

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

Tuesday, October 15, 2013, 7:00pm

**Meeting Agenda
(Page 1 of 2)**

- *7:00pm Call to Order: Review, Amend, and Approve the Agenda; Announcements

- 7:05pm Approval of Meeting Minutes
 - September 17, 2013; October 1, 2013

- 7:10pm Special BOS Recognition of Eagle Scout Joshua Richard

- 7:15pm PUBLIC INPUT

- 7:20pm Ms. Alicia Hersey, Economic and Community Development
 - Lien Subordination
 - FY 2011 CDBG Housing Rehab Program Final Report

- 7:25pm Ms. Cindy Knox, I.T. Systems Administrator
 - Policy for I.T. Hardware/Software Acquisition

- 7:30pm Mr. Gabriel Vellante, Building Commissioner
 - Resignation of the Wiring Inspector
 - Appointment of the Wiring Inspector

- 7:40pm Mr. Mark Wetzel, DPW Superintendent
 - Main St. Light Improvements Contract with Blais Electric
 - Request for Sewer Bill Abatement for Epic Enterprises
 - Agreement for Wastewater Biosolids Disposal – Upper Blackstone Valley

- 8:00pm Joint Appointment of Planning Board Member by BOS & Planning Board

- 8:15pm Mr. John C. Canney, II, Town Clerk and Tax Collector
 - Business Certificates

- 8:30pm Town Administrator's Report
 - Policy for the Acquisition of Furniture; Equipment; and Alterations for Town Hall
 - Town-Wide Policy on Cell Phones
 - Policy for the Posting of Meeting Minutes to the Web-Site
 - OML (Open Meeting Law) 940 CMR 29.10: Remote Particip. for Public Meetings

**Note: Agenda Times are for Planning Purposes Only and Do Not Necessarily Constitute Actual Times*

October 15, 2013

OCT 10 2013
12:25pm Jf



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

Tuesday, October 15, 2013, 7:00pm

**Meeting Agenda
(Page 2 of 2)**

- *9:00pm **BOS Policies and Procedures Review and Update (On-going)**
 - Final Review and Update of BOS Policy 99-27 (2001) (Since 8-22-2013)
 - Review of BOS Policy 01-01 (Since 8-22-2013)

- 9:15pm **BOS Open Discussion**
 - Electronic Devices for BOS Meetings (Selectman Luca)
 - Purchasing of Street Lights (Selectman Luca)
 - HRA/FSA Update (Selectman Luca)

Future Topics/Meeting Schedule (See Packet Attachment)

- Mon. Oct. 28, 2013, 7pm, Special Fall Town Meeting (Great Hall)
- Tues. Nov. 5, 2013, 7am to 8pm, Special Town Election
- Tues. Nov. 12, 2013, 7pm, BOS Regular Meeting
- Tues. Nov. 26, 2013, 7pm, BOS Regular Meeting
- Tues. Dec. 3, 2013, 7pm, BOS Regular Meeting/Tax Classification Hearing
- Tues. Dec. 17, 2013, 7pm, BOS Regular Meeting

9:30pm **ADJOURNMENT**

**Note: Agenda Times are for Planning Purposes Only and Do Not Necessarily Constitute Actual Times*

Town of Ayer
BOARD OF SELECTMEN
Meeting Packet For
Tuesday, October 15, 2013, 7pm
Ayer Town Hall

CALL TO ORDER: REVIEW, AMEND, AND APPROVE THE AGENDA
ANNOUNCEMENTS

APPROVAL OF MEETING MINUTES

September 17, 2013
October 1, 2013

SPECIAL RECOGNITION OF EAGLE SCOUT JOSHUA RICHARD

The Board will recognize Eagle Scout Joshua Richard of Ayer with a Certificate from the Board.

PUBLIC INPUT

Certificate of Recognition

Presented to
Joshua Richard, Eagle Scout-Troop #3, Ayer, MA
Boy Scouts of America

The Ayer Board of Selectmen, on behalf of the Town of Ayer, wishes to recognize and thank you for your contribution to the Ayer Sportsmen's Club on Snakehill Road's facility by the cleaning, marking out, restriping-new marking of handicap and regular parking spaces at the the Club's parking lot. Your efforts generates a more efficient atmosphere not only for the members, guests but the community as well. The Board of Selectmen congratulates and applauds you for electing to perform your project for the betterment of your community. Good luck on your future endeavors.

Presented by
Ayer Board of Selectmen

October 15, 2013

Pauline Conley, Chairman

Gary J. Luca, Vice-Chair

Christopher R. Hillman, Clerk

James M. Fay, Member

Jannice Livingston, Member



SEP 17 2013



BOY SCOUTS OF AMERICA
TROOP 3 - AYER
1 West Main St.
Ayer, MA 01432

BOS 10-15-13
Mtg 7:15pm

September 10, 2013

Board of Selectmen
Town of Ayer
P.O. Box 308
Ayer, MA 01432

RE: Eagle Scout - Court of Honor

Dear Sir or Madam:

On October 26, 2013 Joshua Richard of Boy Scout Troop #3 Ayer will be honored on his advancement to the rank of Eagle Scout. Joshua's project was the cleaning, marking out, restriping, marking of handicap and regular spots at the parking lot of The Ayer Rod and Gun Club

As you know, fewer than 2 percent of all boys in the scouting program achieve this rank. We are very proud of Joshua's accomplishment.

Knowing of your concern for the youth of our town, it would be greatly appreciated if you could acknowledge his accomplishment with a personal message and recognize his achievement officially.

Thank you very much for your consideration to this matter.

Yours Sincerely,

Karen Januskiewicz, Troop Committee Chair

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, September 17, 2013
1st Floor Meeting Room, Town Hall, 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

Chairman Conley called the meeting to order at 7:06p.m. Present: Chairman-Pauline Conley, Gary J. Luca-Vice Chairman, Christopher Hillman-Clerk, James Fay-Member, Jannice Livingston-Member, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary. .

Ms. Conley requested if there were any amendments to the Agenda of September 17, 2013 and announced Representative Sheila Harrington being present this evening to meet with the Board re quarterly Legislative Update.

Mr. Pontbriand requested the Board take up the Recycling Committee Appointments before the Minutes on the Agenda due to the Recycling Com. meeting this evening. Mr. Pontbriand updated the Board to Fire Dept. Engine # 4 Contract Award for refurbishing correction -new contract price being \$141,894.00 not \$139,469 as printed on the Agenda. Mr. Pontbriand advised the Board to CPC Appointment of Jeremy Callahan being withdrawn due to a formal concern being raised with respect to potential Court Order currently still in effect. Mr. Pontbriand also advised the Board to Easy Street's "Street Acceptance" taken off from under his report due to Planning Board procedural issues. (Remote Participation-not adopted by Town of Ayer). Mr. Pontbriand advised the Board to Planning Board meeting on 9-19-13 to revote Easy Street's "Street Acceptance".

Mr. Luca requested replacement of the Board's current binder/notebooks with laptops, and to discuss cell phones-which employees have and don't have and money spent on cell phones.

Ms. Conley- requesting to discuss Columbia & Main Street intersection.

Chairman Conley called for a motion to approve the Agenda as amended. Motion to approve the Agenda as amended made by Mr. Luca, 2nd by Mr. Fay, V OTE: unanimous, so moved.

Representative Sheila Harrington-Rep. Harrington met with the Board and spoke to re lack of activity on Beacon Hill and not a lot going on at the state House. Rep. Harrington updated the Board re the following:

- Nashoba Valley Chamber of Commerce re appeal of Sales/Gas Tax - Hurting business.
- Chapter 70/90 Funding.
- Probate Court House in Town of Ayer
- Not supporting current state Budget as written
- EBT Benefits- fraud

Announcements-

1. ASRHS Ground Breaking Thursday, September 19, 2013 at 12:00 noon.

2. Habitat for Humanity-76 Central Avenue property-Local Planning Committee Meeting on Tuesday, September 24, 2013 at 7:00p.m. at the Ayer Town Hall, 2nd Floor Great Hall.

3. Bi-Board Meeting Friday, September 26, 2013 at 7:00a.m. 1st floor Meeting Room, Town Hall

Recycling Committee Appointments-The Board met with Laurie Sabol who introduced and gave a brief background of the three (3) candidates seeking to be appointed to the Recycling Com. recommending Mr. Daniel DeMille, Ms. Shawna Graham and Melissa Macdonald are appointed to the Recycling Committee. Mr. Luca moved the three (3) year appointments of Daniel DeMille, Shawna Graham and Melissa Macdonald to the Recycling Committee effective 6-30-13 to 7-1-16, 2nd by Mr. Fay VOTE: unanimous, so moved.

Minutes -Mr. Luca moved the Board vote to approve the amended minutes of 8-22-13, 2nd by Mr. Fay for discussion, who requested edits be submitted from the Chair more timely ,and requested time to review edits motion withdrawn.

9-3-13 Minutes passed upon.

Public Input-Mr. Pontbriand reviewed with the Board Policy 13-01 which includes accepting Public Input via email, letters, etc. and Public Input Binder to be kept in Selectmen's Office and Town Administrator to respond to emails electronically.

- Mr. Chuck King President of the Downtown Business Alliance took this opportunity to invite everyone to the last Antique Car Show of the season on September 18, 2013 from 5:30p. m. to 8:00p.m. at Depot Sq.

Council on Aging Job Posting-Admin/Outreach Coordinator-The Board voted to approve and authorize the posting of the COA Administrative and Outreach Coordinator's position in accordance with the provisions set forth in the CBA between the Town of Ayer and AFSCME 93. Posting internally by 9-18-13 and closed on 9-24-13, funding with-in Fy-14 Budget. Motion to approve made by Mr. Luca, 2nd by Mr. Hillman. Ms. Conley requesting copy of Personnel By-law re Article #22 Section 3 language be verified by Town Counsel re compliance. VOTE: unanimous, so moved.

Sandy Stepczynsk, President -Human Resources Services Inc.-Progress Report Non-Union Classification/Compensation Study

Ms Stepczynski updated the Board to meeting with all the non-union employees and Job Descriptions in process, salary scale to be evaluated/methodology using the point system (Benchmark to Mkt). Ms. Stepczynski spoke to the Board's concern re delay in the three (3) month study due on September 1, 2013 being a little premature given the volume of work, staffing issues, timing i.e. vacation/s. Mr. Luca stating his concern re Compensation Plan being intended to be included in the October Town Meeting Warrant and study will not be ready until November 2013 for Board's review & deliberation. Mr. Pontbriand advising to receipt of Study in October -good timing for Budget Planning for the Spring Town Meeting (hard copy and electronic copy of analysis to be provided to Town by HR Services Inc.) (see attached HR project update).

Fire Chief Robert Pedrazzi & John Regen -Greenwood Emergency Vehicles-Chief Pedrazzi reviewed with the Board the contract for the refurbishment of pumper for Engine #4 with three (3) options included: back-up camera system installed, LED scene lights heads upgrade and Cross lay covers installed funding appropriated at the 5-13-13 ATM. Chief Pedrazzi advising to Town Counsel reviewing and approving contract documentation. Present for the discussion John Regan of Greenwood Emergency Vehicles. Mr. Regen requesting Insurance Exemption is eliminated contract including Bid Bonding. Mr. Luca moved to approve the Chief's recommendation and award the pumper for Engine #4 with three options to Greenwood Emergency Vehicles for the bid award not to exceed \$141,894.00, 2nd by Mr. Hillman VOTE: unanimous, so moved.

Conservation Commission and Dam & Pond Committee re Comprehensive Pond Study, Present for the discussion- Bill Daniels, Con-Com Chairman, Jessica Guigno, Tashi Tada and Dam & Pond Committee members Dan Rzasa, Chuck Miller and Marina Giova. Mr. Daniel's advised the Board to Con-Com and Dam & Pond Committee meeting and coming to consensus to GEOSyntech the most qualified RFQ for the comprehensive pond study. Mr. Daniels and Mr. Miller reviewed the cost proposal with the Board as well as next steps in process:

base line per pond: \$2,952

Pollutants/per pond: \$2,800 to \$7,200

aquatic per pond: \$2,424 total RFQ \$31K Article for Town Meeting Funding. The Board agreed project is viable to go forward, DPW eager to participate - citing storm water advantages. The Board stated their concerns if study would make FTM citing funding proposal/s incomplete need outside funding source/s. If study does not make FTM it would be on ATM in spring 2014 giving the two groups time to tie up resources to fund proposal. Chairman Conley offering Board's endorsement for effort and requested GEOSyntect electronic version be placed on Town's website for residents.

