

TOWN OF AYER, MA
AYER BOARD OF SELECTMEN MINUTES
Tuesday, November 19, 2013
1st Floor Meeting Room, Main Street, Ayer, MA

The Board of Selectmen's Open Session Meeting is Video Recorded by APAC

The Selectmen's Meeting can be viewed in its entirety on the Town's Website at: www.ayer.ma.us

7:00p.m. Chairman Conley called the meeting to order in Open Session.

Present: Chairman-Pauline Conley, Vice-Chairman-Gary J. Luca, Christopher R. Hillman-Clerk, Members James M. Fay and Jannice L. Livingston. Robert Pontbriand-Town Administrator and Janet Lewis-Secretary.

Ms. Conley opened the meeting by stating that the Board prior to meeting in Executive Session earlier this evening and the Board took a vote to amend the Open Session Agenda of 11-19-13 reorganize the Board of Selectmen. This motion was made by Selectman Fay and Seconded by Selectman Livingston with a unanimous vote in Open Session to approve the amendment for the Open Session Agenda to include Reorganization of the Ayer Board of Selectmen.

Mr. Fay read into the record a brief statement pursuant to the Board of Selectmen's Policy 99-13-Removal of Chair by Majority Vote-(see attached) for violation of Board policies 99-10 on Rules and Ethics (see attached) for the unauthorized removal of an Executive Session document from the Selectmen's Office. Mr. Fay advising to a formal inquiry has been requested by him to the State Ethics Commission and that Town Counsel has been advised of the matter. Mr. Fay stated that it is in the best interest of the Board of Selectmen and Town of Ayer that Chairman Conley be removed from the Chairman's position. Mr. Fay stating it is a matter of trust and as a result of Chairman Conley's actions trust has been severely damaged. Mr. Fay updated all to situation involving the removal of an Executive Session document the Board had unanimously voted on November 7, 2013 to be transferred to another entity being removed not once but twice from the Selectmen's Office by Ms. Conley without Board authorization before all members could sign them and on two separate instances slipping the document under the door of the Town Administrator's Office. Mr. Fay stated that he had called Ms. Conley and e-mailed Ms. Conley with no response prior to the meeting regarding the status of the document.

Ms. Conley attempted to explain her position on the matter of why she removed the document from the Selectmen's Office. Stating that she had discussed with the Town Administrator and Mr. Hillman concerns about the procedure being used in the document as it related to which version of the Personnel Policies.

Mr. Fay interjected a point of order stating that he did not want Executive Session material revealed publically.

Ms. Conley continued to explain on Nov. 12, 2013 that she had communicated her concerns about the document to the Town Administrator and had made arrangements to return the document on November 13, 2013 at 5pm and explained that when she came to the Office at 5pm, Ms. Lewis informed her that the Town Administrator had to leave at 3pm.

Mr. Fay interjected that these "explanations" do not explain why Ms. Conley removed an official, signed, document from the Board of Selectmen's Office. When he asked Ms. Conley about it she offered no explanation.

Ms. Conley continued to explain that she had previously informed the Town Administrator that she no longer receives Town emails on cell phone because her Employer does not permit non-work related e-mail on their Server.

Mr. Fay interjected that again, this was not true, and her "explanations" do not justify the fact that she removed the document. Mr. Fay indicated that he received an email from Ms. Conley which he held up a copy of her email.

Motion: Ms. Livingston moved the Board remove Pauline Conley as Chairman of Board of Selectmen, 2nd by Mr. Hillman for discussion, requesting to hear Ms. Conley side of story.

Ms. Livingston listed the chronology of events leading up to action closing with for whatever reason Ms. Conley "played a game" she lost her confidence in her. Ms. Conley denied events as outlined by Ms. Livingston and urged the Board wait until they hear back from the Ethics Commission before doing anything and if her actions were erroneous then deal with the matter from that point.

Mr. Fay requested Ms. Conley call for a vote repeatedly during Ms. Conley's attempts to explain her actions re Personnel Policy concerns she had regarding which version was correct. Ms. Conley called the vote: Mr. Fay aye, Ms. Livingston aye, Mr. Luca aye, Mr. Hillman no, Ms. Conley no **3-2 motion passes.**

This vote set off a heated exchange between Mr. Fay and Mr. Hillman re Mr. Hillman agreeing earlier with Mr. Fay re Ms. Conley's behavior and that she should be removed as Chairman.

After order was restored Ms. Conley called for a vote for Chairman. Ms. Conley nominated Mr. Fay, who declined and nominated Mr. Luca, 2nd by Ms. Livingston, VOTE: Mr. Fay aye, Ms. Livingston aye, Mr. Luca aye, Mr. Hillman aye, Ms. Conley no, 4-1 motion passes. Mr. Luca now Chairman. Ms. Conley called for nominations for Vice-Chair. Ms. Conley nominated Mr. Hillman as Vice-Chair, 2nd by Mr. Luca,

VOTE: Mr. Luca aye, Ms. Conley aye, Ms. Livingston aye, Mr. Hillman aye, Mr. Fay no, **VOTE: 4-1** motion passes. Mr. Hillman now Vice-Chair.

