

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



Broadcast and Recorded by APAC

Tuesday July 16, 2019
Open Session Meeting Minutes

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AUG 14 2019

TOWN OF AYER

Priscilla Gopland

BOS Present: Scott A. Houde, Chair; Jannice L. Livingston, Vice-Chair

BOS Absent: Christopher R. Hillman, Clerk

Also Present: Robert A. Pontbriand, Town Manager
Carly M. Antonellis, Assistant Town Manager

Call to Order: S. Houde called the meeting to order at 7:00 PM.

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

Announcements: None

Approval of Agenda:

Motion: A motion was made by J. Livingston and seconded by S. Houde approve the agenda. **Motion passed 2-0.**

S. Houde thanked all staff and volunteers for another successful Fourth of July celebration.

Public Input: None

Joint Appointment of Parks Commissioner by BOS and Parks Commission: BOS members were joined by Park Commissioners Sarah Gibbons and Kevin Williams. R. Pontbriand explained that the term duration will be until the spring 2020 election, at which time the successful appointee would be on the ballot. The joint board interviewed Mr. Jeff Testa and Mr. Jason Leone. Both applicants currently serve on subcommittees for the Parks Commission.

Motion: A motion was made by K. Williams and seconded by S. Gibbons to appoint Mr. Jeff Testa to the vacant Parks Commission seat until the spring election in April 2020. **Motion passed 4-0.** Parks Commission members left the table.

Change of Hours Request – The Vineyard, 63 Park Street: Jeff Gendron, owner of The Vineyard, 63 Park Street is looking to expand his Monday – Saturday hours from 10:00 AM – 9:00 PM to 9:00 AM to 10:00 PM. The request was reviewed by Chief Murray and there are no issues.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the request from Jeff Gendron to change the Vineyard's Monday – Saturday hours to 9:00 AM – 10:00 PM. **Motion passed 2-0.**

Proposed DRAFT Community Host Agreement – Pharmaseed, Inc.: Mr. Justin Smith and Mr. Dave Giannetta of Pharmaseed, Inc. were in attendance to discuss a proposed Community Host Agreement relating to a proposed recreational marijuana cultivation and processing/manufacturing business to be located at 4 New England Way. Mr. Smith and Mr. Giannetta gave a brief overview of the location. They stated that they have license agreements with 5 other retail locations outside of Ayer to sell the product. Their mission includes hiring Ayer residents, which will also require a community service aspect paid for by Pharmaseed, Inc. Pharmaseed is looking to invest over \$3 million dollars into the current structure and utilize approximately 20,000 square feet of growing space. The proposed agreement includes a payment of one percent (1%) of the gross wholesale sales to the Town of Ayer, which they are estimating to be about \$360,000 annually. BOS members were comfortable with the proposed HCA. C. Antonellis recommended sending the document to

Town Counsel for review. BOS members and Pharmaseed, Inc. representatives agreed and that the item would be placed on the August BOS agenda.

Mark Wetzel, DPW Superintendent: *Execution of Contract for Grove Pond Water Treatment Plant PFAS Treatment Facilities Project* – M. Wetzel explained that general bids for the Grove Pond Water Treatment Plant PFAS Treatment Facilities Project were opened on June 5, 2019; there were two (2) bids of \$3,139,889.00 and \$3,337,677.00. The low bidder is Winston Builders Corporation of Westboro, MA. He is recommending executing the contract with Winston Builders Corporation for the total base bid of \$3,139,889.00.

Motion: A motion was made by J. Livingston and seconded by S. Houde to execute a contract between the Town of Ayer and Winston Builders Corporation, Westboro in the amount of \$3,139,889.00, with signature by the Chair. **Motion passed 2-0.**

Execution of Contract for 2019 Water System Hydrant Replacement – M. Wetzel explained that General bids for the Water System Hydrant Replacement Project were opened on June 25, 2019; there were nine (9) bids ranging from \$60,500.00 to \$103,033.00 for the total base bid. The low bidder is Cedrone Corporation of North Billerica, MA. He is recommending approving the contract with Cedrone Corporation, North Billerica for the total base bid of \$60,500.00.

Motion: A motion was made by S. Houde and seconded by J. Livingston to execute a contract between the Town of Ayer and Cedrone Corporation in the amount of \$60,500. **Motion passed 2-0.**

Execution of Contract for Grove Pond Water Treatment Plant Filter Media Replacement – M. Wetzel informed the BOS that General bids for the Water System Hydrant Replacement Project were opened on June 20, 2019; there were 5 bids ranging from \$273,000.00 to \$427,677.00 for the total base bid. The low bidder is Winston Builders Corporation of Westboro, MA at \$273,000.

Motion: A motion was made by J. Livingston and seconded by S. Houde to execute a contract between the Town of Ayer and Winston Builders Corporation, Westboro in the amount of \$273,000.00, with signature by the Chair. **Motion passed 2-0.**

2019 Paving and Road Treatment Contract – M. Wetzel stated that Bids for 2019 through 2021 Road Paving and Treatment were opened on May 3, 2019. This is for Chapter 90 projects and includes paving and sealing of roads. The contract is awarded for one year with the option of extending the contract for two additional years. The Town received 5 bids and PJ Albert Inc. of Fitchburg, MA is the low bidder. He is recommending executing the contract with PJ Albert Inc.