Town Administrator's Report- The Board met with Robert Pontbriand

IT Committee Appointments- Mr. Pontbriand recommended the one (1) year appointments of Brian Gill representing the Ayer Police Department and Timothy Taylor replacing Chief Robert Pedrazzi on the Ayer Fire Department effective July 1, 2013 to June 30, 2014. Mr. Fay moved the Board's appointment

of Brian Gill so stated by Mr. Pontbriand, 2nd by Mr. Luca, VOTE: unanimous, so moved. Mr. Luca moved the appointment of Timothy Taylor replacing Chief Pedrazzi on the Ayer Fire Dept, so stated by Mr. Pontbriand, 2nd by Mr. Fay. VOTE: unanimous, so moved.

Energy Committee-Green Communities Committee-Mr. Pontbriand updated the Board to their voting in June 2013 to consolidate the two committees not viable and advised to keep two committees separate, re grant funding opportunities, no action required.

Easy Street-Street Acceptance-taken off agenda moved to Selectmen's 10-1-13 Meeting. Mr. Pontbriand advising to Planning Board taking "Remote Participation Vote" which has not been approved by the Town and Planning Board advised to reschedule another meeting to vote their approval. The Board was advised to Planning Board meeting on 9-19-13 to revote Easy Street- Street Approval. the Board requested all Town Boards, Committees and Commissioner be sent Memo notifying them of Town not approving Remote Participation.

Street Lights-The Board voted to approve Supt. Wetzel's recommendation re the Interim Downtown Street Light Proposal per his Memo dated 9-13-13 for replacement of ten(10) new lights at a cost of \$76K citing safety issues Board's number one concern, funding from UDAG with any energy rebates/savings be put back to replenish UDAG and authorize Ms. Conley to contact Insurance Company re Street Light damage reimbursement to the Town. Mr. Pontbriand addressed his concerns re availability of funding coming from Free Cash timing as the project is out to bid presently and FTM schedule tight i.e. printing of Warrant, etc. Mr. Fay moved the motion and amendment, 2nd by Mr. Luca, VOTE: unanimous, so moved.

10-28-13 Special Fall Town Meeting-Mr. Pontbriand updated the Board to Bi-Board meeting on 9-26-13 re review of the financial articles on the warrant.

Article 6- Fire Station Mr. Pontbriand presented Draft 2of the FTM Warrant to the Board and advised the Board to two RFP's pulled but not returned, no responses on 9-13-13 Bid Opening. Mr. Pontbriand stating all venues have been exhausted re rehab of Fire Station and recommending Town Meeting be authorized to dispose-decide final disposition of the building.

Mr. Pontbriand updated the Board to Citizen's Petition received from resident re reinstating the SHAVE Program for inclusion on the 10-28-13 FTM Warrant. Mr. Pontbriand requested the Board review Draft Warrant #2 and respond with issues/edits back to him.

Policies: Posting of Meeting Minutes to the Web-site

IT Hardware/Software Acquisition

Acquisition of furniture, equipment-Alterations to Town Hall

Town Administrator's electronic Communications

Remote Participation-for Public Meetings

Mr. Pontbriand reviewed the above policies implementation with the Board for their review and consideration. Mr. Luca requesting Mr. Pontbriand place the policies on the Board's 10-1-13 Agenda and place them on the Town's web-site.

10:03p.m. Mr. Luca moved the Board extend their meeting for ten (10) minutes, 2nd by Mr. Hillman, VOTE: unanimous, so moved.

Video in the Board of Selectmen's Meeting Room-The Board met with Cindy Knox IT Director-Ms. Knox reviewed with the Board several proposals for the Board's consideration and outlined major limiting factors of two of the proposals, i.e. high cost opening walls for cable/electrical estimated at \$15k-\$18K and Option #2. a pull down screen and flat-panel Television on a stand advising to running into same issues as well as hiding Town seal. Ms. Knox advising to her recommended solution being for video recording meetings done by a Mondopad. (55"Windows7 Touch Screen Tablet) at cost of \$6,500+/- . Ms. Conley offering to donate her Selectmen's Stipend towards cost of Mondopad. Ms. Coley moved to have Mr. Pontbriand prepare warrant article for FTM transferring her stipend from Selectmen's Budget towards cost of Mondopad, 2nd by Mr. Fay, VOTE: unanimous. so moved. Ms. Conley suggesting Ms Knox conduct presentation for Board using the Mondopad.

10:15p.m. Mr. Luca moved the Board adjourn the meeting, 2nd by Mr. Fay, VOTE: unanimous, so moved.

TOWN OF AYER SELECTMEN MEETING MINUTES
Tuesday, October 1, 2013
1st Floor Meeting Room, Town Hall, Main Street, Ayer, MA

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Chairman Conley called the meeting to order at 7:00p.m. Present: Chairman-Pauline Conley, Gary J. Luca-Vice Chairman, Christopher Hillman-Clerk, James Fay-Member, Jannice Livingston-Member, Town Administrator Robert A. Pontbriand and Janet Lewis Secretary. .

Ms. Conley requested if there were any amendments to the Agenda of October 1, 2013.

Mr. Pontbriand:

1. Advised the Board to Advocates Grant removed from Mr. Maher's report and rescheduled for the Board's 10-15-13 Meeting.

2. Under Town Administrator's Report add Executive Session Report re DPW contract

Ms. Livingston: re questions re her email of 9-30-13 re minutes, agenda start time/s be placed on future Agendas, Fire Dept negotiating team, reasoning behind Selectmen's questions that involves funding.

Ms. Conley-APAC-coverage of Committee, Boards, Commission Meeting not being recorded/covered by APAC as of 7-15-13.

Selectman Luca moved to approve the Agenda of 10-1-13 as amended, 2nd by Mr. Fay, VOTE: unanimous, so moved.

Announcements-Mr. Luca reminding everyone to October being National Breast Cancer Awareness Month and announced the Ayer Post Office's annual sponsorship/drive, and distributed Breast Cancer Pink Pins for the Board to wear in recognition of National Breast Cancer Awareness month.

Minutes- Ms. Livingston questioned the reasoning behind two sets of minutes for same meeting being in the Board's packet re editing, one from the Board's secretary and one from Ms. Conley stating Board should not have double work. Ms. Conley responding to minutes from her is format change only not substance. Mr. Fay advised to policy re minutes having four (4) day window re editing if missed cut off-missed chance. The Board requested to ensure minutes be prepared within four (4) days and placed in Selectmen's mail boxes in the future. The Board to review policy re cut off period for edits.

8-22-13 Minutes moved by Mr. Luca to approve with amendments, 2nd by Mr. Fay, VOTE; unanimous.

9-3-13 Minutes moved by Mr. Luca to accept as written by Ms. Lewis, 2nd by Mr. Fay, VOTE: unanimous, so moved. Ms. Conley advising to copy of video of Selectmen's Meetings also available.

Fire Chief-FEMA Reimbursement Grant (\$30,777.84 for 2-/13 Blizzard)

The Board met with Chief Pedrazzi who advised the Board to receipt of reimbursement approval application form from FEMA requiring the Chairman's signature for the snow storm of Feb. 2013 re overtime, snow-plowing, materials, etc. Chief Pedrazzi took this opportunity to publicly thank his secretary Lisa White, Police Dept. Secretary-Marcia Gilson and DPW Office Manager Pam Martin for all their hard work assembling and gathering the enormous amount of paperwork required for this successful application.

Mr. Luca moved the Board vote to approve the FEMA reimbursement in the amount of \$30,777.84 (75% reimbursement) and authorize the Chairman's signature on the application, 2nd by Mr. Hillman, VOTE: unanimous, so moved. The Board congratulated Chief Pedrazzi on his successful application.

Public Input-

Mary Spinner-Ms. Spinner inquired about the status of the Town's By-laws passed at the 2013 Spring Annual Town Meeting, having seen nothing posted by Town Clerk. Mr. Pontbriand advising to also inquiring about the By-laws to the Town Clerk and receiving nothing definitive from him re status. The Board requested Mr. Pontbriand submit a memo to the Town Clerk and cc the A.G. Office addressing Board's concern re status.

David Maher-Economic Development Director.

L-3 TIF Agreement-present for the discussion Gary Boyer representing L-3.

Mr. Maher gave the Board a brief background re the status of L-3's TIF with the Town. Mr. Pontbriand advised to L-3 meeting with the TIF Review Committee on 9-26-13 and L-3 conducting a power point presentation at this meeting which is included in the Board's 10-1-13 packet. Mr. Pontbriand advised the Board to DOR de-certifying L-3's TIF on 6-26-12 due to L-3 not meeting their employment quota as agreed in the TIF by forty new hires (employees). The Board expressed their concern not receiving notification of L-3's de-certification by the State. Mr. Pontbriand advising to L-3 made aware and went through Appeal Process in June 2013. Letter/s to be forwarded to Board by Mr. Pontbriand re de-certification notice received by Mr. Maher on 7-9-13 and any other pertaining documentation. Mr. Pontbriand also advising to Nashoba Valley Medical Center (NCMC) TIF de-certified in March 2012 and also not made aware of de-certification. Mr. Pontbriand advising Board to TIF Committee taking no action and instructed Mr. Hogan-Chief Assessor and Mr. Pontbriand to contact Town Counsel re some of States 31 municipalities who have kept TIF's even knowing they were de-certified and not knowing if it is good/bad to continue. Mr. Hogan expressed his grave concern at TIF Com. Mtg. re the substantial financial interest to the Town of Ayer. The Board requested Mr. Maher to prepare list of other Towns with de-certified TIFS, check Agility being de-certified, and to check with other Towns in Ayer's TIF zone re application process. Mr. Pontbriand advising to Deadline of October 30, 2013 re appeal process and TIF Com. meeting again the first week in November. The Board thanked Mr. Boyer for coming in to meet with the Board and of value of L-3 to the community. Mr. Fay assuring Mr. Boyer to Town doing everything they can to keep L-3 here. Mr. Boyer advised to L-3 exceeding their quotas on everything else and are committed to continue advising to Federal cutbacks on major programs was major factor in not meeting their quota. Mr. Fay stating if Town had known earlier about de-certification Board could have taken action advocating for L-3. Board needs to research what they can and can't do. Mr. Maher advising to the Dept. of Business Development's opinion re de-certification being under Town's jurisdiction and DOR disagreeing.

Business Certificates-The Board expressed their concern re Town Clerk not present for discussion. Ms. Conley suggesting in the future to send email to the Town Clerk requesting his attendance at meetings and cc BOS. Mr. Pontbriand advised to meeting held on Tuesday morning at 10a.m. with Mr. Maher and Ms. Knox re Business Certificates and Mr. Canney unable to attend due to staffing shortage. Mr. Pontbriand advised to meeting with Mr. Canney per the Board's request re issuance of Business Certificates and advised by Mr. Canney to his adhering to stature, and maintaining he is following stature, and will continue to do so. Mr. Pontbriand then requested Mr. Maher to proceed with matter. Ms. Knox to place MGL legislation reminder on Website and Mr. Maher will continue to police and monitor. Mr. Maher presented a sample mailing he prepared to mail out to delinquent businesses. Mr. Hillman advising to Town of Littleton's Clerk sends out postcard mailings to businesses reminding them to renew license while Mr. Canney maintains he doesn't have to do anything. Mr. Pontbriand advising if Town wants to be pro-active with Business Certificates it has to come from Mr. Maher & Ms. Knox. Mr. Hillman also recommending the fee is increased from \$20.00 Ms. Conley offering perhaps \$50.00, Mr. Fay also requesting to get number of Home Business on line as well. Mr. Maher offering to canvas Town to make process easier. the Board set preliminary time frame of 1/1/14 for implementation. Mr. Maher's Office to absorb cost associated. Mr. Fay stating fine/penalties and license fee are under the preview of the Selectmen and should be addressed with Rate Study Committee soon. Mr. Luca suggesting Business Certificates also is included with license non-renewals if they have outstanding taxes, and also to offer on-line payments. The Board requested Mr. Pontbriand send the Town Clerk a memo requesting his presence at the October 15, 2013, Selectmen's Meeting to discuss the issue of Business Certificates. Ms. Livingston personally thanked Mr. Maher for his always stepping up attitude and willingness to help whenever called upon.

