

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

Tuesday, September 3, 2013, 7:00pm

MEETING AGENDA

7:00pm: Call To Order- Review, Amend, and Approve the Agenda

Approval of Minutes

- August 22, 2013 Meeting Minutes

PUBLIC INPUT

Town Administrator's Report

- Special Fall Town Meeting Warrant DRAFT #1 (Review/Update)
- Employee Recognition Program (For Final Review/Approval)
- BOS/TA/Dept. Head E-mail/Communication (For Discussion)
- Finalization of 2013 Boston Cane Award Selection
- Town Counsel Personnel Board Opinion
- Business Licenses
- Job Description of New Assistant Building Inspector

BOS Policies and Procedures Review and Update (On-going)

Note: New copies of the Policies/Procedures will be provided to the BOS

- Final Review and Update of BOS Policy 99-26 (1999)/99-27 (2001)
- Review of BOS Policy 00-01

BOS Open Session

- New Business
- Selectman Hillman: Rotary Holiday Lights; Welcome to Ayer Sign
- Future Topics: Meeting with Supt. Wetzel RE: DPW; Tax Rate Hearing; Water/Sewer Rate Hearing; ES Minutes Review (Sept. 9th);
- Future Meetings:
 - Monday, Sept 9, 2013, 7 pm: Joint E.S. Mtg. with BOH MGL Chpt. 30A. Sec. 21A, Exemption #3 (Litigation Strategy) Properties Enforcement Update
 - Tuesday, Sept 10, 2013, 7 pm: E.S. Mtg. MGL Chapter 30A, Sec. 21A, Exemption #3 (Collective Bargaining) AFCME 93 and IAFF #2544
 - Tuesday, Sept 17, 2013, 7pm: Regularly Scheduled Open Session Meeting
 - Wednesday, Sept 18, 2013, 7pm: DPW Contract Negotiations

ADJOURNMENT

Town of Ayer

**BOARD OF SELECTMEN
MEETING PACKET FOR
Tuesday, September 3, 2013, 7pm**

7:00pm CALL TO ORDER
Review, Amend, and Approve the Agenda

APPROVAL OF MEETING MINUTES

- August 22, 2013 Meeting Minutes

PUBLIC INPUT

TOWN ADMINISTRATOR'S REPORT

- Special Fall Town Meeting Warrant DRAFT #1 (See Enclosed) [REVIEW/UPDATE]
- Employee Recognition Program (See Enclosed) [FOR FINAL REVIEW/APPROVAL]
- BOS/TA/Dept. Head E-mail/Communication [FOR DISCUSSION]
- Finalization of 2013 Boston Cane Award Selection
- Town Counsel Personnel Board Opinion (See Enclosed)
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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: August 30, 2013

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand, Town Administrator

SUBJECT: DRAFT #1 Special Fall Town Meeting Warrant

Dear Selectmen,

Attached is DRAFT #1 of the Special Fall Town Meeting Warrant. As the Board is aware the Warrant remains a work in progress going thru subsequent drafts/versions until the Board ultimately finalizes and approves it.

As the Board is aware, the deadline for all Citizen Petitions is Friday, September 13, 2013 and that is also the deadline for all other Articles. As subsequent drafts/versions are produced, they will be numbered in sequential order and the name(s) and date(s) of the drafts will appear at the top of the cover page.

DRAFT #1 contains several "place-holder" Articles at this time, most notably the Collective Bargaining Articles (as negotiations/arbitration is still on-going). Additionally, it is anticipated that there will be additional Warrant Articles leading up to the September 13th deadline.

On September 16, 2013 (the Monday after the Warrant Deadline), I will transmit the Warrant to Town Counsel to commence with legal review and that version will be available for the Board's review at your September 17, 2013 Meeting.

As always, if you have any questions, concerns, additions, revisions, edits, etc. please do not hesitate to let me know.

The Town will be in an excellent position for a very successful Special Fall Town Meeting to be held on Monday, October 28, 2013 at 7pm at Town Hall.

Thank you.

Attachment: DRAFT #1 Special Fall Town Meeting Warrant (8-30-2013)

Town of Ayer



SPECIAL FALL TOWN MEETING WARRANT

**Ayer Town Hall, Great Hall, 1 Main Street, Ayer, MA 01432
Monday, October 28, 2013, 7:00pm**

**Commonwealth of Massachusetts
Middlesex, ss.**

GREETINGS:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Ayer qualified to vote in Town Elections and Affairs to meet at the Great Hall of the Ayer Town Hall located at 1 Main Street, Ayer, MA 01432 on Monday, the Twenty-Eighth (28th) day of October, 2013, at seven o'clock in the evening (7:00 p.m.) then and there to act on the following articles:

Hereof fail not and make due return of this warrant with your doings thereof to the Town Clerk before the date appointed for said meeting.

Given under our hands this ___ day of October AD 2013.

Pauline Conley, Chairman

Gary J. Luca, Vice-Chairman

Christopher R. Hillman, Clerk

James M. Fay, Member

Jannice L. Livingston, Member

The Ayer Board of Selectmen

Any persons needing disability related assistance (such as signing, etc.) at the town meeting please contact the Selectmen's Office at 978-772-8220 before October 11, 2013. We shall make every reasonable effort to assist you.

Large print version of the text of this warrant is available upon request.

ARTICLE 1: STABILIZATION FUND

To see if the Town will vote to transfer the sum of \$ _____ from available funds to the Stabilization Fund under the provisions of Chapter 40, Section 5B of the General Laws, or take any action thereon or in relation thereto.

[REQUESTED BY FIN COM]

Sponsor: Finance Committee
Board of Selectmen:

Two-Thirds Vote Required

ARTICLE 2: TOWN HALL MAINTENANCE FUND

To see if the Town will vote to raise and appropriate the sum of \$ _____ from available funds to the Town Hall Maintenance Fund to be used for the purposes of maintenance projects and/or repairs to the Ayer Town Hall, or take any action thereon or in relation thereto.

[MENTIONED at 8-22-2013 BOS MEETING]

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required

ARTICLE 3: DOWNTOWN STREET LIGHTS

To see if the Town will vote to raise and appropriate the sum of \$ _____ from available funds for the purposes of repairing and/or replacing the town-owned street lights in downtown in accordance with the DPW Superintendent's Interim Street Lighting Plan, or take any action thereon or in relation thereto.

[PLAN TO BE PRESENTED TO BOS ON 9-17-2013 INCLUDING COST]

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required

ARTICLE 4: UNION EMPLOYEE COMPENSATION STUDY

To see if the Town will vote to raise and appropriate the sum of \$ _____ from available funds for the Town to conduct a Union Employee Compensation Study, or take any action thereon or in relation thereto.

[REQUESTED BY FIN COM]

Sponsor: Finance Committee
Personnel Board:
Board of Selectmen:

Simple Majority Vote Required

ARTICLE 5: COMPREHENSIVE POND STUDY

To see if the Town will raise and appropriate the sum of \$ _____ from available funds for the purposes of conducting a comprehensive pond study as set forth by the Conservation Commission and Dam and Pond Committee, or take any action thereon or in relation thereto.

[DISCUSSED WITH CONS COM AT 8-22-2013 BOS MEETING]

Sponsor: Conservation Commission
Dam and Pond Committee:
Finance Committee:
Board of Selectmen:

Simple Majority Vote Required

ARTICLE 6: FORMER CENTRAL FIRE STATION

To see if the Town will accept and authorize the: [DETAIL TO BE INSERTED] as presented by the Ayer Board of Selection, or take any action thereon or in relation thereto.

