

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



*Broadcast and Recorded by APAC*

**Tuesday December 18, 2018**  
**Open Session Meeting Minutes**

**BOS Present:** Jannice L. Livingston, Chair; Scott A. Houde, Clerk

**Absent:** Christopher R. Hillman, Vice – Chair;  
Carly M. Antonellis, Assistant Town Manager

**Also Present:** Robert A. Pontbriand, Town Manager

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

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

**Review and Approve Agenda:** S. Houde asked to amend the agenda under New Business/Selectmen's Questions to add a brief update from the December 17, 2018 MassDevelopment Meeting at Devens regarding the proposed Vicksburg Square zoning change(s).

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

**Announcements:** None

**Public Input:** None

**Recognition of Ayer Fire Department Personnel Medal of Valor Recipients:** The BOS was joined by State Senator Jamie Eldridge in recognizing Captain Jeremy Januskiewicz; Lt. John Breshnahan; Firefighter Brenton Bourne; and Firefighter Tyler Schwabe for receiving the Medal of Valor from Governor Baker on November 22, 2018 for their heroic efforts involving a fire at a commercial building in Ayer on March 23, 2018.

**Application for Common Victualler's License:** The owners of Ruby Donut Shop to be located at 212D West Main Street appeared before the BOS for approval of a Common Victualler's License. R. Pontbriand advised that the issuance of the license would be contingent on final approval by the Board of Health, Fire Department, and Building Commissioner.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the Common Victualler's License as presented for Ruby Donut Shop, contingent upon final approval by the Board of Health, Fire Department, and Building Commissioner. **Motion passed 2-0.**

**Mr. Alan. Manoian, Director of Community and Economic Development:** *Lien Subordination Request Case # 06-308* - A. Manoian presented Lien Subordination Request Case # 06-308 to the BOS recommending that the BOS approve the lien subordination.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve Lien Subordination Request Case # 06-308 as presented. **Motion passed 2-0.**

**Town Clerk Susan Copeland:** S. Copeland gave a presentation of the new voting equipment which was previously approved as a capital project by the May 2018 Town Meeting. S. Copeland advised that the new voting machines will

be used in the April 2019 Town Election for the first time and advised that the BOS vote to authorize the use of new voting equipment and discontinue existing voting equipment pursuant to MGL c. 54, Section 34 .

**Motion:** A motion was made by J. Livingston and seconded by S. Houde to authorize the use of new voting equipment and discontinue the existing voting equipment pursuant to MGL Chapter 54m, Section 34 as presented and recommended by the Town Clerk. **Motion passed 2-0.**

**Department of Public Works** – Town Engineer Dan Van Schalkwyk appeared before the BOS seek approval of the Sandy Pond Water Line Easement as developed by the DPW and Town Counsel.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the Sandy Pond Water Line Easement as presented and recommended by the Town Engineer. **Motion passed 2-0.**

**Town Manager's Report** – R. Pontbriand gave the BOS and Administrative Update on the various activities, initiatives, and projects of the Administration since the BOS last met on December 4, 2018. The update including a review of the Town Warrants he approved since the BOS last met on December 4, 2018.

*January Meeting Dates:* The BOS reviewed the proposed meeting dates for January and agreed that the BOS will meet on Wednesday, January 2, 2019 at 7pm and on Tuesday, January 15, 2019 at 7pm.

*Special Town Meeting Date Selection – Marijuana Bylaw and Form-Based Code:* The BOS continued its discussion from December 4, 2018 about having a Special Town Meeting for the purposes of the Marijuana Bylaw and Form-Based Code. The BOS agreed to Monday, June 10, 2019 at 7pm in the Auditorium of the Ayer Shirley Regional High School.

S. Houde asked if the Town Manager could request that MassDevelopment coordinate to hold the Super Town Meeting for the Vicksburg Square Zoning to occur on June 10, 2019 as well.

*Approval of Unpaid Water Lien Accounts* – R. Pontbriand presented the BOS with the unpaid water lien accounts and requested that the BOS vote to approve.

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the unpaid water lien accounts as presented. **Motion passed 2-0.**

*General Code Update* – R. Pontbriand advised the BOS that the legal review of all of the Town's Bylaws and Traffic Regulations has been completed by General Code. The next step in the process will be for the various Departments to review and update their respective sections of the Code. The Working Group consisting of Selectman Livingston, Chief Murray, the Town Clerk, the Assistant Town Manager, and Town Manager will also be meeting to review and discuss. At the conclusion of this process, the Town will have a complete, accurate, and organized Town Code and Traffic Regulations.

**New Business/Selectmen's Questions:** *Update from December 17, 2018 MassDevelopment Meeting at Devens regarding the proposed Vicksburg Square zoning change(s)* – S. Houde provided the BOS with an update of the December 17, 2018 MassDevelopment Meeting at Devens that he attended. He advised that quite a few Devens Residents attended the meeting and that the proposed zoning change is for an overlay district with 300 units of which 25% would be low income. Split between Ayer and Harvard. The proposal is based on the Trinity model. Traffic was a major concern at the meeting and it is estimated that there will be an impact of approximately 500 more cars. MassDevelopment is planning to just ask Super Town Meeting to approve the zoning change(s) with no specific project in the pipeline. This was of concern at the meeting. Additionally, residents thought the zoning change was geared more toward businesses than residents. S. Houde further stated that he is concerned that this is an urban dense project in a suburban environment and he is concerned about the traffic impacts to Ayer. The public meeting on this project for Shirley is tomorrow night and MassDevelopment is looking to hold public hearing on the proposed zoning change(s) starting in January through April 2019.

J. Livingston thanked S. Houde for the update. She asked R. Pontbriand on the status of the Devens Disposition Committee.

R. Pontbriand advised that the deadline for applications for the Committee is Friday, December 28, 2018 and that he will provide a status update to the BOS at the next meeting.

**Approval of Meeting Minutes:**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to approve the meeting minutes from December 4, 2018. **Motion passed 2-0.**

**Adjournment:**

**Motion:** A motion was made by S. Houde and seconded by J. Livingston to adjourn the meeting at 7:59pm. **Motion passed 2-0.**

**Minutes Recorded and Submitted by Robert A. Pontbriand, Town Manager**

**Date Minutes Approved by BOS:** January 15 2019

**Signature Indicating Approval:** 