC.
- There will be a Park Street Form Based Code Public Visioning Charrette on Thursday September 21, 2017 at 6:00 PM.

**Review of Warrants:** G. Luca stated that he signed the following warrants on behalf of the BOS:

- |              |                  |       |              |
|--------------|------------------|-------|--------------|
| • 2017-09-05 | Accounts Payable | 18-04 | \$432,216.92 |
| • 2017-09-13 | Payroll          | 18-05 | \$307,749.67 |

**Public Input:** None

**Appointment of Conservation Agent:** Conservation Commission Chair Bill Daniels introduced Ms. Jo-Anne Crystoff, the Conservation Commission's recommended candidate for the position of Conservation Agent. Ms. Crystoff stated that she recently moved to Ayer in June and she is very excited for the opportunity.

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to appoint Ms. Jo-Anne Crystoff to the position of Conservation Agent, effective date to be determined. **Motion passed 3-0.**

R. Pontbriand asked to take the discussion of the Establishment of a Conservation Fund out of order. BOS members agreed.

**Establishment of a Conservation Fund:** R. Pontbriand was joined by CPC Chair Janet Providakes and Conservation Commission Chair Bill Daniels to inform the BOS that they would be putting a forth two articles at the Fall Town Meeting to establish a Conservation Fund and to then transfer \$100,000 from CPC funds to the newly established conservation fund. The main objective in establishing the fund is to purchase open space/conservation land, if the land would be of value to the Town's open space goals.

**Chief Robert J. Pedrazzi, Fire Department:** *Community Emergency Response Team* - Chief Pedrazzi and Call Firefighter John Delcore spoke with the BOS about the establishment of a Community Emergency Response Team (CERT) for the purposes of enhancing the Town's emergency preparedness. The CERT team will be a team of individuals that could help with non-emergency tasks during large events. FEMA has guidelines and training material established to train CERT team members. Chief Pedrazzi is asking for authorization to make appointments to the CERT Team.

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to authorize Chief Pedrazzi, as the Town's Emergency Management Director to appoint members to the CERT team. **Motion passed 3-0.**

**Discussion on Recreational Marijuana:** *Central Ave. Compassionate Care* – Owner John Hillier, Mark Hillier and Attorney Chris Lilly were in attendance to discuss their future plans for transitioning to the recreational marijuana market. They are planning on keeping Central Ave. Compassionate Care open as a medical facility. Retail and processing will be in another location. Mr. Hillier reported that since opening, Central Ave. Compassionate Care employees 26 employees, almost double what they had originally projected. He also stated that the Cannabis Control Commission has yet to draft regulations, but by July 1, 2018 retail shops are able to sell marijuana.

G. Luca stated that Central Ave. Compassionate Care has been a good neighbor and he has never heard anything bad about it. He also thanked Mr. Hillier for investing in the Town's Youthworks program.

Attorney Chris Lilly stated that with the newest law, a host agreement is required as part of the application process with the Cannabis Control Commission.

C. Hillman stated that he worries about the location of a retail marijuana shop. J. Hillier said similar to his medical location, he will remain in the general business district.

R. Pontbriand stated that the Town has several options being either a moratorium, limiting the number of licenses or a ban. However, if hanned or a moratorium was put into effect, Central Ave. Compassionate Care would not be impacted because it is a current operating registered medical dispensary. R. Pontbriand strongly advised that Town Meeting should vote some form of local control by December 31, 2017.

J. Livingston spoke in favor of limiting the licenses because of the great working relationship between the Town and Mr. Hillier.

**Motion:** A motion was made by G. Luca and seconded by J. Livingston to enter into a community host agreement with Central Ave. Compassionate Care exclusively and to move forward with limiting the number of retail shops to one.

Mr. Connie Sullivan, 79 East Main Street asked about being given more time to vet the retail locations beyond December 31, 2017.

J. Livingston stated that we have a golden opportunity given the information presented and that we are feeling the pressure of time because the state was slow to manage the program.

C. Hillman stated that the Motion was still on the table. **Motion passed 3-0.**

**Nasoya Odor Issue Update:** R. Pontbriand introduced Mr. Elvin Moquette and Mr. Daniel Jung from Nasoya. Mr. Moquette reported that Nasoya continues to take air quality samples to pinpoint the exact cause of the odor. R. Pontbriand reported that DEP will expedite the permitting processes for the addition of another 3<sup>rd</sup> scrubber.