[FINAL RFPs DUE Friday, September 13, 2013, 5pm]

Sponsor: Board of Selectmen
Finance Committee

Simple Majority Vote Required

**ARTICLE 7: COMMUNITY PRESERVATION COMMITTEE
ACQUISITION OF LAND: KOHLER PLACE**

To see if the Town will vote to authorize the use of Community Preservation Committee Funds in the amount of \$ _____ for the purposes of acquiring __ acres of land for the purposes of open space and conservation as set forth by the Community Preservation Act, or take any action thereon or in relation thereto.

[BOS Authorized TA and Selectman Luca to Bring Back All Information to BOS]

Sponsor: Community Preservation Committee
Conservation Committee:
Finance Committee:
Board of Selectmen

Simple Majority Vote Required

ARTICLE 8: PETITION FOR STREET ACCEPTANCE – EASY STREET

To see if the Town will vote to accept the layouts of the following street as a public way, the metes and bounds of which are on file in the Office of the Town Clerk, and to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, fee interest or easement in such public ways and any and all easements related thereto, and further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, on such terms and conditions as the Board of Selectmen deems appropriate or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen Simple Majority Vote Required
Planning Board:
Finance Committee:

ARTICLE 9: CRABTREE PUMPING STATION

To see if the Town will raise and appropriate the sum of \$_____ from [SOURCE(s) TO BE SPECIFIED) for the purposes of replacing the Crabtree Pumping Station or take any action thereon or in relation thereto.

[REQUESTED BY DPW SUPERINTENDENT WETZEL]

Sponsor: Board of Selectmen
DPW Superintendent: Recommends
Finance Committee

ARTICLE 10: ADOPTION OF MGL CHAPTER 40, SECTION 8G (POLICE MUTUAL AID)

To see if the Town will vote to adopt and accept the provisions of Massachusetts General Law, Chapter 40, Section 8G (Police Mutual Aid) or take any action thereon or in relation thereto.

[REQUESTED BY POLICE CHIEF MURRAY]

Sponsor: Board of Selectmen Simple Majority Vote Required
Police Chief: Recommends

ARTICLE 11: REPORT ON COLLECTIVE BARGAINING AGREEMENTS

To see if the Town will vote to hear a report on the Town's Collective Bargaining Agreements, or take any action thereon or in relation thereto.

[RECOMMENDED BY TA IN EVENT CBA's ARE NOT FINALIZED TO UPDATE TOWN]

Sponsor: Board of Selectmen Simple Majority Vote Required
Finance Committee:

ARTICLE 12: RATIFY DPW UNION CONTRACT – DPW EMPLOYEES

To see if the Town will vote to approve the funding and implementation of the collective bargaining agreement from July 1, 2012 thru June 30, 2015 between the Town and the AFSCME 93, Local 1703, Ayer DPW Workers or take any other action thereon or in relation thereto.

[PLACEHOLDER: Negotiations On-Going]

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required

(Note: The total financial impact of the proposed agreement is \$ _____)

ARTICLE 13: RATIFY FIRE UNION CONTRACT – FIREFIGHTERS

To see if the Town will vote to approve the funding and implementation of the collective bargaining agreement from July 1, 2012 thru June 30, 2015 between the Town and the Ayer Firefighters Local #2544 or take any other action thereon or in relation thereto.

[PLACEHOLDER: Negotiations On-Going]

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required

(Note: The total financial impact of the proposed agreement is \$ _____)

ARTICLE 14: RATIFY UNION CONTRACT - POLICE PATROLMEN

To see if the Town will vote to approve the funding and implementation of the collective bargaining agreement from July 1, 2012 thru June 30, 2015 between the Town and the APPOA Police Patrolmen or take any other action thereon or in relation thereto.

[PLACEHOLDER: ARBITRATION ON-GOING]

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required

(Note: The total financial impact of the proposed agreement is \$ _____)

ARTICLE 15: RATIFY UNION CONTRACT – POLICE SUPERIORS

To see if the Town will vote to approve the funding and implementation of the collective bargaining agreement from July 1, 2012 thru June 30, 2015 between the Town and the NEPBA Police Superiors or take any other action thereon or in relation thereto.

[PLACEHOLDER: Negotiations On-Going]

Sponsor: Board of Selectmen
Finance Committee:

Simple Majority Vote Required

(Note: The total financial impact of the proposed agreement is \$ _____)

CITIZEN PETITION ARTICLES

[The Deadline for Citizen Petition Articles is Friday, September 13, 2013 at 5pm]

[None as of 8-30-2013]

A True Copy Attest: _____ **Date:** _____
John C. Canney, II
Town Clerk/Tax Collector

As directed in the foregoing warrant, I have this day posted three attested copies in three public places, one of which was the Town Hall at least fourteen days before said meeting, all as herein directed.

_____ **Date:** _____
Robert D. Friedrich, Constable

Board of Selectmen

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



Tel. (978) 772-8220
Fax. (978) 772-3017

Town Administrator
(978) 772-8210

MEMORANDUM

DATE: August 21, 2013

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand, Town Administrator

SUBJECT: Proposed Town Employee Recognition Program

Dear Selectmen,

At the request of Selectman Fay at the August 6, 2013 BOS Meeting, the BOS has asked that I prepare a brief memo for a proposed Town Employee Recognition Program. I offer you the following ideas/suggestions for your consideration and discussion at your Thursday, August 22, 2013 BOS Meeting. Please do not hesitate to contact me if you have any questions. Thank you.

Purpose:

The purpose of the Town Employee Recognition Program is for the Ayer Board of Selectmen as the Chief Executive Board of the Town to publically recognize a Town Employee(s) on a quarterly basis for their outstanding dedication and service to the Town of Ayer.

Frequency:

The Ayer Board of Selectmen will recognize a Town Employee(s) on a quarterly basis.

Nomination/Selection Process:

Any employee currently employed by the Town of Ayer in any capacity may be nominated by a Town Department Head; Town Board/Commission/Committee; Fellow Town Employee; and/or an Ayer Resident.

Nominations will be accepted on/by: Jan. 1st; Apr. 1st; Jul. 1st; Oct. 1st

A panel of three comprised of the Town Moderator; Town Administrator; and Chair of the Personnel Board shall review the nominations and make a formal written recommendation to the Ayer Board of Selectmen on a quarterly basis.

Recognition:

The recognized employee shall be presented with a certificate from the Ayer Board of Selectmen at a public meeting. Additionally, that recognized employee shall receive a dedicated parking space for their use during the quarter. Finally, the recognized employee shall be featured on the Town's web-site and other media.

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: August 2, 2013

TO: Ayer Board of Selectmen

FROM: Robert A. Pontbriand
Town Administrator

SUBJECT: The Boston Post Cane: Proposed Selection Process and Application Form

Dear Honorable Selectmen,

With respect to the reinstatement of The Boston Post Cane Award in the Town of Ayer as brought forth by Selectman Fay, I respectfully propose the following selection process and application form for your consideration. This proposed selection process and application is based on the Town of Scarborough, Maine which has a very clear, concise process and application form.

Town of Ayer: Boston Post Cane

- The Boston Post Cane belongs to the Town of Ayer and not the resident who received it. The Ayer Town Clerk shall be the custodian of the Cane.