Motion: A motion was made by J. Livingston and seconded by S. Houde to execute a contract between the Town of Ayer and PJ Albert, Inc. in the amount of \$383,089.41 with signature by the Chair. **Motion passed 2-0.**

General DPW Update – M. Wetzel and Town Engineer Dan Van Schalkwyk gave brief updates on various DPW initiatives and projects.

S. Houde asked M. Wetzel about underground power lines on Park Street because C. Hillman has requested a discussion on it. M. Wetzel said that though that is ideal, it is very costly and when the connections are made to individual home services, all individual services have to be up to code or they are unable to connect to the underground infrastructure.

Alan Manoian, Director, Community & Economic Development: *Welcome to Ayer Sign* – A. Manoian gave the BOS an update on the “Welcome to Ayer Sign” which is being erected as part of the Host Community Agreement with Central Ave. Compassionate Care/Late Spring, Inc. The sign is being designed and installed by Swenson Granite Company. BOS members agreed that the front of the sign will say “Welcome to Ayer” and “Est. 1871”. The back of the sign will be the Town’s seal accompanied by language included in the Community Host Agreement relative to the legalization of cannabis.

Town Manager’s Report: *Administrative Update/Review of Warrant(s)*– R. Pontbriand provided an administrative update of the various activities, initiatives, and projects of the Administration for the period of time since the BOS last met. He also

referenced the Meeting Packet for a list of Payroll and Accounts Payable Warrants that have been signed since the last meeting.

Appointments – Cultural Council – R. Pontbriand is requesting that the BOS appoint Ms. Claudia Abbes and Ms. Sarah Callahan to the Ayer Cultural Council to two unexpired terms, expiring on June 30, 2021.

Motion: A motion was made by J. Livingston and seconded by S. Houde to appoint Ms. Claudia Abbes and Ms. Sarah Callahan to the Ayer Cultural Council to two unexpired terms, expiring on June 30, 2021. **Motion passed 2-0.**

Rate Review Committee – Based on feedback from the past BOS Meeting, R. Pontbriand is recommending that the BOS take a formal vote to change the length of term for the Rate Review Committee Resident and Business Community appointments from a 1 year term to a 3 year term.

Motion: A motion was made by S. Houde and seconded by J. Livingston to change the resident and business community terms from 1 year to 3 years. **Motion passed 2-0.**

Motion: A motion was made by S. Houde and seconded by J. Livingston to reappoint Ms. Mary Spinner and Mr. Richard Skoczylas to a three year term on the Rate Review Committee, both terms to expire June 30, 2022. **Motion passed 2-0.**

Authorization to Execute Town Hall Chiller Contract – R. Pontbriand reported that the Town received 6 bids for the Town Hall Chiller Replacement; the low bidder was Ambient Temperature Corp. (ATCO) from Newburyport, MA at \$94,000. R. Pontbriand is requesting that BOS vote to award the contract for the replacement of the Town Hall chiller to ATCO of Newburyport and is recommending that the BOS vote to authorize the Town Manager to sign the contract contingent upon legal review by Town Counsel.

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the contract with signature by the BOS in the amount of \$94,000 to Ambient Temperature Corp. for the Replacement of the Town Hall Chiller and to authorize the Town Manager to sign the contract on behalf of the BOS. **Motion passed 2-0.**

August BOS Meeting Date – BOS members agreed to hold the August BOS meeting on Tuesday August 13th at 7:00 PM.

New Business/Selectmen's Questions: *Elementary School Update (Selectman Houde)* – S. Houde stated that he and R. Pontbriand were scheduled to discuss the elementary school with the Finance Committee last month but there was no quorum. He will keep the BOS updated once they are able to meet.

Building Department Permit Fees (Selectman Hillman) – R. Pontbriand stated that Building Commissioner Charlie Shultz will be undertaking a review of all building department fees as one of his yearly goals.

Approval of Meeting Minutes:

Motion: A motion was made by J. Livingston and seconded by S. Houde to approve the meeting minutes from June 18, 2019. **Motion passed 2-0.**

Executive Session Pursuant to MGL Chapter 30A, Sec. 21A: At 8:20 PM a motion was made by J. Livingston and seconded by S. Houde to enter into Executive Session pursuant to MGL Chapter 30A, Sec. 21A Exemption #3 (Litigation Strategy) *Fire Foam 820 Litigation (PFAS/PFOA)* and Exemption #3 (Litigation Strategy) *Lahiff v. Town of Ayer* and to adjourn at the conclusion of the Executive Session. J. Livingston stated further that to discuss these matters in an Open Session would be detrimental to the Town's negotiating strategy. **By Roll Call Vote:** S. Houde, aye; J. Livingston, aye. **Motion passed by Roll Call Vote 2-0.**

Minutes Recorded and Submitted by Carly M. Antonellis, Assistant Town Manager

Date Minutes Approved by BOS: 13KUG19

Signature Indicating Approval: 