*J. Livingston exits at 8:32 PM*

**Presentation of Depot Square Conceptual Designs:** R. Pontbriand introduced Mr. Mo Khan and Mr. George Kahale from MART and MRPC to present two conceptual designs for Depot Square as part as the Commuter Rail Parking and Rail Access Improvement Project. Two designs were presented, one being a curved pattern and the other being more of a geometric design. Both designs have greenery/trees/shrubs, waiting stations and bike racks. Both plans have a space for public art and for the historic fountain.

Ms. Kathleen O'Connor, 10 Amandrey Way asked that functionality be kept in mind as many of the commuters use the current Advocates Building as a wind breaker in the colder months.

The BOS and audience members had a general conversation about the use of pavers versus using stamped concrete.

Ms. O'Connor asked if Depot Square was the proper place for the historic fountain. A. Manoian stated that the piece should be properly restored and returned to its original location.

The BOS unanimously preferred option 2 which is the curved pattern labeled L1.01.

**Mr. Alan Manoian, Dir. Community & Economic Development:** - *Lien Subordination Request/49 Main Street* – A. Manoian presented a lien subordination request for 49 Main Street (the Fletcher Building) in the amount of \$543,750. He explained that the borrower is consolidating his loans and paying off the Town's IDFA loan.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to approve the lien subordination request for 49 Main Street. **Motion passed 2-0.**

*2017-2018 BHTCC Contract with the Advocates* – A. Manoian presented the 2017/2018 Behavioral Health Treatment Court Collaborative between the Town of Ayer and Advocates Inc. for the drug court program. The contract is in the amount of \$341,312 and runs from September 30, 2017 through September 29, 2018.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to approve the 2017/2018 BHTCC contract between the Town of Ayer and Advocates, Inc. in the amount of \$341,312. **Motion passed 2-0.**

**Town Administrator's Report:** *Administrative Update* – R. Pontbriand reminded the BOS of the Special Town Meeting coming up on Monday September 25, 2017 to consider a Special Tax Assessment Agreement. He added that the Administration held an informational forum on September 14, 2017 in advance of the September 25, 2017 Special Town Meeting. R. Pontbriand also reported that the fence replacement across from Town Hall has been "Dig Safed" and will commence soon.

C. Hillman stated that he was frustrated with the timeline of capital projects and that they are presented with a sense of urgency and takes too long to complete. He then stated he "wasn't in the mood" to approve capital projects during this year's capital planning process.

Finally, R. Pontbriand reported that the Town Planner begins on September 19, 2017 and that Facilities Director Dan Sherman is retiring effective October 2, 2017.

*Appointments* – R. Pontbriand asked the following residents to be appointed to the Cultural Council:

- Erin Clements, Bob Williams and Marilyn McMillan to serve unexpired terms expiring June 30, 2018
- Tyler McMillan to serve an unexpired term to expire on June 30, 2019

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to appoint Erin Clements, Bob Williams and Marilyn McMillan to the Cultural Council to serve an unexpired term to expire on June 30, 2018 and to appoint Tyler McMillan to serve an unexpired term to expire on June 30, 2019. **Motion passed 2-0.**

*Jonathan Drive Water Line Easement* – On behalf of DPW Superintendent Mark Wetzel, R. Pontbriand presented an easement for the water line on Jonathan Drive. The water line loop will provide a secondary water line to Groton School Road/Fitchburg Road area.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to approve the Jonathan Drive water easement as presented by the Town Administrator. **Motion passed 2-0.**

*Discharge of Claim – 14 Williams Street* – R. Pontbriand then presented a discharge of claim in the amount of \$23,877.90 for 14 Williams Street. The property had a lien in that amount for boarding up and exterior debris removal. CIT Bank, the mortgage holder, is paying the lien placed on the property by the Town.

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to approve Discharge of Claim for 14 Williams Street in the amount of \$23,877.90. **Motion passed 2-0.**

**New Business/Selectmen's Questions:** *Supplemental Ch. 90 Appropriation Discussion* – G. Luca explained that he would like to start using town funds to augment Ch. 90 paving money. R. Pontbriand stated that he will sit down with the DPW Superintendent and the Town Accountant to begin discussions on the concept.

*Traffic Island Program Discussion* – A. Manóian is recommending that the traffic island program be completely managed by the Town as far as planting and maintenance. Sponsorship opportunities will still be available.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to approve the meeting minutes of September 5, 2017. **Motion passed 2-0.**

**Adjournment:**

**Motion:** A motion was made by G. Luca and seconded by C. Hillman to adjourn at 9:47 PM. **Motion passed 2-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: 10-3-2017

Signature Indicating Approval: 