

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



Tuesday May 17, 2016
Meeting Minutes

Broadcast and Recorded by APAC

Present: Gary J. Luca, Chair; Christopher R. Hillman, Vice-Chair

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

Absent: Jannice L. Livingston, Clerk

Call to Order: G. Luca called the meeting to order at 7:04 PM.

Pledge of Allegiance: The BOS and members of the audience stood and recited the Pledge of Allegiance.

Announcements: G. Luca made the following announcements:

- Sunday May 15 was National Peace Officers Memorial Day and the entire week is National Police Week.
- The first public meeting of the Master Plan will be May 24, 2016 at 7:00 PM at the Ayer Shirley Regional High School Commons Area.
- This week is National Public Works week and National Dog Bite Prevention week.
- There will be a job fair held at Nasoya Foods on May 18, 2016.

Review and Approve Agenda:

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the agenda. **Motion passed 2-0.**

Public Input: None

Chief Robert J. Pedrazzi, Ayer Fire Department: Chief Pedrazzi stated that the Town is mandated by FEMA to have a Natural Hazard Mitigation Plan to be eligible for federal mitigation grant money. He explained that MRPC has drafted a plan for the entire region and is asking the BOS for their consideration.

Motion: A motion was made by C. Hillman and seconded by G. Luca to adopt the 2015 Update of the Montachusett Region Natural Hazard Mitigation Plan. **Motion passed 2-0.**

Superintendent Mark L. Wetzel, Ayer Department of Public Works: M. Wetzel was in attendance for several matters, as listed below:

Appointment of Water Distribution System Operator – M. Wetzel is recommending Scott Schwinger to the position of Water Distribution System Operator. Scott has been employed by the Town since 2013 and has led the

effort in the water meter replacement project.

Motion: A motion was made by C. Hillman and seconded by G. Luca to appoint Mr. Scott Schwinger to the position of Water Distribution System Operator. **Motion passed 2-0.**

Acceptance of Willow Road Wastewater Pumping Station – W. Wetzel is requesting that the BOS, as the Sewer Commissioners accept ownership/operational responsibility of the Willow Road Wastewater Pumping Station as requested by Alpine Management Group. The proposal has been vetted by Town Counsel and M. Wetzel is recommending the acceptance.

Motion: A motion was made by G. Luca and seconded by C. Hillman to accept ownership of the Willow Road Wastewater Pumping Station. **Motion passed 2-0.**

West Main Street Pump Station Contract Execution – M. Wetzel reported that the bids for the construction of the West Main Street Pump Station Replacement were opened recently. 9 bids were received. The low bidder was Scherbon Consolidated Inc. of Amesbury. M. Wetzel has checked their references and is recommending the contract be executed.

Motion: A motion was made by C. Hillman and seconded by G. Luca to execute a contract between the Town of Ayer and Scherbon Consolidated Inc. of Amesbury in the amount of \$339,600 for the replacement of the West Main Street Pump Station with signature by the Chair. **Motion passed 2-0.**

2016 Paving and Road Treatment Contract – M. Wetzel stated that bids for 2016 - 2018 Road Paving and Treatment (Chapter 90) were opened on April 6, 2016. The contract is for one year with the option of extending the contract for two additional years. The Town received 9 bids and PJ Albert Inc. of Fitchburg was the low bidder. The roads being paved in 2016 are as follows: Calvin Street, Washington Street and Pleasant Street.

Motion: A motion was made by C. Hillman and seconded by G. Luca to execute a contract between the Town of Ayer and PJ Albert, Inc. of Fitchburg in the amount of \$315,684 for the Chapter 90 2016 paving and road treatment with signature by the Chair. **Motion passed 2-0.**

Pleasant Street Reconstruction Project Contract Execution – Town Engineer Dan Van Schalkwyk was in attendance and is asking the Board to execute the contract of the bid they approved at the last BOS meeting for the Pleasant Street Reconstruction Project.

Motion: A motion was made by G. Luca and seconded by C. Hillman to execute the contract between the Town of Ayer and Ricciardi Bros., Inc. of Worcester, MA in the amount of \$833,566.45 for the Pleasant Street Reconstruction Project with signature by the Chair. **Motion passed 2-0.**

Installation of Wastewater Pumping Station Cellular RTU's – M. Wetzel stated that the bids for installing Wastewater Pumping Station Cellular RTUs (Remote Telemetry Units) were opened on May 5, 2016. The Town received two bids and Weston & Sampson CRM Inc. was the low bidder.

Motion: A motion was made by C. Hillman and seconded by G. Luca to execute the contract between the Town of Ayer Weston and Sampson CRM Inc. in the amount of \$40,500 for the installation of the Wastewater Pumping Station Cellular RTUs with Signature by the Chair. **Motion passed 2-0.**

BeWell Organic Medicine, Inc. - Presentation for Proposed Medical Marijuana Cultivation Facility, 31 Willow Rd: Mr. Chuck Saba and Mr. Charles Saba were in attendance requesting a letter of non-opposition for a medical marijuana cultivation facility located at 31 Willow Road.

