

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



Tuesday October 6, 2015
Meeting Minutes

Broadcast and Recorded by APAC

Present: Jannice L. Livingston, Chair; Gary J. Luca, Vice-Chair;
Christopher R. Hillman, Clerk (*Entered at 7:06 PM*)

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

Call to Order: J. Livingston called the meeting to order at 7:00 PM.

Review and Approve Agenda:

Motion: A motion was made by G. Luca and seconded by J. Livingston to approve the agenda.

Motion passed 2-0.

Announcements: J. Livingston made the following announcements:

- World War II veterans and families are welcome to attend an event honoring World War II Veterans with special guest speaker Governor Charlie Baker on October 23, 2015 at 1:00 PM at the Hall of Flags at Fort Devens.
- The Ayer Fire Department will host an Open House Saturday, October 10, 2015 10am – 2pm at the Ayer Fire Station - 1 West Main St.
- The Ayer Police Department is now accepting application for its 16th Annual Citizen's Police Academy.
- The Ayer Shirley Regional High School Ribbon Cutting will be held on October 9, 2015, 10:00 AM
- The "Recycle Your Reusables" Event will take place Saturday October 17, 2015 from 9:00 AM – 2:00 PM at the Ayer Shirley Regional Middle School located in Shirley.
- The next meeting for the Comprehensive Plan Committee will be held on October 27, 2015 at 6:00 PM.

Public Input: None

Ms. Alicia Hersey, Program Manager, Office of Community Development: Ms. Hersey introduced Ms. Hillary Curtis from Advocates, Inc. to present the Behavioral Health Treatment Court Collaborative Grant (BHTCC) between the Town of Ayer and Advocates, Inc. Ms. Curtis stated that Advocates, Inc. will be expanding to the Worcester court, based on the success of the program at the Ayer District Court.

C. Hillman enters at 7:06 PM

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve and sign the BHTCC grant between the Town of Ayer and Advocates, Inc. in the amount of \$341,312. **Motion passed 3-0.**

Ms. Curtis also presented the Board of Selectmen with a check in the amount of \$250 for the holiday lights fund.

Compliance Certificate Local Initiative Program (LIP Program), 308 Autumn Ridge Drive – Ms. Hersey explained that the unit at 308 Autumn Ridge Drive has been sold and the Department of Housing and Community Development would like the BOS to authorize DHCD’s Compliance Certificate.

Motion: A motion was made by G. Luca and seconded by C. Hillman to authorize the Compliance Certificate with signature by the Chair. **Motion passed 3-0.**

Lien Subordination, 3 Groton Harvard Road - A. Hersey stated that the BOS approved the assumption request at the last meeting and is now requesting approval of the subordination request on case #09-330 in the amount of \$120,573.00.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the subordination of the Town’s lien for a first mortgage in the amount not to exceed \$120,573. **Motion passed 3-0.**

The Board then expressed their best wishes for Mr. David Maher, Director of Economic and Community Development who will be moving to South Carolina at the end of the month.

Class II Motor Vehicle License Application: *Power of Honesty, Inc. 179 West Main Street* - Attorney Ken Shutzer was in attendance with his clients Pavel Shumilovskiy and Pavel Batsian. The applicants are seeking a Class II motor vehicle license for 179 West Main Street. Attorney Shutzer detailed the information in the application.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the Class II license application for Power of Honesty, Inc located at 179 West Main Street. **Motion passed 3-0.**

Mr. John Hillier, Central Ave. Compassionate Care: Mr. Hillier explained that they have started cultivating medical marijuana and will start seeing patients by the end of October/beginning of November. Mr. Hillier explained the net revenue distribution formula for Central Ave. Compassionate Care, where 50% goes back into the business, 20% is for patient transportation and 30% for public education and public grants. The availability of the funding for public education/grants will be delayed somewhat due to him needing to meet expenses but he was still very much committed in making funds available. The Board thanked him for the update.

Seven Point of Massachusetts, Inc.: Attorney Valerio Romano and Founder Brad Zerman brought forth a rendering of the proposed facility at 99 Fitchburg Road for a cultivation-only medical marijuana site. Attorney Romano and Mr. Zerman stated that they will not be selling the product in Ayer, just cultivating and processing it.

