

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



Tuesday September 15, 2015
Meeting Minutes

Broadcast and Recorded by APAC

Present: Jannice L. Livingston, Chair; Gary J. Luca, Vice-Chair;
Christopher R. Hillman, Clerk (*Entered at 7:14 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.

Approve and Amend Agenda: R. Pontbriand requested to amend the agenda by adding the following:

- #4 “Subordination Agreement” under the Economic and Community Development Report
- #4 “Volunteer Policy” under the Town Administrator’s Report
- #5 “Review/Approval of USDA Grant and Loan” under the Town Administrator’s Report
- #6 “Disposal of Surplus Property” under the Town Administrator’s Report
- #2 “MBTA Update” under New Business/Selectmen’s Questions

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

Motion passed 2-0.

Announcements: J. Livingston read the following announcements: 1. The Office of the Town Clerk and Tax Collector will be closed on Friday, September 25th, 2015 for the carpet replacement. 2. The Ayer Police Department is now accepting applications for its 16th Annual Citizen’s Police Academy. 3. The Ayer Shirley Regional High School Ribbon Cutting will be held on October 9, 2015, 10:00 AM. 4. 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. 5. The Annual Turkey Party will take place November 18, 2015 at 7:00 PM at the Ayer Fire Department. 6. The 11th Annual Ayer Fire Department Thanksgiving Day 5K will be held November 26, 2015. Race starts at 8:00 AM from Fire Department.

Public Input: Town Treasurer, M. Stephanie Gintner addressed the Board regarding the status of MGL 32B 9 A ½. She stated that she sent letters out in June to other municipalities requesting the Town’s liability; she didn’t hear back from all communities, so the exact picture of the Town’s liability is not known.

Chris Hillman enters at 7:14 PM

S. Gintner stated she will be billing other communities for what they owe the Town of Ayer in January of 2016.

Chief William A. Murray, Ayer Police Department: Chief Murray is requesting the Board appoint Ms. Cheryl Shraison as a Per Diem Dispatcher for the Department. Ms. Shraison could not be in attendance due to a preexisting conflict.

Motion: A motion was made by C. Hillman and seconded by G. Luca to appoint Ms. Cheryl Shraison as a Per Diem Dispatcher, per Chief Murray's recommendation. **Motion passed 3-0.**

Purchase Order for Police Cruiser – Chief Murray presented a Purchase Order for the new police cruiser, as authorized by the May 2015 Annual Town Meeting.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve Purchase Order 2383 between the Ayer Police Department and MHQ in the amount of \$38,886.00 for a 2016 Ford Interceptor Utility Cruiser, as detailed in the Purchase Order, with signature by the Chair. **Motion passed 3-0.**

Mr. David Maher and Ms. Alicia Hersey, Office of Community and Economic Development: Mr. Maher and Ms. Hersey presented the final 2015 Community Development Block Grant documents in the amount of \$900,000 for the Board's approval and signature.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the CDBG grant in the amount of \$900,000 with signature by the Chair. **Motion passed 3-0.**

Promotion of Ms. Alicia Hersey – Mr. David Maher explained his request to offer Ms. Alicia Hersey a promotion to the position of Community Development Program Manager from her current position of Administrative Assistant.

R. Pontbriand explained that the promotion will not exceed 32 hours per week and would be no less than 16 hours per week, depending on the case load. Her current 8 hours a week for the Economic Development Department would remain intact. R. Pontbriand was in formal communication with the Union and they had no issues with waiving the internal job posting.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the promotion of Ms. Alicia Hersey to Program Manager for the Community Development Department (not to exceed 32 hours per week) and keeping her 8 hours of Economic Development hours intact, effective September 10, 2015. **Motion passed 3-0.**

CDBG Loan Assumption – Ms. Hersey explained the request for approval of a loan assumption for 3 Groton Harvard Road for the transfer of property from the estate of Mr. and Mrs. Sidelinger to the property owner's daughter, Ms. Tricia Walsh.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the assumption of loan for 3 Groton Harvard Road. **Motion passed 3-0.**

Because of some questions that arose while signing the CDBG documents, Ms. Hersey has to obtain additional information from the Community Development office at the State. The Board discussed making a

new motion to cover approval of the Chair's signature, in the event that the forms had to be changed for something technical in nature.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve changes, if necessary, with the CDBG forms after further investigation by Ms. Hersey. **Motion passed 3-0.**

Subordination Agreement – Ms. Hersey outlined the request to subordinate a loan on the Spaulding Building, 25 Main Street. Tross Corp. is paying off a current loan and refinancing through North Middlesex Savings Bank. Previously, the Town subordinated its mortgage July of 2012 when Tross Corp. purchased the property from Page Moore Realty Trust. The new loan is valued at \$636,000.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the subordination between the Town and North Middlesex Savings Bank and Tross Corp. **Motion passed 3-0.**

C. Hillman publicly disclosed that his second cousin is Mr. Keith Leighton who holds interest in Spaulding Building.

Personnel Board Presentation of Non-Union Compensation Study: Lt. Gill and Ms. Lisa White, Personnel Board members were present to give a brief informational presentation of the proposed Non-Union Compensation Study for consideration by the October 26, 2015 Special Fall Town Meeting.