R. Pontbriand explained that Mr. Saba met with several department heads a couple of weeks ago to go over the proposal. The applicant met with the Police Chief, Fire Chief and Fire Prevention Lieutenant, the Department of Public Works Superintendent, the Town Administrator's Office and Building Department representatives.

C. Hillman asked about the possible expansion of the facility. Mr. Saba stated that there is an approved addition on the property but is aware of a time limit on the proposed expansion. He doesn't know if he would need the expansion or not at this time.

Mr. Saba then stated that the medical marijuana landscape may be changing depending on the outcome of a November 2016 ballot question that would legalize marijuana for recreational purposes.

C. Hillman asked if this location would be a cultivation-only facility. Mr. Saba stated that yes for this site they are only looking to cultivate and process the product. Mr. Saba further stated that if recreational marijuana ballot question was passed in November, he would revisit a retail location if the Town was interested.

Mr. Saba went on to say that medical marijuana is a heavily taxed industry.

C. Hillman asked what benefits the Town would realize if they BeWell Organic Medicine were to open in Ayer. Mr. Saba stated that he would be interested in helping veteran's, children and senior's organizations in Ayer but is willing to discuss other ideas the Town may have.

Ms. Elizabeth Tennessee, 6 Church Street asked about water usage on the property.

C. Hillman asked several more questions. G. Luca asked how the BOS should proceed and stated because J. Livingston was absent maybe they should defer it to the next meeting with a full Board. R. Pontbriand asked Mr. Saba what his time frame was. Mr. Saba stated that he only had until the end of this month because of the Purchase and Sales agreement.

Motion: A motion was made by C. Hillman and seconded by G. Luca to authorize a letter of non-opposition to BeWell Organic Medicine, Inc. for a cultivation only facility located at 31 Willow Street and if approved by DPH enter into a host agreement with the facility. **Motion failed 1-1.**

Town Administrator's Report:

Administrative Update – R. Pontbriand gave an administrative update offering the following: he thanked the Board, residents, department heads and employees for their help and hard work relating to the May 9, 2016 Annual Town Meeting; he stated that he had received correspondence from the Attorney General's Office on the Nuisance Bylaw approved at the 2015 Fall Town Meeting and he would be meeting with relevant department heads to review; he has been informed that MassDevelopment is requesting a Super Town Meeting for a zoning question which will be held the evening of the Ayer Special Fall Town Meeting; today he, Ms. Antonellis, Chief Murray and Town Clerk Susan Copeland had their first meeting of the Bylaw Review committee and that the project will take several months, if not longer to complete; several staff

members have been meeting every other week to review the Personnel Policies and Procedures to make recommendations to the Personnel Board; the CORI and Sexual Harassment policies have been approved by the Personnel Board and will be in front of the BOS for consideration at their next meeting; Chief Pedrazzi has scheduled the tank removal at the former fire station and the RFP for the Police Station Roof will close on June 3, 2016.

St. Mary's Parish – Request for One Day Beer and Wine License (6/18/16) – R. Pontbriand stated that the BOS office had received a request from St. Mary's Parish for a one day beer and wine license for the Annual Block Party to be held on June 18, 2016 from 1:00 PM to 10:00 PM.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the one day beer and wine only license for St. Mary's Parish for the Block Party to be held on June 18, 2016 from 1:00 PM to 10:00 PM.

Motion passed 2-0.

New Business/Selectmen's Questions

Existing 20' +/- Easement Depot Square (Selectman Luca) – G. Luca would like to explore possibilities as it relates to the existing easement in Depot Square between the pet shop and the barber shop. He would like R. Pontbriand to contact MBTA to discuss how that easement could be transferred to the Town. R. Pontbriand stated that there was some confusion to who actually owned the easement, whether it was MBTA or Pan-AM. He will look into it and report back to the Board at the next meeting.

Tree Warden Responsibilities (Selectman Hillman) – C. Hillman stated that he wanted to discuss the role of the Tree Warden in Town and whether it made sense to have the position be appointed, rather than elected. He stated that it was not a criticism of the current Tree Warden and wanted R. Pontbriand to check in with other Towns to see how they handle the issue.

C. Hillman also would like the "Adopt an Island" program relooked at. He thinks there should be a threshold or more stringent program guidelines of what the Town's expectations would be.

C. Hillman also stated that it was a great weekend in Ayer with the Muck Fest at Devens and the Bresnahan Run the following day.

G. Luca thanked residents for donating the United States Postal Service's Annual Food Drive.

Approval Meeting Minutes:

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the meeting minutes of May 3, 2016. **Motion passed 2-0.**

Adjournment:

Motion: A motion was made by C. Hillman and G. Luca and seconded by C. Hillman to adjourn at 9:26 PM. **Motion passed 2-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: 7 JUN 16

Signature of BOS Clerk Indicating Approval: 