Eligibility and Selection:

- The holder of the Cane must be 90 years old or older and must reside in the Town of Ayer for a minimum of the last 20 years.
- The term "resident" refers to a person who has physically resided at a fixed, permanent and principal home in the Town of Ayer.
- Recognizing that numerous individual establish residency in Ayer nursing homes late in life but otherwise may not be engaged as residents of the Town of Ayer and recognizing that the Town has no formal means of identifying residents by age, selection of the honoree shall be by a Committee of Three.
- The Committee of Three shall consist of: the Ayer Town Clerk; a Member of the Ayer Historical Commission; and the Executive Director of the Ayer Council on Aging.

Method to Search for Oldest Resident:

- There shall be a notice placed in the media by the Committee of Three looking for nominations for those residents who are 90 years old or older and have been a resident of Ayer for a minimum of the last 20 years. All nominations must be received in the Town Clerk's Office 30 days from the date of the notice in the media. Nomination forms may be obtained from the Town Clerk's Office or online at www.ayer.ma.us.

Presentation:

- The Chair of the Ayer Board of Selectmen shall present Ayer's oldest resident with a plaque signifying the honor and shall cause the name of the honoree to be inscribed on a plaque to be displayed along with the original Boston Post Cane at the Ayer Town Hall. There shall also be certificates awarded honoring those residents who are 90 years old or older and meet the residency requirement.
- The location of the presentation will be determined according to the circumstances of the honoree.
- The recipient will retain this honor as long as he/she remains in Ayer even though another resident may become eligible. The Town Clerk's Office must be notified if the recipient of the Boston Post Cane dies, changes residency outside the Town of Ayer, in rehabilitation for longer than 90 days or otherwise refuses or returns the honor. At that time the Committee of Three shall determine the new oldest resident of Ayer.
- If the decision is made to no longer display the Boston Post Cane at the Ayer Town Hall, it would be placed in the custody of the Ayer Town Clerk in the Town Clerk's vault.

******DRAFT******

The Boston Post Cane Nomination Form
Town of Ayer, Massachusetts

Name of Nominee: _____

Nominee's Address: _____

Nominee's Date of Birth: _____ Telephone Number: _____

Year Nominee became an Ayer Resident: _____

Please attach supporting documentation when submitting form.

Name of Person Making Nomination: _____

Address: _____

Telephone Number: _____

E-mail Address: _____

Please forward completed form and attachments to:

Ayer Town Clerk's Office
Boston Post Cane Committee
1 Main Street
Ayer, MA 01432

Year of Birth		Month	Date	Name	Residential Address	Mailing Address	Sex	Party
1910		OCT	19	POLTRACK, NANCY M <i>Prev. Leominster Res. Ayer 2008</i>	400 OLD GROTON RD	400 GROTON RD AYER MA 01432	F	R
1915		FEB	21	HAWKES, HELEN L <i>Res 2008</i>	<i>Prev. Shirley</i> 15 WINTHROP AVE	15 WINTHROP AVE 205 AYER MA 01432	F	U
✓	JUN	15	PERSUITTE, HELEN D	15 WINTHROP AVE	15 WINTHROP AVE AYER MA 01432	F	R	
	AUG	06	FERRARA, ROZALIA <i>2004</i>	18 POND ST #103		F	D	
1916		MAY	03	JARVIS, FLORENCE M	10 CHURCH ST		F	D
	AUG	07	BLASETTI, ERNEST A	44 JACKSON ST #3		M	D	
1917		MAY	02	SHIELDS, ELAINE C	6 OLD TOWNE RD #513		F	R
	DEC	20	KEENAN, MIRIAM M	68 E MAIN ST #9	21 ELDRIDGE RD HARVARD MA 01451	F	U	
1918		FEB	22	SUTTON, WINIFRED A	18 POND ST #202	16 POND ST 3 AYER MA 01432	F	
	JUL	22	GUTHRIE, MARTHA L	13 HIGHLAND AVE		F	D	
	NOV	28	ADAMS, AMELIA	15 WINTHROP AVE		F	D	
	DEC	10	BOKLAGA, SUSAN S	400 OLD GROTON RD	APPLE VALLEY CENTER, 400 GROTON RD AYER MA	F	D	
		24	MOORE, ZELDA L	0 RATTLESNAKE DR	39 MAIN ST 204 AYER MA 01432	F	U	

Total Number of Residents: 13
No. Pages Printed: 1

*** End of Report ***

Robert Pontbriand

From: David C. Jenkins [DJenkins@k-plaw.com]
Sent: Tuesday, August 20, 2013 3:45 PM
To: Robert Pontbriand
Cc: Mark R. Reich
Subject: Personnel Bylaw Opinion

Dear Members of the Board of Selectmen:

I have received a request for an opinion with respect to issues concerning the appointment of Lisa White to a one-year term to the Personnel Board. Ms. White was appointed as the Employee Representative to the Board. I have been asked whether or not the Board acted appropriately in appointing Ms. White to a one-year term and have also been requested to opine on whether or not the Personnel Board may have more than one member that is an Employee Representative.

The Bylaw at issue reads as follows:

The Board of Selectmen shall appoint a Personnel Board consisting of five registered voters of the Town, to be appointed for three-year overlapping terms. Whenever possible, the Selectmen will appoint members possessing a professional personnel background, including one Town employee or official not a member of the school department or covered by any collective bargaining agreement, and one member of the Advisory Committee, to be appointed on a yearly basis. Members of the Personnel Board shall serve without compensation.

In my opinion, the instructions to the Board of Selectmen by the Bylaw are directory in nature, and not mandatory. The directory nature of such a Bylaw is established by law and, in this case, in my opinion, is reemphasized by the introductory clause to the Bylaw. The introductory clause to sentence number 2 in the Bylaw reads: "whenever possible . . ." As a matter of statutory construction, it is my opinion that bylaws of this type are by their nature and not mandatory and that the language giving discretion to the Board of Selectmen in making appointments is emphasized to be directory in nature and not mandatory.

The language is also vague in the sense that the restriction on the yearly appointment is not clearly set out. In my opinion, the yearly appointment would apply to both the employee representative as well as the Advisory Committee representative.

In my opinion, the Board of Selectmen acted appropriately in appointing Ms. White to serve a one-year term.

You have also asked as to whether or not the Board may have more than one member who is an Employee Representative. In my opinion, the Bylaw provides for only one Employee Representative. The structure of the Bylaw provides that there be one Employee Member and one Advisory Committee member. In my opinion, there should only be one representative from those two groups. In my opinion, therefore, the Board is instructed by the Bylaw to appoint only one Employee Representative.

In light of my opinion that the Board did not act inappropriate in appointing Ms. White to her position, it is not necessary for me to answer question number 3 below.

I hope this is responsive to your request. Please let me know if you need anything more.

Very truly yours,
David C. Jenkins

David C. Jenkins, Esq.
Kopelman and Paige, P.C.
101 Arch St.
12th floor
Boston, MA 02110
(617) 556-0007
(617) 654-1735 (Fax)
djenkins@k-plaw.com

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

From: Robert Pontbriand [<mailto:ta@ayer.ma.us>]
Sent: Monday, August 19, 2013 12:01 PM
To: David C. Jenkins
Cc: Mark R. Reich
Subject: Ayer: Personnel Bylaw Opinion
Importance: High

Dear David,

Good morning. As you will see from the attached Ayer BOS Meeting Agenda for this Thursday, under my report, the BOS would like an Opinion from Town Counsel regarding Personnel Board Appointments.

