

Selectmen's Meeting
December 5, 2000
2nd Floor Ayer Town Hall, Main St., Ayer, MA

7:00p.m. Open Session

The Board met with Chairman Sullivan, Selectman Bresnahan, Selectman Pena, Selectman Witherow and Selectman Fay.

The Minutes of 10-31-00 and 11-14-00 were sent back for further review.

PUBLIC INPUT: Chairman Sullivan requested if there was anyone present wishing to meet with the Board no one stepped forward. Chairman Sullivan announced Rep. Hargraves office hours being conducted this evening at the Ayer Town Hall from 7pm to 8pm- present this evening is Rep. Hargraves's Aide Ron Engle.

Chairman Sullivan called for a motion to accept the agenda. Selectman Pena moved the Board approve the agenda of 12-5-00 as stated, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

AGENDA ITEMS: Personnel Policy Review Committee, re: final draft of revisions to Personnel Policy.

The Board met with William Oelfke, Martha Reilly, Lisa Wheeler, Selectmen Witherow and Selectman Fay. Selectman Witherow re-opened the discussion by stating this meeting tonight is the continuation of the Personnel Policy Review Committee's last meeting in November with the Selectmen. Selectman Witherow reviewed with the Board the proposed motions prepared by the Committee in anticipation of approval of the changes to the Personnel Policy to be presented this evening.

The Selectmen approved the following changes to the Personnel Policy:

1. Page 4-Benefits: Paragraph 1-hiring of outside Consultant approved by BoS-Scope of Service under review presently.
2. Page 4-Benefits: Paragraph 2-Software for Treasurer's Office to track benefits-Town Administrator to consult with Treasurer, motion made by Selectman Witherow, 2nd by Selectman Fay, VOTE: unanimous, so moved.
3. Page 4-Benefits: Paragraph 3-Personal Days changed from shall be taken in full day increments to Personal time may be taken in one-hour increments. Chairman Sullivan expressing concern-contacting Treasurer's Office to see if they are amicable to this request. Selectman Bresnahan stating it is a courtesy issue. Motion made by Selectman Witherow, 2nd by Selectman Fay, VOTE: Selectman Witherow aye, Selectman Fay aye, Selectman Pena aye, Selectman Bresnahan no, Chairman Sullivan no, VOTE: 3-2 motion carries.
4. Page 4-Benefits: Small Necessities Leave Act: (MGL c.149,Sec 52D-unpaid leave) voted to be added to Personnel Policy, motion made by Selectman Witherow, 2nd by Selectman Fay, VOTE: unanimous, so moved.
5. Page 5.-Benefits- Paragraph 1.-Sick Leave change sick leave shall be taken in half day increments to sick leave may be taken in hour increments. VOTE: Selectman Witherow aye, Selectman Fay aye, Selectman Pena aye, Selectman Bresnahan no, Chairman Sullivan no 3-2 motion carries.
6. Page 5-Problem Resolution- change Section 12 Problem Resolution Procedure Step 1 effective Jan. 18, 2000 from 10 days to five days as defined in the personnel By-law (Page 4-Section 6, paragraph 2) as approved at Town Meeting. Motion to approve made by Selectman Witherow, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.
7. Page 6-F. Other Recommendations-all Town employees shall sign a form acknowledging they received a copy of the Personnel Policy-add such signed form will be kept in the employees personnel file. Motion to approve made by Selectman Witherow, 2nd by Selectman Fay, VOTE: unanimous, so moved.
8. Page 6-Bullet 2-defer -until Human Resource position is implemented
9. Page 6-Bullet 6-Chapter 10, Page 31, Section 10.3.1. Line 7-change the employee should file the complaint in writing to read the employee may file the complaint in writing add a complaint will be addressed within the specified time under MGL of the complaint being filed. Add supervisor required

to follow up in writing. VOTE: Selectman Witherow aye, Selectman Fay aye, Selectman Pena aye, Chairman Sullivan aye, Selectman Bresnahan no. 4-1 motion passes. Selectman Bresnahan moved the Board have the Town Administrator write the verbiage for supervisor's response and report back for the next Selectmen's Meeting. VOTE: unanimous, so moved.

10. Page 7-Final approval of all changes be incorporated into the Personnel Policy by the Town Administrator within thirty days – Selectman Bresnahan moved the Board direct the Town Administrator to forward all proposed changes to Personnel Board for their review, schedule a meeting with the Personnel Board and the Board of Selectmen to meet for acceptance/approval by the Selectman, and to submit the revised document to Town Counsel for final consideration, 2nd by Selectman Pena VOTE: Selectman Witherow aye, Selectman Fay aye, Selectman **Bresnahan aye**, Selectman Pena aye, Selectman Sullivan no, 4-1 motion carries.

11. Bullets 4&8 Selectman Witherow moved the Board approve, 2nd by Selectman Fay, VOTE: unanimous, so moved.

The Selectmen thanked the Committee for coming in this evening and for their time and effort put into this document.

Agenda Item #2-Economic Development Director's Report: Town Hall Restoration Bid Award

The Board awarded the Town Hall Restoration Project to include alternates 1&2 to Paul J. Rogan Co., Inc. for the bid award of \$1,832,000.00. Selectman Pena moved the award, 2nd by Selectman Bresnahan, VOTE: Selectman Bresnahan aye, Selectman Pena aye, Selectman Witherow aye, Selectman Fay aye, Chairman Sullivan no, 4-1 motion carries. Chairman Sullivan moved the Board award the contract to Paul J. Rogan Co., Inc. to include alternates 1,2&3, (alternate #3 included irrigation to remaining Town Hall lawn) no 2nd to the motion –motion fails.