Release of Waiver-Ms. Conley extending apology for her unavailability to sign off on 2003 document re Housing Rehabilitation Program's property Lien and rescheduling this release for this evening, but made aware to Town administrator having Vice-Chair sign document. Mr. Maher stated his office was

pressured by bank for release. Mr. Pontbriand for clarification purposes stated Ms. Hersey expressing great urgency having to have the document signed that day so he requested Mr. Luca sign due to time sensitivity. In the future Mr. Pontbriand will request execution date be placed on all future documents coming before Board. Mr. Luca stating he has great respect for Mr. Pontbriand and would never question his integrity re such request/s.

Cindy Knox-IT Systems Administrator-Proposed DRAFT Policy I.T. Hardware/Software Acquisition

Ms. Knox updated the Board to proposed Policy developed and administered by her and receiving the IT Committees approval on 8-28-13 regarding the creation/codifying of policy. Ms. Knox stating purpose re IT Acquisition Policy is to ensure Town gets right purchase for right price. Ms. Knox reviewed with the Board hardware/software categories/definitions, enforcement and disposal in accordance with MGL Chapter 30b (state purchasing and procurement). Ms. Knox advising to Police Dept being exempt from policy re security issues. Mr. Luca applauding policy being a good start and Mr. Fay echoing Mr. Luca being a right step in the right direction centralizing purchasing and adding suggestions to policy that all Town Departments comply with annual inventory of equipment by hand receipt and equipment tagged/permanently marked as property of Town of Ayer. The Board scheduled this policy for approval at their next meeting on 10-15-13.

DPW Supt's Report-The Board met with Mark Wetzel.

Crabtree Wastewater Pumping Station Upgrade-Supt. Wetzel announced the Bid Opening on Thursday, September 26, 2013, for the Crabtree WW Pumping Station Upgrade and Town receiving ten (10) bids, Low Bidder Weston & Sampson \$64,538.00. Supt. Wetzel advising to structure 30 years old and in danger of failing-placed on Capital Planning re funding. Supt. Wetzel recommending the Board vote Notice of Award pending funding at the 10-28-13 Special Fall Town Meeting. Mr. Luca moved the Board vote to approve Notice of Award for the Crabtree Pumping Station by Weston & Sampson not to exceed \$64,538.00 pending Special FTM funding and authorize the Chairman's signature, 2nd by Ms. Livingston, VOTE unanimous, so moved. Mr. Fay requesting Board follow-up with Planning Board re his recollection re Developer (Crabtree) funding Pumping Station upgrade back in 1985-90's and Ms. Conley also having similar recollection requesting Mr. Wetzel have Planning Board check their minutes re Bond- lien placed on developer and report back.

21 Main Street Sidewalk-Mr. Wetzel updated the Board to DPW investigating section of sidewalk in front of 21 Main Street having no concrete base under bricks and bricks being uneven with sand on top which indicates a leak below bricks or settlement issue i.e. settlement of trench. Based upon speaking with owner, building contractor and Mr. Jaspersen-Foremen-DPW the DPW will review roof drain with video camera if no blockage/broken pipe will repair area by excavating 12-inches of material, install processed gravel, geotect fabric, foundation sand, and dry set bricks joints to be filled with polymerized sand mixtures. DPW to observe area for settlement in Spring if observed will re-evaluate.

Proposed Changes to Industrial Pretreatment Permits-Present for the discussion Paul Boyle-HTA Supt. Wetzel gave the Board an update re the Town's four Significant Industrial Users (SIU's) in Town. Vitasoy requesting an increase in their discharge flows and concentrations per request from HTA the Town's engineering consultant dated 9-3-13 and based upon the report and with speaking with Ms. Boyle. Ms Conley suggesting the Board meet with the Town's SIU's before approving extra capacity need the information from stakeholders and cost involved. Mr. Luca feeling work is done we have the capacity. Mr. Hillman feeling Vitasoy needs upgrade we have leverage. The Board discussed Devens WW Treatment Agreement's additional capacity. Mr. Wetzel suggesting the Board increase Vitasoy's flow based upon Table 5. Mr. Luca moved the Board move to accept the organic capacity analysis allocation up to the limits as presented in Table 5 of the attached letter report from Hoyle, Tanner & Assoc. Inc. dated 9-3-13 and to allow the Superintendent of Public works to negotiate Industrial Discharge permits accordingly as deemed necessary, 2nd by Mr. Fay, Vote unanimous, so moved.

NPDES Discharge Permit-Supt. Wetzel advised to USEPA issuing draft WW-NPDES permit for the Town WWTP. The draft permit contains effluent limitations and conditions that the discharge received adequate treatment and will not violate State water quality standards, The Town must provide

comments to the EPA and MADEP by 10-27-13 and the Town is working with HTA to review & comment on the draft permit. Mr. Wetzel advising to new concerns re meeting phosphorus, aluminum, lead and copper limits, not concerned re Phosphorus just metals. Supt. Wetzel requesting to hire environmental lawyer Donald Angelhart for short period of time Not to Exceed \$5K (2/days work) to assist Town with response - Mr. Luca moved to allow Mr. Wetzel to utilize Special Counsel, Donald Angelhart to assist with the Town's WW-NPDES Permit in the amount not to exceed \$5K, 2nd by Ms. Livingston, VOTE unanimous, moved. The Board requested Mr. Pontbriand contact K&P to see if they have Counsel available re same.

Ms.Spinner requested the Board look into Ridgeview Heights Storage Tank- re Willows -O'Hagen was to build included replacement of 12" mains with 16" mains (2010-2011 time-frame)-but O'Hagen doesn't own property anymore (if tank wasn't built by a certain time developer was to pay Town \$250K). The Board requested update for their 10-15-13 meeting. Mr. Wetzel to check with ZBA, Town Accountant.

Town Administrator's Report-

1. Easy Street-The Board approved Easy Street Warrant Article for the 10-28-13 Special Fall Town Meeting per Planning Board's vote of 9-19-13 to accept Easy Street as Public Way. Motion to approve made by Mr. Fay, subject to Supt. Wetzel's sign off, 2nd by Mr. Luca, VOTE: unanimous, so moved.
2. DPW Contract-Mr. Pontbriand announced the successful negotiation of the DPW AFSCME 93 Union MOA 3 year contract (2013-2016) on 9-18-13 which includes 2% Fy14, 2% Fy-15, 2% Fy-16 salary increase/s with no wage re-opener and \$25.00 clothing allowance increase and one time provision re hours of the Transfer Station from 10-28-13 to 12-1-13.
3. 10-28-13 Special Fall Town Meeting Warrant-Mr. Pontbriand presented DRAFT #5 of FTM Warrant per Town Counsel review. Deadline for Warrant to printer 12:00 noon on 10-9-13. Mr. Pontbriand requested Board to meet with Fin-Com 10-8-13 re final review and approval of financial articles and Warrant in Open Session @7:30p.m. and meet in Executive Session at 6:30p.m. with Fire Dept. re Col. Bargaining. Mr. Pontbriand reviewed Draft #5 of the 10-28-13 FTM Warrant with the Board -Articles 1-12 advising to Article 13 -Park St. Crosswalk not making warrant due to insufficient signatures- requiring 100 and 10 submitted. Mr. Fay questioned why Town Flag was not included on warrant.

10:00p.m. Ms. Livingston moved to extend the meeting five minutes, 2nd by Mr. Hillman VOTE: unanimous, so moved.

4. Remote Participation-OML 940 CMR 29.10-Public Meetings- Mr. Pontbriand presented his proposed draft policy re allowing Remote Participation for all Public Meetings of all Town of Ayer Public Bodies (Town Boards, Departments, Committees/Commissions-see attached policy dated 9-26-13) Mr. Pontbriand stating every effort should be made by the public body to avoid the use of remote participation at meeting when possible and used remotely only if physical attendance is unreasonable/difficult as determined by the Chairman. Types of technology to be used in remote participation includes: by means of Telephone, Internet, Satellite enabled audio and/or video conferencing. Reviewed with the Board briefly included procedures, quorum, purpose of meeting, participants, must be audible, votes by roll call, use in Executive Session-participants, violations, revocation of policy. Mr. Pontbriand advised no one may use remote participation until Board of Selectmen approves policy. Mr. Luca requested the Board look over proposed policy and be sure policy mirrors state and schedule for Boards 10-15-13 meeting.

New Business/Selectmen's Questions

Mr. Fay-show actual times on Agendas in future, placed in the form of a motion, 2nd by Mr. Luca, VOTE unanimous, so moved. Ms. Livingston elaborating stating all times is approximate.

10:10p.m. Ms Livingston moved to adjourn the meeting 2nd by Mr. Hillman, VOTE: unanimous, so moved.

MS. ALICIA HERSEY, ECONOMIC and COMMUNITY DEVELOPMENT

Ms. Hersey will appear before the Board seeking approval of the following items:

- Lien Subordination (See Enclosed)
- FY 2011 CDBG Housing Rehab Program Final Report (See Enclosed)

Town of Ayer

Department of Planning & Development

Upper Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8221 ♦ Fax: 978-772-8208



MEMORANDUM

TO: Board of Selectmen
FR: Alicia Hersey, Community Development Office
RE: Lien Subordination Request CASE 09-328
DT: October 15, 2013

The property owner of housing at 14 Grove Street has requested the Town subordinate its mortgage on the property in favor of a new first mortgage.

Assessed Value of Property (FY13)	\$208,500.00
Appraised Value of Property	\$234,000.00
First Mortgage (to be paid off)	\$116,000.00
Second Mortgage (to be paid off)	\$ 12,000.00
Amount of Program Assistance	\$ 31,610.00
Proposed New Mortgage Amount	\$132,000.00
Maturity Date of Program Lien	June 24, 2025

The borrower is seeking to obtain a new mortgage. She is seeking a new loan to lower her interest rate and consolidate debit. She will be using this new loan to pay off her existing first and second mortgage. The Town's liens are in force on this property until June 24, 2025.

Based upon the subordination policy approved by the Town and state Dept. of Housing and Community Development, "if total is more than 65% but less than 80 % of the appraised valuation, a recommendation to approve with conditions, will be made to the Board of Selectmen. In the current case, the outstanding liens will be equal to 69.92% of the appraised value of the property.

Therefore, in accordance with the Town's subordination policy, I recommend the Chairman of the Board sign the subordination of the Town's lien conditioned upon a new mortgage not to exceed \$132,000.00.

SUBORDINATION AGREEMENT

The Town of Ayer Housing Rehabilitation Program, through the Board of Selectmen for the Town of Ayer, holder of a mortgage in the amount of \$23,375 from Linda J. Conner dated April 20, 2010, recorded with Middlesex South District Registry of Deeds in Book 54570, Page 003, and amended by Amendment to Mortgage in the amount of \$31,610 dated June 30, 2010 recorded as Book 55214, and Page 572, hereby agrees that said Mortgage and the obligations secured thereby shall be subordinate and junior in right to a first mortgage given by Linda J. Conner to North Middlesex Savings Bank in the original principal amount of \$132,000, dated _____, 2013, to be recorded herewith as Instrument No. _____, to the same extent as if the last mentioned mortgage had been executed and recorded prior to said first mentioned Mortgage.

Said Mortgage regards property known and numbered as 14 Grove Street, Ayer, Massachusetts.

EXECUTED as a sealed instrument this 15th day of October, 2013.

**BOARD OF SELECTMEN
TOWN OF AYER**

BY: _____
Pauline Conley, Chairman

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 15th day of October, 2013, before me, the undersigned notary public, personally appeared Pauline Conley, as Chairman, Ayer Board of Selectmen, duly authorized, proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public
My Commission Expires:

Town of Ayer

Department of Planning & Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8221 ♦ Fax: 978-772-8208



MEMORANDUM

TO: Board of Selectmen

FR: Alicia Hersey, Community Development Office

RE: FY11 CDBG – Housing Rehabilitation Program Final Report

DT: October 15, 2013

Attached please find a copy of the final report to be filed with the Department of Housing & Community Development for the completed FY11 housing rehabilitation program.