The issue(s) is as follows:

The Personnel Bylaw for the Town states that the Ayer Personnel Board shall consist of a 5-member Board appointed to staggering three (3) year terms. There shall be one Employee Representative; one member from the Fin Com and three other appointees who are Ayer residents. All but the Fin Com rep are appointed by the BOS.

Last year, the BOS reappointed the Employee Rep (Ms. Lisa White) to only a one-year term.

This year she came before the BOS for reappointment as either the Employee Rep or a Citizen Rep. She was not reappointed by a 2-2 vote. That same night, Lt. Brian Gill was appointed as the Employee Rep to a three year term, and a citizen was appointed to a three year term. The Fin Com has selected their representative. There remain two vacancies on the Personnel Board.

Last year during the controversial reclassification issue(s) of the Assistant Treasurer, Ms. White who was on the Personnel Board had sent e-mails to the Press about the Town Treasurer that were not factually correct and some BOS Members took issue with.

The questions/issues are as follows:

1. Did the BOS act appropriately in re-appointing Ms. White to only a one year term last year as they are the Appointing Authority or was this in conflict with the Bylaw;
2. Can the Ayer Personnel Board have more than one member that is an Employee Rep?
3. If the answer to #1 is "no". Then what is the status of Ms. White's appointment?

Please let me know if you need any further information. An opinion would respectfully be needed by tomorrow for the BOS Packets for Thursday.

relation thereto.

Motion made by Penny Kelley to accept approximately \$6500. Seconded and passed by unanimous vote.

Accept \$ 6500.

ARTICLE 7. To see if the Town will authorize the acceptance of, \$1,400,000.00 from Public Law 874 Federal Funds, to be applied to the operating expenditures of the Ayer Public School System, take any action thereon or in relation thereto.

Motion made by Kathleen Kidder to accept \$1,400,000. seconded. Amended to read approximately \$1,400,000. seconded and passed as amended.

PL874 \$ 1,400,000

ARTICLE 8. To see if the Town will vote to raise and appropriate One Hundred Thousand Dollars (\$100,000.00) or other sum or sums of money for a Reserve Fund under the provisions of Chapter 40, Section 6 of the General Laws, take any action thereon or in relation thereto.

Motion made by Charles Miller to raise and appropriate \$100,000. seconded and passed by unanimous vote.

R&A \$100,000.

ARTICLE 9. To see if the Town will vote to establish a Comprehensive Personnel By-law, as approved by the Ayer Board of Selectmen and Advisory Committee, take any action thereon or in relation thereto. Moved and seconded by Pauline Hamel to establish the Personnel By-law, Passed by unanimous vote.

2006 ATM *

XLV
TOWN OF AYER
PROPOSED PERSONNEL BY-LAW *

SECTION I - PURPOSE AND AUTHORIZATION

The purpose of the Personnel By-Law is to establish and operate an efficient system of public personnel administration, and to provide fair and equitable employee relations policies in municipal government in conformity with federal and state laws.

SECTION 2 - APPLICATION

This Personnel By-Law shall apply to all employees in the Town of Ayer, except those employees of the School Department. If there is a conflict between this by-law and any personal contracts or applicable collective bargaining agreements, the provisions of the personal contracts or collective bargaining agreements shall govern. Further, where there is a conflict with federal or state laws as they may apply to town employees, such laws shall govern.

* SECTION 3 - PERSONNEL BOARD

(a) Composition, Mode of Selection, Term of Office, Qualifications.

* The Board of Selectmen shall appoint a Personnel Board consisting of five registered voters of the Town, to be appointed for three-year overlapping terms. Whenever possible, the Selectmen will appoint members possessing a professional personnel background, including one Town employee or official not a member of the school department or covered by any collective bargaining agreement, and one member of the Advisory Committee, to be appointed on a yearly basis. Members of the Personnel Board shall serve without compensation.

The Personnel Board shall annually elect a Chairman and other officers as the Board so determines from its membership at the first meeting following the appointment of new members.

Any three members of the board shall constitute a quorum for the transaction of business. Action by a majority of those Board members present shall be binding.

b) Powers and Duties.

The board shall be responsible for establishment and maintenance of a personnel system based on merit principles, the classification and reclassification of positions, an annual compensation plan, and the development of personnel policies pursuant to section 5 of this bylaw.

The board shall be authorized to adopt reasonable rules and regulations for the proper administration of this By-law.

SECTION 4 - PERSONNEL SYSTEM

A personnel system shall be established by promulgation of policies and rules and regulations pursuant to section 5. The personnel system shall make use of current concepts of personnel management and shall include but not be limited to the following elements:

(a) Method of Administration.

A system of administration which assigns specific responsibility for all elements of the personnel system, including: maintaining personnel records, implementing effective recruitment and selection processes, maintaining the classification and compensation plans, monitoring the application of personnel policies and periodic reviews, maintaining a problem resolution system, and evaluating the personnel system.

(b) Classification and Compensation.

A classification and compensation plan for all employees, subject to this bylaw and subject to appropriation, shall be established to include, but not be limited to the following parameters:

- Fully qualified and performing employees should be compensated at a rate commensurate with similar work rates (both public and private) in comparable communities.
- As employees master their work, they should be rewarded for skill development and performance.
- Employees should be rewarded for behavior and performance that exceeds the normal requirements of the position.

(c) A Recruitment and Selection Policy.

A recruitment, employment, promotion and transfer policy which ensures that reasonable effort is made to attract qualified persons and that selection criteria are job related.

(d) Personnel Records.

A centralized record keeping system which maintains essential personnel records.

(e) Personnel Policies.

A series of personnel policies, including rules and regulations, which establishes the rights, and benefits to which personnel employed by the Town are entitled and the obligations of said employees to the Town.

(f) Standards of Conduct.

A set of codes governing an employees standards of conduct.

(g) Other Elements.

Other elements of a personnel system as deemed appropriate or required by law.

SECTION 5 - ADOPTION AND AMENDMENT OF PERSONNEL POLICIES

The Board of Selectmen shall promulgate personnel policies, including rules and regulations, defining the rights, benefits and obligations of employees subject to this bylaw. Policies shall be adopted or amended as follows:

(a) Preparation of Policies.

The Personnel Board shall prepare policies or amendments to policies. Any member of the Board of Selectmen, Personnel Board, the Town Administrator, or any three employees may suggest policies for consideration by the Personnel Board. The Personnel Board need not consider any proposal already considered in the preceding twelve months. Any person proposing a new or amended policy shall provide the substance and the reason for the proposed policy to the Personnel Board in writing. The Personnel Board shall hold a public hearing on any proposed policies or amendments. Any proposed policies or amendments shall be posted at least five (5) days prior to the public hearing in prominent work locations, copies of all proposals shall be provided to representatives of each employee collective bargaining unit, and a copy shall be submitted to the Board of Selectmen

(b) Public Hearing

The Personnel Board shall present the proposed policy(ies) or amendment(s), the purpose of the proposal, and the implication of any proposed change at the public hearing. Any person may attend the hearing, speak and present information. Within thirty-one (31) days after such public hearing the Personnel Board shall consider the proposed policies and may vote to recommend that the Board of Selectmen adopt the policies, (with or without modifications), reject the policies, or indicate that further study is necessary.

(c) Recommended Policies.