Seven Point of Massachusetts, Inc.: Attorney Valerio Romano and Brad Zerman, Founder/CEO of Seven Point of Massachusetts, Inc. were in attendance to discuss their request for a letter of support or non-opposition from the Town of Ayer. Seven Point of Massachusetts, Inc. submitted their application to the Massachusetts Department of Public Health on June 29, 2015 to become a Registered Marijuana Dispensary. Seven Point, Inc. is interested in a cultivation only facility in the Town of Ayer to work within their vertically integrated system, meaning product will be sold/dispensed in another city/town. Attorney Romano and Mr. Zerman spoke to the misconception in the process about registered medical marijuana facilities being tax exempt. They are a non-profit, which means they can do everything a corporation can do, except issue stocks. They are required to pay property tax.

J. Livingston asked if they needed a decision made that evening.

Mr. Zerman stated that the preference is to get a favorable letter that evening, but he was not going to rush the Town.

C. Hillman asked about benefits to the community, if Seven Point, Inc. was to be approved by the DPH for location in Ayer.

Attorney Valerio stated that at this point they didn't know what Ayer needs, but would like to sit down and explore that further.

G. Luca asked approximately how many jobs to expect.

B. Zerman stated by year 3 of cultivation, he would anticipate 50 jobs. Attorney Valerio added that the industry standard is between 12-15 jobs/10,000 square feet.

R. Pontbriand asked what the Selectmen would find helpful in making an informed decision.

The Board requested more information for the public as far as what the “cultivation only” facility means for the community in terms of traffic, activity, etc. and a general sketch/rendering of the outside of the building.

The Board then tabled the request to the October 6, 2015 meeting.

Town Administrator’s Report:

Administrative Update – R. Pontbriand gave a brief administrative update highlighting the status of the Town Hall carpet replacement, Special Fall Town Meeting and the FY’ 17 Budget Process.

Credit Card Policy – R. Pontbriand presented a DRAFT policy for use of credit cards by certain Town employees. J. Livingston suggested making the following edits: Item 2B changing “may” to “shall”; 2I changing “should” to “shall”; 2J changing “may” to “will”; 2K changing “may” to “will”; 2N changing “should” to “will”; 2Q changing “should” to “shall”.

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the policy with amendments as suggested by J. Livingston. **Motion passed 3-0.**

Town of Ayer Volunteer Policy – R. Pontbriand and Payroll and Benefits Director Kevin Johnston presented a DRAFT Volunteer Program Policy. This policy is intended for those interested in volunteering for the Town outside of regular volunteer opportunities, i.e., serving on a Board, coaching for the Parks and Recreation Department, etc.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the Volunteer Policy as presented. **Motion passed 3-0.**

USDA Grant – R. Pontbriand explained the request for authorization of execution of USDA Rural Development documents as well as authorization for the Town Administrator to sign documents on behalf of the Board. The Ayer DPW applied for funding, pursuant to Town Meeting’s authorization for the replacement of the water main and replacement/relining of sewer pipes on East Street and East Main Street.

Motion: A motion was made by G. Luca and seconded by C. Hillman to approve the execution of the loan documents as well as to authorize the Town Administrator to sign documents on behalf of the Board of Selectmen. **Motion passed 3-0.**

Disposal of Surplus Property Valued under \$5,000 – R. Pontbriand explained that the Habitat for Humanity project located at 76 Central Avenue requested the donation of surplus asphalt grindings from the DPW, available from recent reconstruction of Central Avenue. The estimated value of the asphalt grindings is \$2,000. In accordance with MGL Chapter 30B, the items valued at under \$5,000 can be disposed of by a vote of the Board of Selectmen.

Motion: A motion was made by C. Hillman and seconded by G. Luca to grant surplus asphalt grindings, value not to exceed \$2,000, to Habitat for Humanity. **Motion passed 3-0.**

Nuisance Bylaw – R. Pontbriand presented the DRAFT Nuisance Bylaw with updates reflecting department head input. R. Pontbriand will send the final DRAFT to all relevant departments for one final review before sending to Counsel for review.

New Business/Selectmen's Questions: C. Hillman stated that he was frustrated that 2 more weeks have gone by and there have been no updates from either the MBTA or the private property owner as it relates to the MBTA Commuter Rail Surface Lot project.

Approval of Minutes:

Motion: A motion was made by C. Hillman and seconded by G. Luca to approve the meeting minutes of September 1, 2015. **Motion passed 3-0.**

Adjournment:

Motion: A motion was made by G. Luca and seconded by C. Hillman to adjourn at 9:52 PM. **Motion passed 3-0.**

Minutes Recorded and Submitted by Carly M. Antonellis

Minutes Approved by BOS: October 6 2015

Christopher R. Hillman, Clerk: Christal R. Welch