The total amount of the FY11 grant award was \$900,000. I am pleased to report that the Town brought 17 units of housing up to current code while also maintaining affordability restrictions for a period of fifteen years on 7 rental units. The Infrastructure Project at Pond Street has been completed which includes new water, sewer, and drainage infrastructure. The road was resurfaced with new sidewalks and curbing installed.

Please feel free to call me at 978-772-8221 if you have any questions. Thank you.

At this time our office is requesting signature of the Chairman on this Close Out Report document.

Quarter # 9	Grantee: Town of Ayer Grant #: CDF II-G-2011-Ayer-00023	Fiscal Year <u>2011</u> End Date of the period 09/30/2013 Fund Type CDF II
-------------	--	--

D. Remarks:

Check if continued to additional sheet and attach

E. Certification of Recipient

It is hereby certified that all activities undertaken by the recipient with funds provided under the grant agreement identified on Part B hereof, have to the best of my knowledge been carried out in accordance with the grant agreement; that proper provision has been made by the Recipient for the payment of all unpaid costs and unsettled third-party claims identified on part C hereof; that the Commonwealth of Massachusetts is under no obligation to make further payment to the recipient under the grant agreement in excess of the amount identified on Line B-7 hereof; and that every statement and amount set forth in this instrument is, to the best of my knowledge; true correct as of this date.

Date:	Name and Title of Local Official	Signature of Local Official
10/7/2013	Chairman Pauline Conley Chairman of the Board of Selectmen	

F. Mass. CDBG Approval

This certification of completion is hereby approved. Therefore, I authorized cancellation of the unutilized contract commitment and related funds reservation and obligation of \$ _____ less \$ _____ previously authorized for cancellation.

Comments and/or special conditions:

Date:	Name and Title of Mass. CDBG Official	Signature
	DCS Finance Director	

Information Required for Close Out Report

Quarter # 9	Grantee: Town of Ayer Grant #: CDF II-G-2011-Ayer-00023	Fiscal Year 2011 End Date of the period 09/30/2013 Fund Type CDF II	
Final Statement of Costs and Computation of Grant Balance			
B. Program Activities	Paid Costs	Unpaid Costs	Total Costs
1. Total Program Costs	\$900,626.83	\$0	\$900,626.83
2. Program Income Applied to Program Costs	\$626.83	\$0	\$626.83
3. Grant Amount Applied to Program Costs (line 2 minus line 1)	\$900,000.00	\$0	\$900,000.00
4. Estimated amount for unsettled third party claims			
5. Sub Total (line 3 plus line 4)			\$900,000.00
6. Grant Amount per Grant Agreement			\$900,000.00
7. Unutilized grant to be canceled (line 6 minus line 5)			\$0
8. Grant funds received			\$900,000.00
9. Balance of grant payable (line 5 minus line 8)			\$0
Note if line 8 exceeds line 5, enter the amount of excess on line 9 as a negative amount. This amount shall be repaid to Mass. CDBG.			
C. List Unpaid Costs and Unsettled Third Party Claims (Send in a revised page when the costs are paid to the vendor)			
[] Check if continued on additional sheets and attach			

MS. CINDY KNOX, I.T. SYSTEMS ADMINISTRATOR

Ms. Knox will appear before the Board seeking approval of the following:

- Policy for I.T. Hardware/Software Acquisition (See Enclosed)

Note: Ms. Knox discussed the Policy with the Board on 10/1/2013 and has incorporated the changes suggested by the Board at that time.



****PROPOSED DRAFT (8-28-2013)****

*** Edited for signature 10/2/2013 clk ***

Town of Ayer

Information Technology Acquisition Policy

Purpose:

The purpose of the Town of Ayer’s Information Technology Acquisition Policy is to facilitate and ensure that all Town Departments are acquiring, purchasing, procuring, operating, and disposing of all information technology hardware and software in a legal, efficient, secure, eco-friendly, and financially responsible manner with the goal of maximizing the taxpayers’ funding of all Town information technology.

Scope of Policy:

The Town of Ayer Information Technology Acquisition Policy covers all Boards, Commissions, Committees, Departments, Elected Officials and Employees of the Town of Ayer. The Information Technology Acquisition Policy does not supersede and/or substitute any pertinent Federal and/or State Law.

Exempt from Policy:

Due to the unique legal and security requirements of the Ayer Police Department, the Ayer Police Department is exempt from the Information Technology Acquisition Policy.

Administration of the Information Technology Acquisition Policy:

The I.T. Systems Administrator under the direction of the Town Administrator is ultimately responsible for the administration and implementation of the Information Technology Acquisition Policy.

The Information Technology Acquisition Policy may be amended by the Ayer Board of Selectmen upon recommendation by the Town Administrator in consultation with the Town’s I.T. Systems Administrator and/or I.T. Committee.

Definition of Information Technology:

For the purposes of this policy, Information Technology (I.T.) includes but is not limited to the following:

- **I.T. Hardware to include (but not limited to):** CPUs; Monitors; Printers; Scanners; Faxes; Laptops; I-Pads; I-Phones; Mice; Keyboards; Projectors; Servers; Tablets; Flash drives; external hard drives and other data storage devices; and/or other devices.

- **I.T. Software to include (but not limited to):** Operating System Software; Anti-virus Software; Security Software; Programs; Web-Site Software; FB Software; and/or other software.

Acquisition of I.T. Hardware and/or Software:

The acquisition of all I.T. Hardware and/or Software by any Town entity covered under the Scope of this policy shall be in accordance with MGL Chapter 30B (State Purchasing/Procurement Law) and/or Sound Business Practices.

Any and all I.T. Hardware and/or Software acquisitions must first be requested in consultation with the I.T. Systems Administrator. The I.T. Systems Administrator has the authority to approve/revise/decline any I.T. Hardware and/or Software acquisition which is not in the best interests of the Town of Ayer.

Any and all I.T. Hardware and/or Software acquisitions must be signed off on by the I.T. Systems Administrator and the Town Administrator PRIOR to submission to the Town's Accounting Office.

No I.T. Hardware and/or Software acquisitions will be processed by the Town's Accounting Office until proper authorization from the I.T. Systems Administrator and Town Administrator.

Upon acquisition of any and all I.T. Hardware and/or Software, the I.T. Systems Administrator is authorized to ensure the proper installation and use of said hardware and/or software.

Any and all I.T. Hardware and/or Software acquired by the Town of Ayer are the sole property of the Town of Ayer. Each respective Town user is required to use the I.T. Hardware and/or Software for Town purposes only and in accordance with the manufacturer's specifications and uses.

Enforcement:

Any and all I.T. Hardware and/or Software acquired without adhering to this policy will be deemed invalid and will be sent back with all return fees; shipping fees; and/or restocking fees charged to the offending entity (Department; Board; Commission; Committee, etc.)

Disposal of all I.T. Hardware and/or Software:

The disposal of any and all I.T. Hardware and/or Software shall follow MGL Chapter 30B. Any disposals must be submitted in writing to the I.T. Systems Administrator for review and authorization. The Town Administrator (Procurement Officer) must also review and authorize the disposal of any and all I.T. Hardware and/or Software.

Disposal shall be done in a legal, responsible, secure, eco-friendly manner with any disposal costs/fees being charged to the entity disposing of the I.T. Hardware and/or Software.

Disposed I.T. Hardware and/or Software under no circumstances shall be given to any Town Employee and/or the Public.

Approved by the Ayer Board of Selectmen on: DATE: _____

Declaration

I have read, understand and acknowledge receipt of the Information Technology Acquisition Policy. I will comply with the guidelines set out in this policy.

Employee Signature

Date

Printed Name

MR. GABRIEL VELLANTE, BUILDING COMMISSIONER

Mr. Vellante will appear before the Board regarding the following items:

- Resignation of the Wiring Inspector (See Enclosed)
- Appointment of the Wiring Inspector (See Enclosed)

Note: Commissioner Vellante is recommending that Mr. Alan Parker, the current Assistant Wiring Inspector be appointed to as the Wiring Inspector. The Town Administrator concurs with the Building Commissioner's recommendation. Mr. Parker will be in attendance at the meeting.

BUILDING COMMISSIONER

TOWN OF AYER

GABRIEL J. VELLANTE JR.
TOWN HALL
1 MAIN ST.
AYER, MA. 01432

TELEPHONE (978) 772-8214

01,Oct.,'13

Robert Pontbriand

Re: Appointment of new Electrical Inspector

Robert,

I have received a resignation letter from Philip Horgan, our electrical inspector. In his letter he has stated that he will stay on until we have appointed a new inspector. However, he is hopeful that this will happen in a short time period.

At present Alan M. Parker has been serving as the Alternate electrical Inspector. Since he is familiar with the town, the office operation and has the experience required to hold the position of Electrical Inspector, I recommend that he be moved up to that position immediately.

Sincerely,



Gabriel J. Vellante Jr.
Building Commissioner/Zoning Enforcement Officer

Encl: Philip Horgan resignation letter
Alan Parker resume

Cc: File

Cf: C/Ayer/letters/ltr13-ltr13033

September 19, 2013

Gabe,

This letter is to inform you that I am resigning as the Wire Inspector for the Town of Ayer.

I will remain as Wire Inspector until a replacement has been appointed. I would like to be replaced as soon as possible.

Kind Regards,


Philip Horgan

**Alan M. Parker
225 Whiley Road
Groton, Ma. 01450
978-448-3271**

**Board of Selectmen
Town of Ayer
1 Main Street
Ayer, Ma. 01432**

Dear Board of Selectmen,

I am writing this letter to ask for your consideration of my interest in the position of Electrical Inspector for the Town of Ayer.

My age is 57 years and I have been a Massachusetts Licensed Electrician for 34 years and have been Self-Employed as an Electrician for the last 25 years.

Respectfully,

Alan M. Parker

Alan M. Parker
225 Whiley Rd.
Groton MA 01450

EDUCATION

1974 Graduate of Ayer High School, Ayer MA

Employment

1974-1988 Wellman E. Parker Electrical Service, Ayer MA

1988- Present Owner-Alan M. Parker Electrical Service, Ayer MA

2011- Present Assistant Electrical Inspector, Ayer MA

CERTIFICATIONS / AFFILIATIONS

1979 Massachusetts Electrician License # EL 25506E

Experience Residential, Commercial and Industrial Electrical

BUILDING COMMISSIONER

TOWN OF AYER

GABRIEL J. VELLANTE JR.
TOWN HALL
1 MAIN ST.
AYER, MA. 01432

TELEPHONE (978) 772-8214

03,Oct.,'13

Re: Job Description
Inspector of Wires

Overview

The Inspector of Wires is responsible for the review of plans, specifications, issuance of permits, on-site field inspections and granting approval for work performed.

The Inspector of Wires must meet the following qualifications and be capable of performing the following duties:

- Hold a current Ma. Electrician's License
- Have a minimum of five years' experience in the electrical trades.
- Must have a working knowledge of the MA. State Electrical Code and all referenced Codes.
- Be able to review all plans and engineering specifications for compliance with applicable electrical codes
- Perform site inspections of work in-progress and as completed.
- Possess basic computer skills:
(ie: data base entry, word processing, e-mail, etc.).
- Must be able to effectively communicate with architects, engineers, contractors, tradesmen, and property owners.
- Attend all required seminars and Continuing Education Programs (CEU) to maintain licenses and certifications.
- Must have a valid MA Driver's license and transportation.

Sincerely,

Gabriel J. Vellante Jr.
Building Commissioner/Zoning Enforcement Officer

Cc: File
Cf: C/Ayer/letter/ltr13-ltr13035

BUILDING COMMISSIONER

TOWN OF AYER

GABRIEL J. VELLANTE JR.
TOWN HALL
1 MAIN ST.
AYER, MA. 01432

TELEPHONE (978) 772-8214

03,Oct.,'13

Re: Job Description
Alternate Inspector of Wires

Overview

The Alternate Inspector of Wires will be capable of reviewing plans, specifications, issuance of permits, on-site field inspections and granting approval for work performed. These responsibilities may be delegated to the Alternate Inspector of Wires by either the Inspector of Wires or the Building Commissioner.

Should the Inspector of Wires be unable to fulfill the requirements of his office (ie: vacation, sick, conflict of interest, etc), the Alternate Inspector of Wires will be capable of assuming all of his responsibilities.