The Personnel Board shall transmit recommendations in writing to the Board of Selectmen within twenty (20) days of any vote on proposed personnel policies or amendments. The recommendations from the Personnel Board shall contain the text of the proposed policy or amended policy, an explanation of the policy and the implications of the policy. The Board of Selectmen shall only consider proposals with a recommendation of the Personnel Board, unless the Personnel Board fails to provide a recommendation within twenty (20) days, and may adopt, reject or return recommendations for further action to the Personnel Board. Personnel Policies or Amendments shall become effective upon approval of the Board of Selectmen, unless some other date is specified.

(d) Computation of Time.

In computing time (days) under this bylaw only Town Hall working days shall be counted.

SECTION 6 - PROBLEM RESOLUTION

Employees are encouraged to bring any problems or complaints to their respective supervisor or appointing authority regarding their work or other day to day relations with the Town.

If an employee has a concern or a problem it should be first discussed with the immediate supervisor within five (5) days of the occurrence of the problem. The supervisor shall respond in writing within five (5) days aer said discussion.

If this conference fails to clear up the question to the satisfaction of the employee, he/she may refer the matter in writing to the appropriate appointing authority within five (5) days from the date of the supervisors response. The appointing authority shall then discuss the matter with the parties and attempt to reach a satisfactory understanding and resolution of the problem.

If ten (10) days have elapsed since the submission of the matter in writing to the appointing authority and the dispute is still unresolved, either party may appeal to the Personnel Board. This Board shall take the question under advisement, collecting such facts relating thereto as it may seem helpful, and it may, in its discretion, hold private or public hearings with respect to such question as the law allows. Not later than thirty (30) days after receipt of written submission of the matter to it, the Personnel Board shall render its decision and thereafter promptly take such action as may be necessary and authorized hereunder relative to the dispute. If the decision rendered by the Personnel Board is considered unsatisfactory to either party, then final appeal may be made to the Board of Selectmen.

SECTION 7 - EMPLOYEE BENEFITS

The benefits for employees covered by this By-law and the policies promulgated by the Board of Selectmen under this by-law shall include but not be limited to the following:

- (1) Vacation
- (2) Sick Days
- (3) Other Excused Absences
- (4) Leave Without Pay
- (5) Retirement/Health Insurance
- (6) Overtime
- (7) Holidays
- (8) Worker's Compensation

SECTION 8 -SEVERABILITY

The provisions of this bylaw and any regulations adopted pursuant to this bylaw are severable. If any bylaw provision or regulation is held invalid, the remaining provisions of this bylaw or regulations shall not be affected thereby.

SECTION 9 -EFFECTIVE DATE

This by-law shall take effect May 13, 1996, Personnel policies existing prior to said date will remain in effect for at least one hundred and eighty (180) days from said date and until promulgation of new policies in accordance with section 5 herein.

ARTICLE 10. To see if the Town will vote to adopt the Personnel Compensation and Classification Plan as approved by the Ayer Board of Selectmen and Advisory Committee with an effective date of July 1, 1996, take any action thereon or in relation thereto.
Motion made by Charles Miller to adopt Personnel Compensation and Classification Plan.

FY09 Rates
Compensation Plan
with 2.25% COLA

Grade		Minimum	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9
3	Hourly	11.55	11.81	12.08	12.35	12.63	12.91	13.2	13.5	13.8	14.11
	Weekly	462.17	472.40	483.20	494.00	505.20	516.40	528.00	540.00	552.00	564.40
	Annual	24,125.27	24,659.28	25,223.04	25,786.80	26,371.44	26,956.08	27,561.60	28,188.00	28,814.40	29,461.68
4	Hourly	12.93	13.23	13.53	13.83	14.14	14.46	14.79	15.12	15.46	15.81
	Weekly	517.39	529.20	541.20	553.20	565.60	578.40	591.60	604.80	618.40	632.40
	Annual	27,007.50	27,624.24	28,250.64	28,877.04	29,524.32	30,192.48	30,881.52	31,570.56	32,280.48	33,011.28
5	Hourly	14.44	14.76	15.09	15.43	15.78	16.14	16.5	16.87	17.25	17.64
	Weekly	577.51	590.40	603.80	617.20	631.20	645.60	660.00	674.80	690.00	705.60
	Annual	30,145.92	30,818.88	31,507.92	32,217.84	32,948.84	33,700.32	34,452.00	35,224.56	36,018.00	36,832.32
6	Hourly	15.48	15.83	16.19	16.55	16.92	17.3	17.69	18.09	18.5	18.92
	Weekly	619.23	633.20	647.60	662.00	676.80	692.00	707.60	723.60	740.00	756.80
	Annual	32,323.60	33,053.04	33,804.72	34,556.40	35,328.96	36,122.40	36,936.72	37,771.92	38,628.00	39,504.96
7	Hourly	17.45	17.85	18.25	18.66	19.08	19.51	19.95	20.40	20.86	21.33
	Weekly	698.16	714.00	730.00	746.40	763.20	780.40	798.00	816.00	834.40	853.20
	Annual	36,444.11	37,270.80	38,106.00	38,962.08	39,839.04	40,736.88	41,655.60	42,595.20	43,555.68	44,537.04
8	Hourly	19.43	19.86	20.31	20.77	21.24	21.72	22.21	22.71	23.22	23.74
	Weekly	777.10	794.40	812.40	830.80	849.60	868.80	888.40	908.40	928.80	949.60
	Annual	40,564.62	41,467.68	42,407.28	43,367.76	44,349.12	45,351.36	46,374.48	47,418.48	48,483.36	49,569.12
9	Hourly	20.87	21.34	21.82	22.31	22.81	23.32	23.84	24.38	24.93	25.49
	Weekly	834.77	853.60	872.80	892.40	912.40	932.80	953.60	975.20	997.20	1,019.60
	Annual	43,574.94	44,557.92	45,560.16	46,583.28	47,627.28	48,692.16	49,777.92	50,905.44	52,053.84	53,223.12
10	Hourly	22.91	23.60	24.31	25.04	25.79	26.56	27.36	28.18	29.03	29.9
	Weekly	916.57	944.00	972.40	1,001.60	1,031.60	1,062.40	1,094.40	1,127.20	1,161.20	1,196.00
	Annual	47,844.90	49,276.80	50,759.28	52,283.52	53,849.52	55,457.28	57,127.68	58,839.84	60,614.64	62,431.20
11	Hourly	24.73	25.48	26.24	27.03	27.84	28.68	29.54	30.43	31.34	32.28
	Weekly	989.37	1,019.20	1,049.60	1,081.20	1,113.60	1,147.20	1,181.60	1,217.20	1,253.60	1,291.20
	Annual	51,645.17	53,202.24	54,789.12	56,438.64	58,129.92	59,883.84	61,679.52	63,537.84	65,437.92	67,400.64
12	Hourly	27.76	28.59	29.45	30.33	31.24	32.18	33.15	34.14	35.16	36.21
	Weekly	1,110.44	1,143.60	1,178.00	1,213.20	1,249.60	1,287.20	1,326.00	1,365.60	1,406.40	1,448.40
	Annual	57,964.71	59,695.92	61,491.60	63,329.04	65,229.12	67,191.84	69,217.20	71,284.32	73,414.08	75,606.48
13	Hourly	29.79	30.68	31.60	32.55	33.53	34.54	35.58	36.65	37.75	38.88
	Weekly	1,191.42	1,227.20	1,264.00	1,302.00	1,341.20	1,381.60	1,423.20	1,466.00	1,510.00	1,555.20
	Annual	62,191.97	64,059.84	65,980.80	67,964.40	70,010.64	72,119.52	74,291.04	76,525.20	78,822.00	81,181.44
14	Hourly	31.86	32.82	33.80	34.81	35.85	36.93	38.04	39.18	40.36	41.57
	Weekly	1,274.44	1,312.80	1,352.00	1,392.40	1,434.00	1,477.20	1,521.60	1,567.20	1,614.40	1,662.80
	Annual	66,525.98	68,528.16	70,574.40	72,683.28	74,854.80	77,109.84	79,427.52	81,807.84	84,271.68	86,798.16
15	Hourly	34.86	35.90	36.98	38.09	39.23	40.41	41.62	42.87	44.16	45.48
	Weekly	1,394.28	1,436.00	1,479.20	1,523.60	1,569.20	1,616.40	1,664.80	1,714.80	1,766.40	1,819.20
	Annual	72,781.47	74,959.20	77,214.24	79,531.92	81,912.24	84,376.08	86,902.56	89,512.56	92,206.08	94,962.24