G. Luca stated his concerns; primarily that he doesn't want the Town of Ayer to be associated with marijuana.

C. Hillman asked if Chief Murray had any concerns. Chief Murray stated that he has many concerns and that he hasn't spoken to this company at all. Attorney Romano stated that they have every intention of working with all public safety officials, but didn't feel like they were far enough in the process to do so.

J. Livingston then highlighted the estimated timeline in the process. She estimated it would be 2017 before they began cultivating.

C. Hillman said he felt more comfortable with the proposal because it was a cultivation only site. Attorney Romano said they could write the cultivation-only stipulation into the letter of non-opposition.

G. Luca asked why they hadn't reached out to the Police Department.

Mr. Zerman stated that Seven Point has to find a home first, and then go through the local process. He stated again that he had every intention to work with local officials throughout the process.

Motion: A motion was made by C. Hillman and seconded by J. Livingston to grant a letter of non-opposition for a cultivation only facility located at 99 Fitchburg Road for Seven Point of Massachusetts, Inc. **Motion passed 2-1.**

Review and Approval of Special Fall Town Meeting Warrant:

Chairman S. Houde called the Finance Committee to order at 8:07 PM.

R. Pontbriand suggested going through the warrant article by article and if anyone wanted to discuss a specific item to say "pass".

S. Houde asked to hold Article 3, Article 5; J. Livingston asked to hold Article 6; G. Luca asked to hold Article 14; R. Pontbriand asked to hold Article 15.

Articles 2-4 - S. Houde requested additional information as it pertains to the intent of the study, specifically if it covered all non-union positions or those not covered by personal services contracts.

R. Pontbriand gave a history of the entire process and said he was surprised with the Finance Committee's questioning of the intent in the eleventh hour after the Personnel Board unanimously approved the study to move forward.

G. Luca stated that though there were flaws in the process, he felt compelled to yield to the study in an effort to treat all employees fairly.

S. Houde stated that he didn't appreciate the way he was being treated.

Article 5 – S. Houde stated that he had issues with the use of a stipend. He would like to see this funding in the fire department line item in future budgets for transparency.

Article 6 – J. Livingston stated that both the ZBA and Planning were zeroed out at the 2014 Annual Town Meeting. She also said the amount of the funding request was never explained to her and she thought the hours requested were a little high. J. Livingston further stated she had concerns with the article overall: the timing, the hours requested, the amount requested.

R. Pontbriand stated that based on the concerns from around the table and the legal issues that need to be brought to light; he would recommend withdrawing the article.

Motion: A motion was made by G. Luca and seconded by C. Hillman to strike Article 6. **Motion passed 3-0.**

Article 14 – G. Luca asked what the Town's obligation would be. M. Wetzel stated this was the first step, as there is a Town Bylaw that requires approval for out of Town sewer and water connections. All of the details would be worked out in an Inter Municipal Agreement, pending the Town of Groton receiving the MassWorks grant.

Article 15 – J. Livingston asked the Town Moderator to explain this article. He stated that this article is clarifying that on a voice vote needing two-thirds approval, after ascertaining from the stage that two-thirds have approved the vote, if 1 member of Town Meeting questioned that ruling, then voters would be counted.

Citizen's Petition – Members from both committees were looking for information as to quantify the request. J. Livingston stated that the Water and Sewer Rate Review Committee discussed it at their last meeting. M. Wetzel stated he was in the process of running the numbers to get an actual cost.

S. Houde stated that he made notes of the financial articles, those being: 1,2,3,4,5,7,8 and 9. He asked if there were any objections.

P. Conley stated she objected Warrant Article 3.

Finance Committee Motion: A motion was made by P. Conley and seconded by M. Zawacki to recommend articles 1,2,4,5,7,8 and 9 to Town Meeting. **Motion passed 3-0.**

There was no motion to recommend article 3 from the Finance Committee.

Finance Committee Motion: A motion was made by S. Houde and seconded by M. Zawacki to adjourn at 9:04 PM. **Motion passed 3-0.**

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the Special Fall Town Meeting warrant as edited. **Motion passed 3-0.**

J. Livingston steps out of room momentarily.

Superintendent Mark Wetzel, Department of Public Works: M. Wetzel presented a list of items for BOS consideration.