The Alternate Inspector of Wires must meet the following qualifications and be capable of performing the following duties:

- Hold a current Ma. Electrician's License
- Have a minimum of five years' experience in the electrical trades.
- Must have a working knowledge of the MA. State Electrical Code and all referenced Codes.
- Be able to review all plans and engineering specifications for compliance with applicable electrical codes
- Perform site inspections of work in-progress and as completed.
- Possess basic computer skills:
(ie: data base entry, word processing, e-mail, etc.).
- Must be able to effectively communicate with architects, engineers, contractors, tradesmen, and property owners.
- Attend all required seminars and Continuing Education Programs (CEU) to maintain licenses and certifications.
- Must have a valid MA. Driver's license and transportation.

Sincerely,

Gabriel J. Vellante Jr.
Building Commissioner/Zoning Enforcement Officer

Cc: File

Cf: C/Ayer/letter/ltr13-ltr13035

MR. MARK WETZEL, DPW SUPERINTENDENT

Superintendent Wetzel will appear before the Boar regarding the following:

- **Main St. Light Improvements Contract with Blais Electric (See Enclosed)**

Note: The Board authorized the Notice of Award for this Contract on 10/8/2013

- **Request for Sewer Bill Abatement for Epic Enterprises (See Enclosed)**
- **Agreement for Wastewater Biosolids Disposal – Upper Blackstone Valley (See Enclosed)**

DEPARTMENT OF PUBLIC WORKS

Mark L. Wetzel, P.E., Superintendent
Pamela J. Martin, Office Manager



25 BROOK STREET
AYER, MASSACHUSETTS 01432
T: (978) 772-8240
F: (978) 772-8244

MEMORANDUM

Date: October 15, 2013
To: Board of Selectmen
From: Mark Wetzel, P.E., Public Works Superintendent
Subject: **Meeting Agenda Items**

Please find attached for your review and/or approval:

1. **Main St. Street Light Improvements - Sign Agreement with Blais Electric** - Attached is the Agreement with Blais Electric of Framingham, MA for the Main St Street Light Improvements. The Chairman will need to sign four copies.
2. **Request for Sewer Bill Abatement - Epic Enterprises** - Epic Enterprises noticed a potential error in their sewer bill in the second quarter of this year. Their request is attached. This is a "wastewater only" meter and electronically measures the flow. There was a problem in the meter wiring that was causing the meter to read higher than actual flow. Epic has requested an abatement on their July 16 bill from \$50,451.86 to \$34,000. I have reviewed the past usage for this meter and recommend that the Board of Selectmen, as Water and Sewer Commissioners, abate Epic's sewer bill by \$16,451.86 and any associated interest charges. Please note that Epic has paid the \$34,000.
3. **Agreement for Wastewater Biosolids Disposal - Upper Blackstone Valley Water Pollution Control District-** Attached is a one-year renewal Amendment for the Wastewater Sludge Disposal Agreement with Upper Blackstone Water Pollution Abatement District. The Agreement dated January 22, 2013 expired on June 30, 2013 and there is a provision for a one year extension. This requires signature by the Chairman.

SECTION 00510AGREEMENT
(EJCDC)

THIS AGREEMENT is by and between Town of Ayer
(hereinafter called OWNER) and _____
(hereinafter called CONTRACTOR).

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

ARTICLE 1 - WORK

1.01 CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows: MAIN ST STREET LIGHT IMPROVEMENTS.

ARTICLE 2 - CONTRACT TIMES*4.01 Contract Time*

A. All time limits for Milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract. Work will be substantially complete within 60 calendar days after the date when the Contract Time commences to run provided the General Conditions, and completed and ready for final payment within 75 calendar days after the date when the Contract Time commences to run.

4.02 Liquidated Damages

A. CONTRACTOR and OWNER recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 4.01 above, plus any extensions thereof allowed in accordance with the General Conditions. The parties also recognize the delays, expense, and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty), CONTRACTOR shall pay OWNER \$ 200 for each day that expires after the time specified in paragraph 4.01 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if CONTRACTOR shall neglect, refuse, or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by OWNER, CONTRACTOR shall pay OWNER \$ 200 for each day that expires after the time specified in paragraph 4.01 for completion and readiness for final payment until the Work is completed and ready for final payment.

ARTICLE 5 - CONTRACT PRICE

5.01 OWNER shall pay CONTRACTOR for completion of the Work in accordance with the Contract Documents an amount in current funds equal to the sum of the amounts determined pursuant to paragraphs 5.01.A below:

A. For all Work, at the prices stated in CONTRACTOR's Bid, attached hereto as an exhibit.

ARTICLE 6 - PAYMENT PROCEDURES*6.01 Progress Payments; Retainage*

A. OWNER shall make progress payments on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment on or about the last day of each month during performance of the Work as provided in paragraphs 6.01.A.1 and 6.01.A.2 below.

Main St Street Light Improvements
September, 2013

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as ENGINEER may determine or OWNER may withhold:

- a. 95 % of Work completed (with the balance being retainage).
- b. 95 % of cost of materials and equipment not incorporated in the Work (with the balance being retainage).

2. Upon Substantial Completion, OWNER shall pay an amount sufficient to increase total payments to CONTRACTOR to 95 % of the Work completed, less such amounts as ENGINEER shall determine and less 95 % of ENGINEER's estimate of the value of Work to be completed or corrected as shown on the tentative list of items to be completed or corrected attached to the certificate of Substantial Completion.

6.02 Final Payment

A. Upon final completion and acceptance of the Work OWNER shall pay the remainder of the Contract Price as recommended by ENGINEER.

ARTICLE 7 - OMITTED

ARTICLE 8 - CONTRACTOR'S REPRESENTATIONS

8.01 In order to induce OWNER to enter into this Agreement CONTRACTOR makes the following representations:

A. CONTRACTOR has examined and carefully studied the Contract Documents and the other related data identified in the Bidding Documents.

B. CONTRACTOR has visited the Site and become familiar with and is satisfied as to the general, local, and Site conditions that may affect cost, progress, and performance of the Work.

C. CONTRACTOR is familiar with and is satisfied as to all federal, state, and local Laws and Regulations that may affect cost, progress, and performance of the Work.

D. CONTRACTOR does not consider that any further examinations, investigations, explorations, tests, studies, or data are necessary for the performance of the Work at the Contract Price, within the Contract Times, and in accordance with the other terms and conditions of the Contract Documents.

E. CONTRACTOR is aware of the general nature of work to be performed by OWNER and others at the Site that relates to the Work as indicated in the Contract Documents.

F. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the Site, reports and drawings identified in the Contract Documents, and all additional examinations, investigations, explorations, tests, studies, and data with the Contract Documents.

G. CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities, or discrepancies that CONTRACTOR has discovered in the Contract Documents, and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

H. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

ARTICLE 9 - OMITTED

ARTICLE 10 - MISCELLANEOUS

10.01 *Terms*

A. Terms used in this Agreement will have the meanings as specified.

10.02 *Assignment of Contract*

A. No assignment by a party hereto of any rights under or interests in the Contract will be binding on another party hereto without the written consent of the party sought to be bound; and, specifically but without limitation, moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 *Successors and Assigns*

A. OWNER and CONTRACTOR each binds itself, its partners, successors, assigns, and legal representatives to the other party hereto, its partners, successors, assigns, and legal representatives in respect to all covenants, agreements, and obligations contained in the Contract Documents.

10.04 *Severability*

A. Any provision or part of the Contract Documents held to be void or unenforceable under any Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

10.05 *Other Provision*

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed this Agreement in duplicate. One counterpart each has been delivered to OWNER and CONTRACTOR. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or on their behalf.

This Agreement will be effective on _____, _____ (which is the Effective Date of the Agreement).

OWNER:

CONTRACTOR:

By: _____

By: _____

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest _____

Attest _____

Address for giving notices:

Address for giving notices:

(If OWNER is a corporation, attach evidence of authority to sign. If OWNER is a public body, attach evidence of authority to sign and resolution or other documents authorizing execution of OWNER-CONTRACTOR Agreement.)

License No. _____
(Where applicable)

Agent for service of process: _____

(If CONTRACTOR is a corporation or a partnership, attach evidence of authority to sign.)

Designated Representative:

Designated Representative:

Name: _____

Name: _____

Title: _____

Title: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Facsimile: _____

Facsimile: _____

END OF SECTION

Main St Street Light Improvements
September, 2013



EPIC ENTERPRISES, INC.

11 Copeland Drive

Andover, MA 01810
Tel: 978.686.1111

August 20, 2013

Town of Ayer
DPW
25 Brook Street
Ayer, Ma 01432

Re: Account #02339 sewer bill for the period 3/1 – 6/12/13

To Whom It May Concern:

On August 20, 2013 I contacted the Town of Ayer DPW regarding what we believe to be an error in the sewer bill for the period of 3/1/13 – 6/12/13 for \$50,451.86. I spoke with Tim Lahtinen, who advised me to withhold payment on the disputed amount and include a letter with the payment describing the dispute.

The potential for an error was first suspected in April when the meter readings, which normally run around 35,000 gallons/day spiked to as high as 517,421. It was determined that the meter was malfunctioning and during the period of April 12, 2013 – April 22, 2013, the average daily reading was approximately 200,000. Once the meter was serviced, the daily readings returned to their normal levels.

The perceived error in the usage was further evidenced by the bill we received for the period listed above. A historical review of our quarterly sewer bill showed that from January, 2011 – February, 2013 it averages approximately \$28,000 with a low of \$18,550 and a high of 35,143 (Please note the low of \$18,550 occurred during a period when one of our most productive lines was not operating for a period of one month due to upgrades.).

Based on data that we track here, we estimate that the correct usage for the period of March – May should be approximately 2,900,000 gallons as opposed to the 4,025,000 recorded by the town. The data includes readings that we get from a second meter that tracks the same usage. To that end and per the instructions we received from the DPW office, we have adjusted our payment from \$50,451.86 to \$34,000.00. Please let us know what other information you require to help support our dispute.

Sincerely,

Michael D. Vinci
Controller
EPIC Enterprises, Inc.

A/D INSTRUMENT REPAIR, INC.
 Analog/Digital Field Service
 23B South Main Street
 NEWTON, NEW HAMPSHIRE 03858
 (603) 382-4667
 FAX (603) 382-4508

JOB WORK ORDER

3031

DATE OF ORDER

CUSTOMER'S ORDER NO.	PHONE	MECHANIC JTM	HELPER	STARTING CASE 4/12/2013
BILL TO EPIC Enterprises			ORDER TAKEN BY JTM	<input checked="" type="checkbox"/> DAY WORK <input type="checkbox"/> CONTRACT <input type="checkbox"/> EXTRA
ADDRESS				
CITY				
JOB NAME AND LOCATION				JOB PHONE

1 Copy of Meter Rpt for
 Unit # 2011

DESCRIPTION OF WORK:
 looked at the problem with the
 Effluent Flow meter reading
 higher than it should.
 I found that a small shield
 wire was touching one of the
 measure wires, causing the reading
 to read higher than it should.
 The problem was corrected and
 the unit now reads properly as
 it should.

	TOTAL MATERIALS	
	TOTAL LABOR	
	TAX	
DATE COMPLETED 4/22/2013	WORK ORDERED BY John Blood	TOTAL AMOUNT \$

Signature John Blood No one home Total amount due for above work: or Total billing to be mailed after completion of work

I hereby acknowledge the satisfactory completion of the above described work.

AMENDMENT NO. 1
Wastewater Sludge Disposal Agreement
Subject of Amendment: One Year Renewal Term

1. Background Data:

- a. Effective Date of Agreement: January 22, 2013
- b. OWNER: Town of Ayer, One Main Street, Ayer MA 01432
- c. Disposal Provider: Upper Blackstone Water Pollution Abatement District, Millbury, MA
- d. Contract Term: 1 years with provision for 1 year extensions

2. Nature of Amendment

- a. One year extension of Contract Term
- b. Revisions to rates and fees

3. Description of Modifications

- a. Fees and conditions in accordance with Attachment A - Letter dated July 1, 2013

OWNER and CONTRACTOR hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is July 1, 2013 .