Sponsor: Board of Selectmen Recommends
Finance Committee: Report at Town Meeting

Simple Majority Vote Required

ARTICLE 6: ARBITRAGE REBATE COMPLIANCE SERVICE

To see if the Town will vote to raise and appropriate from available funds the sum of \$9,330.00 for Arbitrage Rebate Compliance Services, or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen Recommends
Finance Committee: Report at Town Meeting

Simple Majority Vote Required

Explanation: This is a Federal IRS requirement for a prior year bond issue and is a result of the timing of the spending of that bond issue. (Town Treasurer)

ARTICLE 7: NON-UNION EMPLOYEE CLASSIFICATION AND COMPENSATION PLAN

To see if the Town will vote to raise and appropriate from available funds the sum of \$6,000.00 to update the Non-Union Compensation Plan, or take any action thereon or in relation thereto.

Sponsor: Personnel Board
Board of Selectmen: Recommends
Finance Committee: Report at Town Meeting

Simple Majority Vote Required

Explanation: This Article would fund the use of an independent human resources consulting firm to revise and update the Town of Ayer's Non-Union Employee Classification and Compensation Plan. (Town Administrator)

ARTICLE 8: POLICE & FIRE ACCIDENT INSURANCE

To see if the Town will vote to raise and appropriate from available funds the sum of \$17,710.00 for a FY '13 Supplemental Appropriation for funding Police & Fire Accident Insurance or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen Recommends
Finance Committee: Report at Town Meeting

Simple Majority Vote Required

Explanation: This is a supplemental appropriation as a result of unforeseen increases in the Town's Police and Fire Accident Insurance as a result of an increase in claims. (Town Administrator)

ARTICLE 9: PERSONNEL BY-LAW AMENDMENT

To see if the Town will vote to amend the Personnel Bylaw by deleting the following existing language of Section 3 therein in its entirety:

SECTION 3: PERSONNEL BOARD

A) Composition, Mode of Selection, Term of Office, Qualifications.

The Board of Selectmen shall appoint a Personnel Board consisting of five registered voters of the Town, to be appointed for three-year overlapping terms. Whenever possible, the Selectmen will appoint members possessing a professional personnel background, including one Town employee or official not a member of the school department or covered by any collective bargaining agreement, and one member of the Advisory Committee, to be appointed on a yearly basis. Members of the Personnel Board shall serve without compensation.

The Personnel Board shall annually elect a Chairman and other officers as the Board so determines from its membership at the first meeting following the appointment of new members.

Any three members of the board shall constitute a quorum for the transaction of business.

Action by a majority of those Board members present shall be binding.

And inserting in place thereof the following language:

SECTION 3 - PERSONNEL BOARD

A) Composition, Mode of Selection, Term of Office, Qualifications.

The Board of Selectmen shall appoint a Personnel Board consisting of five individuals, one of which must be a Town employee or official not a member of the school department or covered by any collective bargaining agreement, and one member of the Finance Committee. With the exception of the Employee representative all Members of the Personnel Board shall be registered voters of the Town of Ayer.

Members of the Personnel Board shall serve three-year overlapping terms, except for the Finance Committee representative who will be designated annually by the Finance Committee. All members of the Personnel Board shall serve without compensation. Whenever possible, the Selectmen will appoint members possessing a professional personnel background.

The Personnel Board shall annually elect a Chairman and other officers as the Board so determines from its membership at the first meeting following the appointment of new members.

Any three members of the board shall constitute a quorum for the transaction of business.

Action by a majority of those Board members present shall be binding.

Or take any action thereon or in relation thereto.

Sponsor: Board of Selectmen Recommends

BUILDING COMMISSIONER

TOWN OF AYER

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

TELEPHONE (978) 772-8214

20, Aug., '13

Re: Assistant Building Inspector Overview

Rob,

At present I am working for the town 16 hours per week. My office time starts around 7:30am to 7:45am. This early time gives me the opportunity to process some paper work and permits. After 8:30am the morning is taken up by calls and walk-in traffic. I perform my inspection in the afternoon returning to the office to process permits until quitting time.

I would suggest that an assistant inspector would work between 10 to 16 hours per week depending on work load.

I would have the Assistant come into the office about 10:00am to be brought up to speed on the events of the day and the schedule of required inspection. This would probable result in a 30 to 45 minute meeting each day after which he would be out performing the inspections and completing the required paper work. Since the number of inspections varies from day to day his hours would also vary. Further, he would be free to schedule inspections on off days as needed for builders, although this has not been a real issue for most builders over the years. *(Many full time building departments although open everyday only perform inspection a few days a week. It is a more efficient use of time to go out with a full schedule of inspections rather than go out to do only one or two.)*

By having the Assistant do the inspections and related paper work, this would free my time up to process permits. Keep in mind that when a permit is submitted there is a 30 day allowed period to review and take action on the application. Since many of the projects are small it is imperative to process these permits as quickly as possible once applications are complete so that the contractors may continue to work. This work load also varies from week to week and season to season.

The remaining time would allow a more aggressive zoning enforcement action on the part of the department. Also, the Assistant would also be charged with investigation on zoning issues and reporting back to me so that a final decision and ruling could be made.

Assistant Building Inspector Overview (continued)

Building Department Budget:	\$73,684.00
Building Commissioners Salary:	\$28,882.00
Operation Budget:	\$ 8684.00
Money left for Assistant and Clerical Staff:	\$36,118.00

I would fund the Assistants position at \$15,000.00
With an allocation of 16 hours a week at \$17/hr the cost would be \$14,144.00/ per
year.

I would request that \$5000.00 be reallocated back into the Operational Budget so that
Microfisch work may begin again. The budget has been cut every year and funds for
this work have diminished.

If we had a part-time clerical worker, they would be charged with keeping the office files
up-to-date, and the preparation of documents to be sent out for Microfisch work. I feel
that this work would take less than 5 hours per week. After training this work could be
scheduled on days the office is closed. This would provide another day when the
public would have access to the office to pick-up permits or applications etc.

This position could be established at an hourly rate of \$12.00/hr which would be a total
of \$3120.00 per year.

This approach will put us \$13,854 under the budgeted amount for the department.

Sincerely,

Gabriel J. Vellante Jr.

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

CC:File
Cf: c/ayer/letter/ltr13-ltr13029

ASSISTANT BUILDING INSPECTOR/ZONING ENFORCEMENT OFFICER

Definition

Technical and inspection work related to the enforcement and interpretation of the Massachusetts State Building Code, local zoning bylaw, and other applicable regulations; all other related work as required.