Execute Layout of Calvin Street Extension, Blueberry Circle, Hibiscus Lane, Mulberry Circle, Magnolia Drive and Samantha Lane - M. Wetzel stated that this was the final step needed to be taken prior to the Fall Town Meeting and that the Planning Board had approved the layout at their October 1, 2015 meeting.

Motion: A motion was made by G. Luca and seconded by C. Hillman to execute the layout of Calvin Street Extension, Blueberry Circle, Hibiscus Lane, Mulberry Circle, Magnolia Drive and Samantha Lane. **Motion passed 2-0.**

J. Livingston re-enters.

Transfer Station Paving Contract Execution – M. Wetzel is recommending that the contract be executed between the Town of Ayer and Sunshine Paving Corporation from North Chelmsford.

Transfer Station Concrete Pad Construction Contract Execution – M. Wetzel is recommending that the contract be executed between the Town of Ayer and Sunshine Paving Corporation from North Chelmsford.

Motion: A motion was made by G. Luca and seconded by C. Hillman to execute the contracts for both the Transfer Station Paving and Transfer Station Concrete Pad Construction between the Town of Ayer and Sunshine Paving from North Chelmsford in the amounts of \$82,000 and \$53,000 respectively. **Motion passed 3-0.**

Washington (Highland to Nashua) Street Water Main Replacement Contract Execution – M. Wetzel is recommending that the contract be executed between the Town of Ayer and Cedrone Corp. from North Billerica.

Motion: A motion was made by G. Luca and seconded by J. Livingston to execute the contract for the Washington Street Water Main Replacement between the Town of Ayer and Cedrone Corp. from North Billerica in the amount of \$208,046.67. **Motion passed 3-0.**

Upper Blackstone Water Pollution Abatement District (UBWPAD), Sludge Hauling Contract Extension – M. Wetzel stated that the Town has a Wastewater Sludge Disposal Agreement with UBWPAD. He is asking for consideration of the second one year contract extension.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the contract extension between the Town of Ayer and the UBWPAD for sludge hauling with signature by the Chair. **Motion passed 3-0.**

Family Dollar Water/Sewer Tie-In Discussion (Selectman Luca) - G. Luca requested additional information about the sewer tie-in at the Family Dollar location on Fitchburg Road. M. Wetzel gave him the

timeline of events. R. Pontbriand assured the BOS that no Certificate of Occupancy could be awarded without all matters being resolved with the Building Commissioner.

Town Administrator's Report: R. Pontbriand gave a very brief administrative update.

Appointments – R. Pontbriand stated that Ms. Susan Tordella had expressed interest in serving on the Comprehensive Plan Committee.

Motion: A motion was made by G. Luca and seconded by C. Hillman to appoint Ms. Susan Tordella to the Comprehensive Plan Committee. **Motion passed 3-0.**

Proposed Sexual Harassment Policy & Proposed CORI Policy – R. Pontbriand and Benefits and Payroll Manager Kevin Johnston presented a DRAFT Prevention of Sexual Harassment policy and a Policy on CORI checks. K. Johnston is recommending that both policies be sent to the Personnel Board for review, pursuant to the Personnel Bylaw.

J. Livingston stated that she thought the draft was decent, but wants people to be mindful that sexual harassment isn't always clear or has a real visual sign. There are many nuances that are hard to describe in a written policy.

Motion: A motion was made by G. Luca and seconded by C. Hillman to refer both draft policies to the Personnel Board for review. **Motion passed 3-0.**

New Business/Selectmen's Questions

G. Luca stated that October is breast cancer awareness month and to remember those affected by cancer. J. Livingston stated that not only women are affected by breast cancer.

Approval of the Minutes:

Motion: A motion was made by J. Livingston and seconded by C. Hillman to approve the meeting minutes from September 15, 2015. **Motion passed 3-0.**

Adjournment:

Motion: A motion was made by G. Luca and seconded by C. Hillman to adjourn at 9:54 PM. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Date Minutes Approved by BOS: October 20, 2015

Christopher R. Hillman, Clerk: Christopher R. Hillman