At the conclusion of this Vote, there was another round of heated discussion between Mr. Fay & Mr. Hillman.

Mr. Luca assumed Chairmanship of the Meeting and proceeded with the Business of the Agenda. Ms. Conley requested there be no stifling of discussion. Mr. Luca advising/reminding Ms. Conley that he will run meeting as he sees fit.

Marijuana Facilities looking to locate in Ayer, MA-Mr. Pontbriand updated all to Three (3) presentations scheduled for this evening with one (1) withdrawal Middlesex Medicine (MIM) a non-descript facility requesting a growing portion and retail portion located in separate locations on Groton St. former Horn Building.

Massachusetts Military Veterans Assistance- Botanica Dispensary-Marijuana Cultivation and Dispensing Facility- The Board met with Duncan Rose, Chief Operating Officer (COO) and Peter Weil(CEO). Mr. Rose opened the discussion by advising to organizational plan to benefit/support veterans, the Ayer community and greater patient community at 11 Willows Rd, a 27K foot facility-former Air Power of N.E. Mr. Rose reviewed with the Board the two components of organization: **Non-Profit** for the research, development, growth and distribution of medical horticulture products with the primary benefit to help support Veterans & Patients with support and medical needs to maximize the benefits. Minimize the risks to the host community as well as to develop new methodologies, working with WPI technology re growing/vertically to save space for the hydroponic growth of medicinal plants. **For Profit** for the commercialization of vertical horticulture with primary objective to grow hydroponic food to supply the wholesale and vegetable market in eastern MA. Mr. Rose reviewed with the Board the organizational plan and supporting veterans by providing jobs-up to 40 positions, providing training and funding veterans programs i.e. NEADS (service dogs for deaf and disabled veterans). Mr. Rose advising the Board to no traffic, marketing, advertising, problems anticipated. Safety & security primary to venture and will work together with the community. Projecting maximum of 100/people a day and minimum of 10/people a day. Town of Ayer will receive \$120K when up and running. Ms. Heather Hasz, Chairman of the Board of Health advising to site being in aquifer zone requiring a Public Hearing. Mr.

Fay reviewing Town's earlier application re Public process included Public Hearing, site visits, Open House, Town Meeting Vote of support, 3-4 month process. Chairman Luca stating his concern re Letter of Support (L-O-S) Request and need to know more; requesting Board takes no action. Ms. Coney requesting if they plan to proceed without letter of support to purchase property and advised to L-O-S Military Veterans Asst. Group defining tool to move forward.

8:15p.m. Meeting ended with Botanica Dispensary for MA Military Veterans Asst. Group

8:15p.m. Selectman Livingston left meeting.

MCPCC-MA Compassionate Patient Care Corporation-Marijuana Cultivation and Dispensing Facility

The Board met with Gordon Kaminer who advised to his company planned to locate its cultivation operations at the same address as Botanica-11 Willows Rd., Ayer, and MA with an additional site at 1 Bishop Rd., Ayer, and MA for the dispensing of the medical marijuana to patients. Where it will offer marijuana in all forms to alleviate pain, mixed with different types of foods also for nausea, dizziness and other ailments. Mr. Kaminer also advising to security measures to be tight, facility totally videotaped/camera-motion detectors 24/hours a day. Mr. Kaminer offering to partner with local law enforcement, with Police access and addressed other areas of concern brought up earlier with the Board i.e. traffic, job creation and benefits to the community. Mr. Kaminer advising to operating three other medical marijuana facilities in Colorado as Botanica with the hopes of expanding and intends to be a good corporate neighbor. Mr. Kaminer also advising to providing free or reduced medicine to patients with verified financial hardships as well as offering discounts to veterans, SSI recipients and MA Healthcare individuals along with a percentage of their monthly sales for free distribution to qualifying patients. Frank Maxant stating Ayer cannot be home to all five dispensaries and cannot endorse any without public opinion. Mr. Fay again stating he wants to go through public process, and doesn't have time for, he cannot give letter of support or non-opposition based upon prior criteria. Mr. Fay moved the board take no action on both applications before the Board this evening, 2nd by Mr. Luca, VOTE - unanimous, so moved.

9:00p.m. Mr. Fay moved to adjourn the meeting, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

9:00p.m. Meeting adjourned

Minutes approved January 7, 2014

Chairman Gary J. Luca

A handwritten signature in cursive script, appearing to read "Gary Luca", written over a horizontal line.