Supervision

Works under the general direction of the Building Inspector.

Performs varied and detailed inspection duties of a technical nature requiring the exercise of considerable judgment in ensuring compliance with proper standards and the enforcement of pertinent laws and regulations.

Job Environment

Some work is performed under typical office conditions; a significant portion of the work day may be spent outdoors, with exposure to various weather conditions and to the hazards associated with construction sites.

Operates an automobile, radio, standard office equipment, and specialized testing equipment.

Makes frequent contacts with the general public, other Town departments, members of the building community, and property owners.

Errors could result in delay and loss of service, damage to property, and endanger public safety.

Essential Functions

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)

Assists the Building Inspector in the day-to-day administration of the department, and in the enforcement of the building code and zoning bylaws.

Receives applications and issues permits to construct, improve, move and demolish buildings and structures within the Town; reviews plans for conformance with building and zoning codes; issues permits for occupancy, signs after all requirements have been met; collects fees; maintains office files for all permits and related documents.

Responds to inquiries from property owners, contractors, banks, real estate firms and the general public; interprets building and zoning code provisions to applicants; explains department procedures

and assists applicants in completing required forms.

Inspects buildings and alterations to buildings under construction and upon completion to monitor compliance with the state building code, zoning bylaw, and other pertinent state and local regulations.

Investigates complaints of alleged violations and takes appropriate action as required. Issues notices and orders to rectify illegal or unsafe conditions and performs follow-up. Appears in court to testify when necessary.

Receives and reviews plans for building construction or alteration to determine compliance; keeps records of all inspections performed and approved plans.

Discusses construction methods and materials with builders, architects, engineers and developers in order to ensure compliance.

Performs duties of the building inspector in his/her absence.

Performs similar or related work as required or as situation dictates.

Recommended Minimum Qualifications

Education and Experience

High school graduation; plus five years experience in the supervision of building construction or design; Associate's Degree in a field related to building construction or design preferred; or any equivalent combination of education and experience.

Special Requirements

Massachusetts Class D Motor Vehicle Operator's License required.

Massachusetts Construction Supervisor's License and State certification required.

Knowledge, Ability and Skill

Knowledge. Thorough knowledge of the materials and methods of building construction; thorough knowledge of the state building code, local zoning bylaws and other applicable state statutes, rules and regulations, and bylaws. General knowledge of the accepted requirements for fire prevention, light, ventilation and safe egress; as well as general knowledge of other equipment and materials essential for safety, comfort and convenience of the occupants of a building or structure; plus whatever other requirements of experience and knowledge are deemed necessary by the Town, or State certification.

Ability. Ability to read and interpret blueprints, drawings and plans. Ability to prepare

necessary diagrams. Ability to read and enforce regulations firmly, tactfully, and impartially. Ability to maintain complete and accurate inspection records and to prepare reports. Ability to communicate effectively in oral and written form.

Skill. Skill in all of the above listed tools and equipment.

Physical Requirements

Frequent light to moderate physical effort demanded in making inspections. Major portion of shift spent in the field. Frequently required to climb and reach. Must be able to access all levels at a construction site. May be required to walk and stand approximately six hours per day. Vision must be correctable to "normal" ranges. Must be able to distinguish colors and judge distances and spatial relationships.

(This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.)

INSPECTOR OF BUILDINGS

Definition

Administrative, supervisory, and inspection work related to the enforcement and interpretation of the state building code, the local zoning bylaw and other applicable regulations; all other related work as required.

Supervision

Works under the policy direction of the Board of Selectmen and under the administrative direction of the Town Administrator

Work is accomplished in accordance with the applicable provisions of the Massachusetts General Laws and local bylaws.

Performs varied and responsible functions of a technical nature, requiring considerable independent judgment in the application, interpretation, and enforcement of building codes, zoning bylaws and other applicable regulations.

Supervises five part-time employees.

Job Environment

Administrative work is performed under typical office conditions; frequent inspection work is conducted in the field, with exposure to various weather conditions and the hazardous conditions associated with construction sites.

Operates an automobile, computer and standard office equipment.

Makes frequent contacts requiring perceptiveness and discretion with the general public, Town departments and boards, members of the building community, property owners, and state, federal and local officials.

Errors in either technical application of recognized building procedures, or in the interpretation of related data could result in damage to property, endanger public safety, have financial and/or legal implications, and cause adverse public relations.

Essential Functions

(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.)

Enforces the provisions of the Massachusetts State Building Code and the Town Zoning Bylaw;

*Ayer, Massachusetts
Inspector of Buildings*

enforces the regulations and requirements of special permits issued by the zoning board of appeals, and all other applicable statutes, rules and regulations.

Manages the operations of the building department, including building, electrical, plumbing, gas, and zoning enforcement; reviews zoning and building requests; reviews plans for building construction or alteration to determine compliance with state codes, local zoning bylaws and other applicable regulations.

Enforces all of the provisions of the basic code and acts on all questions relative to the mode or manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment, and the location, use, occupancy, and maintenance of all Town buildings and structures, except as may otherwise be specifically provided for by statutory requirements.

Develops and executes administrative policies and procedures for all assigned functions of the department.

Prepares and enforces such rules and regulations as required by legislative authority for the proper exercise of the department's responsibilities.

Assigns, trains, and evaluates all departmental administrative and inspection personnel.

Acts as liaison with, and coordinates department activities with, other departments, agencies, and commissions where required.

Directs all departmental activities, including issuance of permits, notices, certificates, correspondence, stop-work orders, placards; maintains departmental records and court requests; investigates complaints of alleged violations and takes appropriate action.

Answers questions from the general public and building industry pertaining to building and zoning issues.

Prepares the annual department budget; oversees and monitors expenditures and the maintenance of associated records.

Testifies in court on board hearings related to zoning actions or enforcement taken by the department.

Performs similar or related work as required or as situation dictates.

Recommended Minimum Qualifications

Education and Experience

High school graduation, supplemented by related vocational training, plus five years of

experience in the supervision of building construction or design; Bachelor's Degree in related field is highly desirable; or any equivalent combination of education and experience.

Special Requirements

Possession of a Massachusetts Class D motor vehicle operator's license.

Massachusetts Construction Supervisor's License and State Certification required.

Knowledge, Ability and Skill

Knowledge: Thorough knowledge of the materials and methods of building construction and of the state building code, local zoning bylaws and other applicable state statutes, rules and regulations. General knowledge of electrical, heating, refrigeration, and plumbing equipment and installation to make interpretations and to determine whether such plans conform with provisions of the applicable codes and acceptable construction practices. Thorough understanding of field inspection practices.

Ability: Ability to examine plans and specifications of new construction, mechanical equipment, and installations and to determine whether plans conform with provisions of the applicable codes and acceptable construction practices. Ability to read and interpret blueprints, drawings and plans. Ability to enforce regulations firmly, tactfully and impartially. Ability to deal appropriately with the general public and members of the building community. Ability to communicate effectively orally and in writing. Ability to delegate, assign and coordinate work through subordinates under his/her control and responsibility.

Skill: Skill in all of the above listed tools and equipment. Excellent customer service skills. Good writing skills.