Agenda Item #3.-Atty. Joseph Holms representing Woodland Village Estates- Local Initiative Program (LIP) Regulatory Agreement and Declaration of Restrictive Covenants for Ownership Project. Present for the discussion George Carpenter-Developer. Selectman Pena moved the Board authorize the Chairman to sign the Regulatory Agreement for Woodland Village Estates. LLC, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #4.-Earth Removal Permit Renewal-F&P Willows Trust-Willow Rd., Ayer, MA

Present for the discussion Paul Routhier. Chairman Sullivan requested the legal Notice is read into the record. Selectman Pena read the notice into the record for official recording. Chairman Sullivan requested if there were abutters present; no one stepped forward. The Board reviewed with Mr. Routhier the amount of material to be removed-30,000 cubic yards of clay to be removed to Devens for capping of landfill. Route of truck traffic: Willow Rd., to 2A, to Barnum Road. Motion to approve made by Selectman Fay, to include truck route stipulation as stated above, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

Agenda Item #5. Supt. Madigan's Report

1. Municipal Landfill-Drain Line contract: The Board moved to approve the drain line contract with Tata & Howard for the sum not to exceed \$14,500.00 per the recommendation of Supt. Madigan received by the Board in a Memo dated 11-30-00, motion made by Selectman Bresnahan, 2nd by Selectman, Pena, VOTE: unanimous, so moved. Funding to come from Landfill capping acct. approved at Town Meeting.
2. Scada System- The Board moved and approved the repair to the Water Dept. SCADA System for the sum not to exceed \$23,956.00 per the recommendation of Supt. Madigan work described in a Memo dated 11-28-00. Motion made by Selectman Bresnahan, 2nd Selectman Pena, VOTE: unanimous, so moved. Funding to come from Grove Pond Program Acct.
3. Supt. Madigan updated the Board to status of DEP Consent Order. The Board was advised to DEP requesting the Town submit a revised voting plan. Selectman Bresnahan moved the Board vote to approve Town Counsel's letter dated 11-29-00 to DEP re: the 2nd amendment to ACOP and to insert the date of 10-31-01, 2nd by Selectman Pena, VOTE: unanimous, so moved. Selectman Bresnahan moved to direct the Town Administrator to notify the town Moderator to three probable dates for

upcoming Town Meetings (3) 2-01-01 ATM & 10-31-01, 2nd by Selectman Pena, VOTE: unanimous, so moved.

4. St. Mary's Water/Sewer Abatement: The Board approved the abatement recommended by Supt. Madigan in a Memo dated 11-17-00 in the amount of \$87.36. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
5. Permits- The Board approved a sewer permit for 43 Groton Harvard Road for a failed system contingent applicant is current on all Town taxes, permits, water/sewer. Motion made by Selectman Pena 2nd by Selectman Witherow, VOTE: unanimous, so moved.
6. Supt. Madigan gave the Board a run-down/status report on the Wastewater Treatment Project being down to six alternatives (4 with two variations) to include ground discharge (700,000 gal.) and \$16K/ea re: share for SIU's, Town and Devens. Selectman Bresnahan requesting Supt. Madigan supply the Board with Ayer's advantages for each alternative to include: employees, management, etc. for the Board's decision making process.

Agenda Item #6. Town Administrator's Report:

1. The Board approved the-2001 License Renewals for Common Victueller's Licenses, Amusement, Sunday Entertainment, Class I, Class II & Class III Licenses as presented by the Town Administrator except for Partridges Auto Works and Gold Star Auto -Class II Licenses due to unpaid taxes re: Partridges and unsightly display area by Gold Star. The Board to meet with Building Inspector prior to 12-31-00 to incorporate conditional requirement for Gold Star dealership to improve appearance within ninety (90) days for renewal of license. Mr. Kreidler advised the Board to memo's going out to the Town Clerk & Treasurer re: arrears (taxes/permits water/sewer) and otherwise approved except for one licensee. Selectman Bresnahan moved the Board approve the blanket renewals as presented, 2nd by Selectman Pena, VOTE: unanimous, so moved.
2. MADEV-Lease Agreement-The Board appointed Selectman Pena and Town Administrator James Kreidler as liaisons to work out the lease agreement details, i.e utilities etc. and report back to the Board at the next Selectmen's Meeting. Motion made by Selectman Bresnahan, 2nd by Selectman Witherow, VOTE: unanimous, so moved.
3. MMA Classification Study: The Board voted to move ahead with the reclassification/compensation study and approve the suggested changes to this study along with personnel policy changes. The Board requested to schedule a meeting with the Personnel Board after the first of the year. Motion to approve made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.
4. Resignations: The Board moved to accept the following resignations with regrets: Kathleen Mohr-from the Zoning Board of Appeals. Motion made by Selectman Fay, 2nd by Selectman Pena. Town Administrator to contact Ms. Mohr re: her letter and her recommendations. James Carrington-Advisory Board & Personnel Board-motion to accept Mr. Carrington resignation with regrets made by Selectman Bresnahan, 2nd by Selectman Pena, VOTE: unanimous, so moved.

New Business:

1. Draft Performance Review-the Board to submit comment/edits back to Mr. Kreidler.
2. Wastewater Treatment Meeting: December 7, 2000

Selectman Pena moved the Board adjourn from Open Session to enter into Executive Session pursuant to MGL Chapter 39, Section 23B Exemption #6 to adjourn from this Executive Session to enter into another Executive Session pursuant to MGL Chapter 39 Section 23B Exemption #3 to adjourn from this Executive Session to re-enter Open Session for the sole purpose of adjourning the meeting, 2nd by Selectman Bresnahan, VOTE: unanimous, so moved.

10:45p.m. Open Session Adjourned.

DATE: _____

Robert J. Pena, Clerk