OWNER: Ayer Board of Selectmen

Disposal Provider:
Upper Blackstone Water Pollution Abatement District

By: _____
Title: Chairman

Title:

Date Signed: _____

Date Signed: _____



UPPER BLACKSTONE WATER POLLUTION ABATEMENT DISTRICT
1000 WEST AVENUE, SUITE 100, AYER, MASSACHUSETTS 01432
Telephone: 978/235-1289 Fax: 978/235-1289

July 1, 2013

Via e-mail

Ayer Treatment Plant
c/o DPW
25 Brook Street
Ayer, MA 01432

Dear Mr. Wetzel;

The Upper Blackstone Water Pollution Abatement District is willing to serve as the primary disposal site for the Ayer MA WWTP sludges starting July 1, 2013 through June 30, 2014 with the following provisions:

- Sludge disposal rate (as per attached Schedule A) will be \$319 per dry ton for mixed primary and secondary sludges if the sludge solids content is greater than 4.2 percent by weight, or \$/70 per thousand gallons if the solids content is less than 4.2 percent.
- A \$10.00 permit fee per month will apply.
- Sludge disposal rates are subject to change on an annual basis (next potential rate change would be effective July 1, 2014).
- All vehicles used to transport sludge must be properly registered with the District.
- A sample of each load of sludge is required. The sample may be taken as the truck is being filled. The sample must be left in the refrigerator at the holding tanks where the driver signs in. Additional sampling may be performed by District personnel.
- The District will accept sludge at our sole discretion.
- The Town of Ayer or its assignees can be shut off at any time or reason with little or no advance notice.

Very truly yours,
UPPER BLACKSTONE WATER
POLLUTION ABATEMENT DISTRICT

Karla H. Sangrey
Engineer Director/Treasurer

cc: J. Nowak
M. Johnson
J. Loomer

SCHEDULE A

SLUDGE HANDLING RATES

EFFECTIVE JULY 1, 2013 to JUNE 30, 2014

- A. Base rate of \$319 per dry ton for mixed primary and secondary sludges, if the sludge solids content is greater than 4.2 percent by weight, or \$70.00 per thousand gallons if the solids content is less than 4.2 percent.**

- B. Volume rate of \$267 per dry ton for mixed primary and secondary sludges for material received in excess of 50 dry tons in a single calendar month, if the sludge solids content is greater than 4.2 percent by weight.**

- C. Secondary rate of \$350 per dry ton for secondary sludge, if the sludge solids content is greater than 4.2 percent by weight, or \$77.00 per thousand gallons if the solids content is less than 4.2 percent.**

A \$10.00 permit fee per source per month will apply.

JOINT APPOINTMENT of PLANNING BOARD MEMBER BY BOS AND PLANNING BOARD

- The Planning Board will join the Board at the table to conduct a joint appointment of a candidate to the Ayer Planning Board in accordance with the procedures set forth by MGL . All requirements have been met according to MGL and there is one candidate that will appear before the Boards for consideration of Appointment (See Enclosed)
- Upon interviewing the Candidate, the BOS and Planning Board will vote to appoint. A simple majority of all Selectmen and Planning Board Members present constitutes the appointment. The candidate will serve as a Planning Board Member until the Annual Town Election in April where he may choose to run for election.



SEP 18 2013
10:30AM JF

 **COPY**

Town of Ayer Planning Board

Town Hall * One Main Street * Ayer, MA01432 * 978-772-8218 * 978-772-3017(fax)

Planning Board Notice of Vacancy

The Ayer Planning Board is looking to fill a vacant seat until the next election in April 2014. If interested in volunteering, please submit a brief letter of interest to the Ayer Planning Board dated no later than September 25, 2013.

Thank you,
Mark Fermanian, Chairman

Law Offices of Thomas A. Gibbons, PC.

www.tgibbonslaw.com

Thomas A. Gibbons, Esq.
tgibbons@tgibbonslaw.com
Licensed to practice in MA & NH
Telephone: 978-772-2284
GENERAL FAX: 978-772-0802

21 Park Street
Ayer, MA 01432

Darren J. Lanza, Esq.
dlanza@tgibbonslaw.com
Licensed to practice in MA & NH

Robert C. Markley, Esq.
rmarkley@tgibbonslaw.com
Licensed to practice in MA

September 19, 2013

Town of Ayer Board of Selectman
Attn: Robert Pontbriand
1 Main Street
Ayer, MA 01432

Town of Ayer Planning Board
Attn: Susan Sullivan
1 Main Street
Ayer, MA 01432

RE: Planning Board Appointment

Dear Honorable Members of the Board of Selectman and Planning Board for the Town of Ayer,

It is my understanding that Mr. Kyle Gordon is seeking appointment to the Town of Ayer Planning Board to fill the Planning Board's seat that has been vacant for some time. I would like to provide my highest recommendation for the appointment of Kyle Gordon to the Planning Board. Kyle Gordon and his wife, Michelle, moved to my neighborhood in January of 2002. They have one (1) son that is close in age to my two (2) boys. Kyle and his family have been great neighbors. They are the type of people that add to the strength and vibrancy of a neighborhood.

In my many interactions with Kyle over the last eleven (11) years, I find him to be a very honest, hardworking and thoughtful person. He is someone that not only enjoys the benefits of living in a great town like Ayer but also cares very much about the future of the Town. Over the last couple of years Kyle has mentioned to me his desire to get more involved with the Town of Ayer. When I became aware of the open seat on the Planning Board, I mentioned this opportunity to Kyle and he quickly contacted Sue Sullivan and began the process to join the Planning Board.

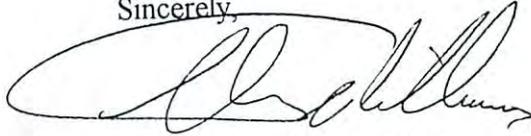
As you know or will soon find out, Kyle is a professional fire fighter. It is my opinion that Kyle's experience as a fire fighter will be very valuable to the Planning Board, as the Planning Board's responsibilities include Site Plan Approval for new buildings and approval of new sub divisions. I believe that Kyle is keenly aware that a strong town with a strong school system greatly depends on good town planning. Good town planning obviously depends on a strong planning board that is dedicated to implementing and enforcing the town's zoning by laws. I am

from planning bo.
COPY

confident that Kyle Gordon will educate himself on the Town of Ayer's By Laws and will enforce it with integrity and fairness.

Should you have any questions or concerns regarding Mr. Gordon, please do not hesitate to contact me.

Sincerely,

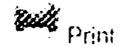
A handwritten signature in black ink, appearing to read "Thomas A. Gibbons". The signature is fluid and cursive, with a large initial "T" and "G".

Thomas A. Gibbons, Esq.

MR. JOHN C. CANNEY, II, TOWN CLERK and TAX COLLECTOR

- At the request of the Board from the October 1, 2013 meeting, Mr. Canney will appear before the Board to discuss the issue(s) of Business Certificates.

Note: At the request of the Board, enclosed is a copy of MGL governing Business Certificates (See Enclosed)



PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE XV REGULATION OF TRADE

CHAPTER 110 LABELS, TRADE MARKS, NAMES AND REGISTRATION THEREOF

Section 5 Certificates of persons conducting businesses - contents, filing, fees, index

Section 5. Any person conducting business in the commonwealth under any title other than the real name of the person conducting the business, whether individually or as a partnership, shall file in the office of the clerk of every city or town where an office of any such person or partnership may be situated a certificate stating the full name and residence of each person conducting such business, the place, including street and number, where, and the title under which, it is conducted, and pay the fee as provided by clause (20) of section thirty-four of chapter two hundred and sixty-two. Such certificate shall be executed under oath by each person whose name appears therein as conducting such business and shall be signed by each such person in the presence of the city or town clerk or a person designated by him or in the presence of a person authorized to take oaths. The city or town clerk may request the person filing such certificate to produce evidence of his identity and, if such person does not, upon such request, produce evidence thereof satisfactory to such clerk, the clerk shall enter a notation of that fact on the face of the certificate. A person who has filed such a certificate shall, upon his discontinuing, retiring or withdrawing from such business or partnership, or in the case of a change of residence of such person or of the location where the business is conducted, file in the office of said clerk a statement under oath that he has discontinued, retired or withdrawn from such business or partnership or of such change of his residence or change of the location of such business, and pay the fee required by clause (21) of said section thirty-four. In the case of death of such a person, such statement may be filed by the executor or administrator of his estate. The clerk shall keep a suitable index of all certificates so filed with him which are currently in force and effect, setting forth the pertinent facts, including a reference to any statement of discontinuance, retirement or withdrawal from, or change of location of, such business, or change of residence of such person. A certificate issued in accordance with this section shall be in force and effect for four years from the date of issue and shall be renewed each four years thereafter so long as such business shall be conducted and shall lapse and be void unless so renewed. Copies of such certificates shall be available at the address at which such business is conducted and shall be furnished on request during regular business hours, to any person who has purchased goods or services from such business. Violations of this section shall be punished by a fine of not more than three hundred dollars for each month during which such violation continues.

TOWN ADMINISTRATOR'S REPORT

At the request of the Board, the following four proposed DRAFT policies have been prepared since September 3, 2013 for the Board's review and consideration and have appeared on the Sept. 3rd; Sept. 17th; and October 1st Board Meeting Agendas but have not been fully discussed.

- Policy for the Acquisition of Furniture; Equipment; and Alterations for Town Hall (See Enclosed)
- Town-Wide Policy on Cell Phones (See Enclosed)
- Policy for the Posting of Meeting Minutes to the Web-Site (See Enclosed)
- OML (Open Meeting Law) 940 CMR 29.10: Remote Participation for Public Meetings (See Enclosed)

MEMORANDUM

DATE: September 3, 2013

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: Proposed Policy for the Acquisition of Furniture; Equipment; and Alternations for the Ayer Town Hall [DRAFT]

Dear Selectmen,

As a result of various discussions by the BOS over the last few months, it became evident that the Town of Ayer was in need of an official policy for the acquisitions of furniture; equipment; and alterations for the Ayer Town Hall. Per your request, I was to draft the following proposed policy for your review and consideration at your September 17, 2013 BOS Meeting.

In consultation with the Director of Facilities Maintenance, I am pleased to present you with the following proposed policy for your review and consideration:

Town Hall Policy for the Acquisition of Furniture; Equipment; and Alternations for the Ayer Town Hall

Purpose:

- The purpose of this Town Hall Policy is to ensure that the acquisition of furniture; equipment; and/or alterations to the Ayer Town Hall are done professionally taking into account the historic preservation of the Town Hall and its grounds; the acquisition, placement and/or installation of furniture and/or equipment that is cost effective, efficient and in compliance with the preservation of the historic Town Hall; Americans with Disabilities Act (ADA); building code; federal/state/local public safety; federal/state/local public health; maintains the aesthetic beauty of the building and grounds; and finally ensures a safe, pleasant environment for Town Hall Employees and the Public.

Scope:

- The scope of this policy is the entire Town Hall Building (including all of its internal equipment, furnishings, and systems); the Grounds of the Town Hall (including all monuments, trees, plantings, and artifacts).
- This policy applies to all Boards (elected and appointed); Commissions (elected and appointed); Committees; Employees (elected and appointed); Visitors of Town Hall; Rentals of Town Hall; and the General Public.

Authority:

- The care and custodianship of the Ayer Town Hall and its Grounds are officially delegated to the Town Administrator by the Ayer Board of Selectmen. The Town Administrator with respect to the care and custodianship of the Ayer Town Hall and its Grounds consults with the Facilities Maintenance Director. The Town Administrator shall keep the Ayer Board of Selectmen informed regularly of the condition/status of the Town Hall and its Grounds.
- This policy is subject to adoption, amendment, revisions, and/or revocation by a majority vote of the Ayer Board of Selectmen in consultation with the Town Administrator.
- The Fire Chief and/or his designee(s) shall annually inspect the Town Hall for Fire Safety Compliance. The Fire Chief and/or his designee(s) have the authority to remove any furniture and/or equipment (Town owned or Personally Owned) that poses a Fire Hazard to the Town Hall.
- The Police Chief and/or his designee(s) have the authority to remove any furniture and/or equipment (Town owned or Personally Owned) that poses a public safety hazard to the Town Hall.
- This policy does not supersede any relevant Federal and/or State Laws.

Policy:

Furniture (Common Areas):

- Any and all furniture for common areas and common use in the Ayer Town Hall are the responsibility of the Town Administrator in consultation with the Facilities Maintenance Director. The acquisition, disposal, alteration, placement, and use of Town Hall furniture in common areas must be authorized by the Town Administrator in consultation with the Facilities Maintenance Director.

Furniture (Specific Offices):

- The funding for all furniture for specific offices is the responsibility of that specific department. All furniture purchased for use by Departments and their personnel are the

property of the Town of Ayer. All Employees are required to properly use and maintain their respective Office furniture in conformance with the manufacturer's specifications. Damage to furniture in specific offices is the sole responsibility of that specific department in terms of repair and/or replacement and all costs associated after prior approval by the Town Administrator in consultation with the Facilities Maintenance Director. Common wear items (i.e. office chair mats) are the responsibility of the individual Departments to plan for and fund.

Equipment (Common Areas):

- All Town Hall Equipment located in common areas is the sole responsibility of the Town Administrator and Facilities Maintenance Director. This includes but not limited to all equipment in: all public meeting spaces; all restrooms; the Employee Break Room; the Great Hall; and any equipment on or in the Town Hall grounds. Employees and the Public are expected to properly use any common equipment and immediately report any damage or issues to the Town Administrator and/or Facilities Maintenance Director.

Equipment (Specific Offices):

- All equipment in specific offices is to be acquired, maintained, and disposed of in the proper manner at the expense of the specific Department. All equipment in specific Departmental offices is the sole property of the Town of Ayer. Damage to specific office equipment is the sole responsibility of that specific department in terms of repair, replacement, and or disposal. The Town Administrator and/or the Facilities Maintenance Director reserve the right to remove any equipment which is deemed unsafe.

Information Technology (I.T.) Equipment:

- All I.T. equipment and technology (hardware and software) is the sole responsibility of the Town Administrator in consultation with the I.T. Systems Administrator, the I.T. Committee, and the Town-Wide I.T. Acquisition Policy.

Physical Alterations to the Town Hall:

- Any and all physical alterations to the Town Hall and/or the Town Hall Grounds must be submitted to the Town Administrator in consultation with the Facilities Maintenance Director for review and approval.
- Any alterations that impact the historic preservation of the Town Hall and/or Grounds will be submitted by the Town Administrator for a formal review by the Ayer Historic Commission in consultation with the Ayer Board of Selectmen.
- Any physical alterations to the Town Hall and/or Grounds deemed to not be in the best interests of the Town of Ayer will be denied.

Town Clerk Vault:

- The Town Clerk Vault is the sole responsibility of the Ayer Town Clerk to ensure that the Vault is properly secure at all times. In the interests of protecting the Town's records, the Town Administrator in consultation with the Facilities Maintenance Director reserves the right to secure the vault in the absence of the Town Clerk or if the Town Clerk does not secure the Vault.

BOS Vault:

- The Board of Selectmen's Vault is the sole responsibility of the Town Administrator.

Town Hall Climate Control:

- The climate control (including the air circulation) of Town Hall is under the authority of the Town Administrator in consultation with the Facilities Maintenance Director. The Town Hall's temperatures will be set at the minimum at Federal Temperature Standards.

Town Hall Elevator:

- The Town Hall Elevator is the sole responsibility of the Town Administrator in consultation with the Facilities Maintenance Director. The Town Hall Elevator will be inspected by the State in accordance with MGL.

Securing Town Hall After Hours:

- It shall remain the policy of the Town of Ayer, that the last individual and/or individuals leaving the Town Hall shall be responsible for securing the front and side doors as well as ensuring that all common lights are out (including the Great Hall; Employee Break Room; and Stairwells).
- It is the responsibility of the individual(s) to know how to secure the building. Instruction on securing the building is available by the Board of Selectmen's Office.
- Failure to properly secure the Town Hall after Hours may result in the revocation of the use of Town Hall by the individual(s) and or disciplinary action in terms of Employees.

Enforcement:

- The Town Administrator in consultation with the Facilities Maintenance Director shall be responsible for the enforcement of this policy.
- Failure to comply with this policy may result in disciplinary action and/or revocation of the use of specific furniture, equipment, and/or the use of Town Hall.

[PROPOSED DRAFT POLICY]

DATE: September 26, 2013

TO: All Town of Ayer Employees

FROM: Robert A. Pontbriand, Town Administrator

SUBJECT: Town of Ayer Cell Phone Use Policy (Proposed DRAFT)

On [insert date], the Ayer Board of Selectmen voted to adopt and implement the following policy pertaining to the use of cellular phones by all Town Employees.

Cell Phone Use Policy:

- All Employees who have Town-owned cellular phones (including Blackberry, I-Phone, and Tablets) and accessories are responsible for the proper care of the equipment.
- All Town-issued cellular phones (including Blackberry, I-Phone, and Tablets) and accessories are the property of the Town of Ayer.
- All Employees may be financially responsible for loss, damage, or failure to return a Town-issued cellular phone (including Blackberry, I-Phone, and Tablets) and/or accessories.
- The use of cellular phones (including Blackberry, I-Phone, and Tablets) and accessories to transmit and/or receive inappropriate communication is strictly prohibited. Inappropriate communication includes , but is not limited to: discriminatory, hostile, suggestive, obscene, harassing, annoying or otherwise unsuitable language, imaging, and/or video content.
- The assignment of a Town-issued cellular phones (including Blackberry, I-Phone, and Tablets) and accessories to an Employee may be withdrawn at any time for violation of this Policy and/or at the discretion of the Department Head with approval by the Town Administrator.
- Violation(s) of the Town of Ayer Cell Phone Use Policy is subject to potential disciplinary action against the Employee.
- The Ayer Board of Selectmen reserves the right to amend, suspend, and/or revoke this Policy by a simple majority vote of the Ayer Board of Selectmen at a posted open meeting.

Cc: Ayer Board of Selectmen

Board of Selectmen

MEETING TUESDAYS AT 7:00 P.M. • UPPER TOWN HALL • 1 MAIN STREET • AYER, MASSACHUSETTS 01432



(978) 772-8220
fax (978) 772-3017

Town Administrator
(978) 772-8210

MEMORANDUM

DATE: September 11, 2013

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: Electronic Posting of Town of Ayer Meeting Minutes

Dear Selectmen,

As the Board is aware the issue of posting Town of Ayer Meeting Minutes remains a periodic issue of concern/frustration that often results in a debate as to the matter of policy with respect to meeting minutes (as it does in all municipalities). I offer the following memo to facilitate the discussion and a potential proposal for a policy if the Board wishes to consider.

As the Board is aware, M.G. L. c. 4, § 7(26) (Massachusetts Public Records Law) states what a Public Record is as well as Exemptions to the Public Record Law. The Public Records Law is enforced by the Secretary of State's, Public Records Division (kindly refer to your materials from the Public Records Training and/or to the "Town Officials Toolbox" on the Town's website).

All meetings of all Town of Ayer Public Bodies (Boards, Commissions, Committees, i.e.) under the Open Meeting Law (and Public Records Law) **MUST** keep official meeting minutes. These meeting minutes in **BOTH draft form and final form are public records** (with the exception of the exemptions of the public records law).

All Town of Ayer public bodies and employees are subject to the Public Records Law and **MUST** comply with the provisions set forth by the Public Records Law regarding a Public Records Request (refer to Public Records Training materials and/or "Town Officials Toolbox").

The Ayer Town Clerk is the official repository and custodian of all meeting minutes of the Town of Ayer's various (Boards, Commissions, Committees, etc.) The Ayer Town Clerk is the Town's Keeper of the Records. Only in his custodianship are the actual official meeting minutes of the Town's various public bodies. It is the legal responsibility of each public body of the Town of Ayer to ensure that their official minutes are filed with the Ayer Town Clerk. This is a legal requirement and responsibility of the Town of Ayer.

The only exception to this are the records of the Ayer Board of Selectmen, including the Ayer Board of Selectmen Meeting Minutes for which the Town Administrator is authorized by the Ayer Board of Selectmen as the official Keeper of the Selectmen's records including their meeting minutes. This is a legal requirement and responsibility of the Town of Ayer.

Official meeting notices must be posted in accordance with the Open Meeting Law (which is enforced by the Attorney General) at least 48 hours in advance of said meeting and must be stamped by the Town Clerk and posted on the Town's Official Posting Board on the Columbia Street Side of Town Hall. No other posting method is official in the Town of Ayer with respect to meeting notices and agendas.

This brings me to my final point(s). The posting of meeting minutes, agendas, and public documents on the Town of Ayer Web-Site and/or Facebook Page is not a legal requirement or legal responsibility of the Town of Ayer in terms of the Public Records Law and/or Open Meeting Law.

The Town of Ayer does its due diligence to provide as much information as possible to the public via electronic means BUT it is not a legal requirement. It is a local service and courtesy to the public in the interests of increased transparency and open government.

It should also be noted that all material posted on the Town of Ayer Web-Site and Facebook Page is NOT necessarily an official record (a public record yes, but not an official record). Meeting Minutes posted on the Town Web-Site should not be considered an official record but a public record.

The posting of all material on the Town of Ayer Web-site and Facebook Page is the responsibility of the Town Administrator who as the Town's Public Information Officer is responsible for the review and approval of all material that is posted. The I.T. Systems Administrator does that actual scanning and posting of approved materials.

Oct.
1st

The Board of Selectmen may consider issuing a policy memorandum to all public bodies which are appointed by the Board to comply with the posting of meeting minutes on the Town web-site within a certain period of time upon the meeting minutes being officially finalized and accepted.

In terms of elected boards, commissions, and elected officials, the Town does provide web-pages on the Town Website for them to post materials (including meeting minutes) but it is largely at their discretion in that they are not legally required to nor can the Board of Selectmen order them to do so.

Thank you for your time and consideration.

Cc: John C. Canney, II, Ayer Town Clerk
Cindy Knox, I.T. Systems Administrator

29.10: Remote Participation

(1) **Preamble**. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating these regulations, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) **Adoption of Remote Participation**. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) **Local Public Bodies**. The Chief Executive Officer, as defined in M.G.L. c. 4, sec. 7, must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(b) **Regional or District Public Bodies**. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(c) **Regional School Districts**. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(d) **County Public Bodies**. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) **State Public Bodies**. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(f) **Retirement Boards**. A retirement board created pursuant to M.G.L. c. 32, sec. 20 or M.G.L. c. 34B, § 19 must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(3) **Revocation of Remote Participation**. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) **Minimum Requirements for Remote Participation**.

(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D.

(5) Permissible Reasons for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

(a) Personal illness;

(b) Personal disability;

(c) Emergency;

(d) Military service; or

(e) Geographic distance.

(6) Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

(i) telephone, internet, or satellite enabled audio or video conferencing;

(ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22.

(8) Further Restriction by Adopting Authority. These regulations do not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.



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[Home](#) [Government Resources](#) [Open Meeting Law](#) [OML FAQ](#) [Remote Participation](#)

OML FAQ: Remote Participation

Remote Participation

If the practice of remote participation has been authorized in a municipality, may an individual public body adopt a policy prohibiting or further restricting its use?

No. Only the adopting authority specified in 940 CMR 29.10(2) may establish restrictions on the use of remote participation. The adopting authority can authorize the practice for all public bodies within its jurisdiction but give all public bodies the opportunity to opt out of the practice, however.

[To Top](#)

What types of restrictions may an adopting authority place on remote participation?

An adopting authority, such as the Board of Selectmen in a town, may decide to adopt the practice of remote participation, but place restrictions on its use. Just as the adoption of remote participation must apply to all public bodies within the adopting authority's jurisdiction, however, any restriction on remote participation, other than on the amount or source of payment for any costs associated with the practice, must apply uniformly to all public bodies within the adopting authority's jurisdiction.

For instance, a Board of Selectmen may choose to adopt a policy saying that no member of any town board may participate remotely in more than three meetings each year. Or the Board may adopt a policy stating that a last minute lack of childcare shall be considered a personal emergency justifying remote participation under 940 CMR 29.10 (5)(c). However, the Board may not authorize the practice but say that only the Board of Selectmen can utilize it. The Board can say that funds for the purchase of necessary equipment will only be allocated for the Board's use, though.

An adopting authority also may not adopt a policy that violates state or federal law. Thus, it is not permissible for an adopting authority to say that no member may participate remotely due to personal disability or geographic distance, since these are allowable reasons for remote participation under the Attorney General's regulations. But the adopting authority can adopt a policy saying, for instance, that a public body member who wishes to participate remotely due to geographic distance must be a certain distance from the meeting location for his or her physical attendance to be considered unreasonably difficult.

[To Top](#)

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******PROPOSED DRAFT POLICY******

DATE: September 26, 2013

TO: All Town of Ayer Boards, Commissions, Committees, and Employees

FROM: Robert A. Pontbriand, Town Administrator

**SUBJECT: Town of Ayer Remote Participation Policy for all Public Meetings
(Proposed Draft)**

The Attorney General's Office has issued regulations providing direction to municipalities with regard to remote participation at public meetings regulated by the Open Meeting Law 940 CMR 29.10 (see attached).

On (insert date), the Ayer Board of Selectmen voted as follows in accordance with 940 CMR 29.10:

To allow remote participation in accordance with the requirements of 940 CMR 29.10, with the authorization applying to all public meetings of all Town of Ayer Public Bodies in the Town of Ayer.

In addition, the Board voted on (insert date), to approve the type of technology to be used in remote participation, as follows.

To allow remote participation by means of telephone, the Internet, satellite enabled audio and/or video conferencing, and/or any other technology which enable the remote participant and all persons at the meeting location to be clearly audible to one another.

Note that the Ayer Board of Selectmen may also revoke its approval of remote participation in the same manner as it has approved it. **The Ayer Board of Selectmen will monitor remote participation at meetings, and so instructs each public body that uses remote participation to inform the Town Administrator of each such remote participation, providing the details of the remote participation, and its assessment of such use.** Please contact the Town Administrator if you have any questions about remote participation at meetings.

[PROPOSED DRAFT POLICY]

Each public body using remote participation must be aware of the requirements of remote participation, as detailed below. **Every effort should be made by the public body to avoid the use of remote participation at meetings when possible.**

Members of a public body may participate remotely only if physical attendance is “unreasonably difficult”, as determined by the Chair or the person acting as Chair (in the Chair’s absence) of the meeting. Attendance that is “unreasonably difficult” is limited to the following:

1. Personal illness;
2. Personal disability;
3. Emergency;
4. Military service; or,
5. Geographic distance

During a meeting at which a member(s) is remotely participating, the member who is participating and all others present at the meeting **must be clearly audible to each other; a quorum of the public body must be physically present; and the Chair, or person acting as Chair, must be physically present.**

If the technology that is being used to allow the member(s) to remotely participate fails during the meeting, the Chair is encouraged to suspend the meeting while the failure is being fixed. **If the failure cannot be fixed, the failure and the departure of the remotely participating member(s) must be noted in the meeting minutes.**

The mandatory procedures for remote participation are as follows:

1. Any member(s) of a public body who wishes to remotely participate must notify the Chair as soon as reasonably possible, and include in the notification the reason for, and facts supporting the request.
2. When feasible, the Chair must distribute to the remote participant(s) in advance of the meeting all materials to be used in the meeting.
3. **At the start of the meeting the Chair must announce the names of the members who are remotely participating, and the reasons for their remote participation. This information must be recorded in the minutes of the meeting.**
4. All votes taken while any member(s) is remotely participating must be by roll call vote and recorded as such in the meeting minutes.

[PROPOSED DRAFT POLICY]

5. Public body members may participate remotely in Executive Session, but the Chair must state their name(s) and reason(s) for remote participation in Open Session prior to entering Executive Session. This information must be recorded in the minutes of the meeting. Once in Executive Session the remote participant(s) must state that no other persons are present and/or able to hear the discussion at the remote location(s), unless presence of such person(s) is approved by a simple majority vote of the public body.
6. Any cost for and/or associated with the remote participation shall be borne by the remote participant(s).
7. Failure to adhere to all of these mandatory procedures is a violation of 940 CMR 29.10 and the Town of Ayer's Policy on Remote Participation at Meetings.

Violations:

- Violations of 940 CMR 29.10 and/or the Town's Policy will result in the remote participation meeting being deemed illegal and all actions and/or votes to be illegal (null and void).
- Furthermore any violations of 940 CMR 29.10 are subject to investigation and enforcement by the Attorney General which **may include fines and penalties to the individual(s) involved; the public body involved and/or the Town of Ayer.** Such violations may also result in an order of revocation from the Attorney General's Office for the remote participation at meetings in the Town of Ayer.

Revocation of Policy:

- The Ayer Board of Selectmen reserves the right at any time to revoke the adoption of Remote Participation at Public Meetings Policy by a simple majority vote of the Ayer Board of Selectmen in a posted, Open Meeting.

Again, if you have any questions or concerns, please contact the Town Administrator.

Attachment: 940 CMR 29.10

Cc: Attorney General of the Commonwealth of Massachusetts
Town Counsel

BOS POLICIES and PROCEDURES REVIEW and UPDATE (On-Going)

- Final Review and Update of BOS Policy 99-27 (2001) (On Agenda since 8-22-2013) (See Enclosed)
- Review of BOS Policy 01-01 (On Agenda since 8-22-2013) (See Enclosed)

Appointments will normally be made only when all members of the Board are present. Appointments will be made by a majority vote of the Selectmen.

99-26: ADVISORY COMMITTEES OF THE BOARD OF SELECTMEN:

The Board may appoint standing or ad hoc advisory committees to aid on matters under the Board's jurisdiction. The use of such advisory committees provides greater expertise and more widespread citizen participation in the operation of government.

Charges to advisory committees shall be in writing and shall include the work to be undertaken, the time in which it is to be accomplished and the procedures for reporting to the Selectmen. Each committee must report in writing at least annually to the Selectmen. The Selectmen's Office shall be sent copies of all committee agendas and minutes. The Board will discharge committees upon the completion of their work. In addition, each Committee shall be provided with a Committee Handbook addressing issues such as conduct and law.

The charges and membership of standing advisory committees shall be reviewed periodically -- at least annually -- to assess the necessity and desirability of continuing the committee. Re-appointments will be based on an evaluation of the member's contribution, the desirability of widespread citizen involvement and the changing needs of the committee and the town.

It is the policy of the Selectmen to appoint qualified citizens representing all sections of the town to all such advisory committees. The Board will normally appoint no individual to more than one standing advisory committee at any one time.

In order to attract qualified and interested persons, vacancies will be made public as far in advance, but at least two weeks in advance, of an appointment as practicable.

99-27: RELATIONS WITH TOWN BOARDS, COMMITTEES AND COMMISSIONS

The Board of Selectmen is aware that coordination and cooperation is needed among the town's major boards, committees and commissions not only in the day to day operations of government but also to:

- 1.) set townwide goals and priorities,
- 2.) identify and anticipate major problems and working together towards their resolution, and
- 3.) develop a process for dealing with federal, state and county government.

Therefore, as the executive board that is historically responsible for the overall leadership and coordination of town affairs, the Selectmen will require that the Town Administrator to:

1. At least two times each year schedule meetings with the chairmen of major boards and committees to carry out functions 1-3 listed above. One meeting, shall, if possible, be held between the annual election and the start of town meeting for the purpose of reviewing the warrant and expediting town meeting.

2. Regularly schedule meetings of the Selectmen, Advisory Committee and School Committee with Ayer's State Legislators to discuss legislative issues which affect Ayer.

4. On behalf of the board , the Town Administrator is responsible for interboard communication in the day to day operations of government. The Town Administrator shall develop a process for exchange of information and the provision for advice and recommendations among the boards, committees and commissions with common interest, which shall include but not be limited to the exchange of minutes, the establishment of a central repository for data, studies and reports and the appointment of members or staff of boards, committees or commissions as liaison with one another around common projects.

99-28: RELATIONS WITH CITIZENS:

The Board recognizes that it both represents and is accountable to all the citizens of the town. It is the Board's policy to make every effort to strengthen communications with citizens. Measures will be instituted to increase citizen participation, encourage citizen input into governmental decisions and to keep citizens informed of all actions contemplated or taken by the Board and the town meeting which will affect them. To this end the following steps will be taken:

1. An individual citizen or group of citizens may request an appointment before the Board by contacting a Board member or the Town Administrator, stating precisely the reason for the appearance and the action desired and naming a spokesman for the group. Participants shall be given the opportunity to make a reasonable presentation through the spokesman and to express opinions and ask for pertinent information. Background data shall be prepared by the boards and departments concerned prior to the appointment insofar as possible, so that all parties involved can have a reasonable understanding of the subject matter. Citizens are encouraged to have written materials submitted for the Board's meeting packet. This policy is not intended to limit public participation for those people wishing to speak under the public input section of the board's agenda.

2. Persons who will be directly affected by proposed Board discussion and/or action will be notified by the Secretary to the Board of Selectmen and Town Administrator of the date and time of meeting at which the matter will be discussed or acted upon by the Board.

3. In considering matters of citizen concern at a regular meeting, the public will be allowed to ask questions or make statements relative to the matter under consideration at the discretion of the Chairman or upon request of any member of the Board.

4. All citizen questions and complaints are to be answered promptly. Questions and concerns relating solely to the Office of Selectmen shall be answered promptly by the Town Administrator , after consulting with the Board. Those needing prompt

00-01: MANAGER'S WRITTEN REPORTS

Introduction:

In an effort to keep the Board of Selectmen informed and to provide department heads with an opportunity to communicate departmental activities in a more efficient and formalized fashion, the Board of Selectmen has set a new policy into place regarding department head reporting. The policy is quite simple and it goes as follows:

Written Reports:

Each department head shall be required to submit a monthly written report to the Selectmen's office. This report shall describe all activities undertaken by that department head and his/her department employees during the prior month. Particular attention should be paid to how the department head's actions during the prior month fit in with the department's annual goals and objectives. These written reports are intended to help keep the Board of Selectmen informed, to relieve department heads from the obligation of attending the meetings on a regular basis, and to free up valuable time at Selectmen's meetings for non-routine matters.

These written reports shall be directed to the Town Administrator, shall be due in the Selectmen's office at noon on the Friday before a Selectmen's semi-monthly meeting and shall be included in the Selectmen's meeting packets.

The departments shall be divided into two groups with one group submitting reports for the first monthly meeting and the other group submitting for the second monthly meeting. The meeting schedule shall be coordinated through the Town Administrator.

Department heads may be required to attend additional meetings when there are specific matters requiring the department heads attendance. The need for attendance at other than quarterly meetings shall be coordinated through the Town Administrator.

Conclusion:

While this policy is a requirement for all Board of Selectmen appointed department heads, it is also an open opportunity for other department heads, boards and commissions to keep the lines of communication open. Accordingly, the Selectmen would encourage all others to use this process.

END OF POLICIES

BOS OPEN DISCUSSION

- **Electronic Devices for BOS Meetings** (Selectman Luca)
- **Purchasing of Street Lights** (Selectman Luca)
- **HRA/FSA Update** (Selectman Luca)

FUTURE TOPICS/MEETING SCHEDULE

- Mon. Oct. 28, 2013, 7pm, Special Fall Town Meeting (Great Hall of Town Hall)
- Tues. Nov. 5, 2013, 7am to 8pm, Special Town Election (No Meetings at Town Hall)
- Tues. Nov. 12, 2013, 7pm, BOS Regular Meeting
- Tues. Nov. 26, 2013, 7pm, BOS Regular Meeting
- Tues. Dec. 3, 2013, 7pm, BOS Regular Meeting/Tax Classification Hearing
- Tues. Dec. 17, 2013, 7pm, BOS Regular Meeting

- **Future Topics:** Review and Status of BOS Goals and Objectives; Review and Status of TA Goals and Objectives; Code of Conduct; Sign Policy for Public Lands; Habitat for Humanity; FY 2015 Budget Preparations; Final Non-Union Compensation/Classification Study; Tax Classification Public Hearing (Dec. 3rd); Issuance of Alcohol and other Licenses (Dec.); On-going Review of BOS Policies and Procedures; Boston Post Cane Award; Review of Update Financial Policies (when completed); Kohler Place; Calvin Moore Land; Comprehensive Pond Study; TIF Review; Review and Release of Applicable BOS ES Minutes; Business Certificates; FY 2015 Regional School Assessment; Many Others....