Physical Requirements

This position requires frequent light to moderate physical effort while incumbent is performing inspections. Incumbent must be able to access all areas and levels of a construction site, and is frequently required to spend several hours walking or standing. While performing the duties of this position, the incumbent is regularly required to use hands to finger, handle, feel or operate objects, tools, or controls and reach with hands and arms. Performance of the essential functions may also require incumbent to climb or balance; stoop, kneel, crouch, or crawl; and smell. Frequently required to lift and/or move up to 30 pounds. Specific vision abilities required by this position include close vision, distance vision, color vision, depth perception, and the ability to adjust focus.

(This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.)

BOS POLICIES AND PROCEDURES REVIEW AND UPDATE (ON-GOING)

Note: New copies of the Policies/Procedures will be provided to the BOS

Enclosed are the Policies/Procedures as amended Jan. 2011 (Including Amendments through July 10, 2007) AND the Policies/Procedures as amended Jan. 2000

- Final Review and Update of BOS Policy 99-26 (1999) / 99-27 (2001) (See Enclosed)
- Review of BOS Policy 00-01 (See Enclosed)

PAULINE

**Town Of Ayer
Town Administrator**

Memo

TO: Board of Selectmen
FR: Shaun A. Suhoski, Town Administrator *SHAUN*
DT: April 25, 2006
RE: Policies and Procedures

All,

As we welcome two new members to the Board, I thought it appropriate to provide each of you copies of the latest version of your Board's general and office policies that were initially developed in 1999.

With respect to the general policies, I have corrected a numbering error (there were two policies no. 99-16), and confirmed the indexing matches the pages.

Until your Board amends these policies, they will continue to govern the general functioning of your office, and to define the expected roles and responsibilities between your policy-making function and the administrative function of your paid staff.

I look forward to sitting down with our newest members at their earliest convenience to update you on ongoing matters and to become better acquainted.

During the interim, please feel free to call me at 978-772-8210 with any questions. If immediate attention is required, Board members may also reach me at my personal cell phone, 978-821-7772, though that number should not be distributed to the general public.

Thank you.

TOWN OF AYER



BOARD OF SELECTMEN

GENERAL POLICIES & PROCEDURES

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99-01: PURPOSE:

The Board of Selectmen of the Town of Ayer, recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Administrator, office secretary and between the Board and other Town boards, committees, officials and citizens, and also recognizing the need to systemize and reduce to writing the Town's public policies and procedures, hereby undertake to create operating procedures for the Board of Selectmen.

99-02: NATURE OF POLICIES & PROCEDURES:

These policies and procedures shall contain items relating to topics that are not addressed elsewhere. Subjects that would more appropriately be addressed in a statute, by-law or regulation shall not be addressed in this format. These policies are not intended to be all-inclusive.

It should be understood that these policies and procedures represent the rules that govern the manner in which the members of the Ayer Board of Selectmen and their staff shall perform their respective functions. Accordingly, any violation of these policies and procedures may constitute grounds for either sanction or disciplinary action, whichever is appropriate.

99-03: PROCEDURE TO ESTABLISH POLICIES AND PROCEDURES:

Draft policies and procedures shall be placed on the agenda for any regularly scheduled meeting of the Board. Drafts shall be in writing, and may be introduced only by a member of the Board or the Town Administrator. Upon receipt of a draft, the Board may choose to discuss the policy immediately or schedule the discussion for a future meeting. The Board may schedule any hearings or meetings it deems necessary for discussion. The Board may distribute a draft for comment to appropriate officials as it deems necessary.

The Board shall not vote on a policy at the same meeting that it is first introduced. This rule may be waived if the Board unanimously votes that prompt action is necessary. A majority vote of the five member board is necessary for adoption.

The Town Administrator shall be responsible for the maintenance of all policies and procedures.

99-04: AUTHORITY:

The Board of Selectmen is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, the bylaws of the Town of Ayer and from the citizens of the town.

99-05: ELECTION, QUALIFICATION AND RECALL:

The Board shall consist of five duly elected members. Before assuming official duties, each newly elected member shall be sworn to faithful performance of official responsibilities by the Town Clerk. A duly elected member of the Board of Selectmen can be recalled from office in accordance with the provisions of the Town of Ayer's Recall Petition by-law.

99-06: VACANCIES ON THE BOARD:

When a vacancy occurs in the membership of the Board of Selectmen, the Board or its remaining members shall fill the unexpired term or terms in accordance with the Massachusetts General Laws.

99-07: ROLE OF THE BOARD OF SELECTMEN:

The Board is the chief executive body of the town. The Board sets the community's vision and provides the leadership required to assure that the mission is followed. The Board is responsible for appointing personnel, developing and implementing policy and reviewing for compliance with said policies. The Town Administrator supports the Board on appointments and policy formulation, implementation and compliance.

The Board is responsible for supervising the departments of the general government that are not supervised by the other elected officials. This responsibility is delegated, at the discretion of the Board, to the Town Administrator, and the Board, at its discretion may, and in most instances should, agrees to allow the Town Administrator to provide administrative direction to the departments that fall under the board's jurisdiction to assure that the board's policies are implemented in the course of the town's day to day operations. Department heads shall receive policy direction from the board through the Town Administrator, and may also on occasion receive administrative direction directly from the Board (though not unilaterally from an individual member). As a rule, however, Department Heads shall receive administrative direction for day to day operations directly from the Town Administrator. Department Heads report to the board but do so through the Town Administrator. This policy is not intended to limit or otherwise exclude a Department Head from expressing concerns or issues directly to the Board, but rather it is intended to provide a framework for an effective and efficient operation utilizing an appropriate chain of command. If any concerns or issues are brought to the attention of the Board directly, the Board shall report them to the Town Administrator as soon as it is practicable and shall work proactively with the Town Administrator to address the concern or issue. Concerns and questions about the operation of departments, and suggestions for improvements should be addressed to the Town Administrator, and the responsibility for addressing these issues is thus carried out through the Town Administrator. Selectmen may be called upon to resolve disputes that are unable to be resolved on the staff level.

No individual Board member shall be allowed to direct a Department Head in the methods or manners in which the department's day to day business is to be conducted, however, this policy is not intended to limit or restrict the rights of an individual Board member to communicate his or her opinions regarding the implementation of an approved Board policy.

99-08: ROLE OF THE TOWN ADMINISTRATOR:

The Board appoints a Town Administrator who functions as the Town's Chief Administrative Officer. The primary duties of the Town Administrator shall be the day-to-day administration of the general government as outlined in the position's job description. The Town Administrator shall also assist and work under the direction of the Selectmen on appointments and in the formulation, implementation and compliance of policy.

The Town Administrator must maintain a close working relationship with all members of the Board. He/she shall regularly brief the Board on all important issues.

99-09: ROLE OF THE SECRETARY AND SUPPORT STAFF:

The Board appoints a Secretary and said appointment shall be made with a recommendation from the Town Administrator and as per the Town of Ayer Personnel Policies and Procedures Manual.

The Secretary functions as the support staff for the Board and the Town Administrator. The Secretary must maintain a close working relationship with all members of the Board and the Town Administrator. The Secretary reports to and takes direction from the Town Administrator.

The primary duties of the Secretary shall be as outlined in the position's job description. He/she shall perform varied office administration functions as directed by the Town Administrator.

99-10: BOARD RULES AND ETHICS:

1. A member of the Board of Selectmen, in relation to his or her community should:
 - A. Realize that his or her basic function is as it is listed in section 99-07 which is contained herein.
 - B. Realize that he or she is one of a team and should abide by, and carry out, all board decisions once they are made.
 - C. Be well informed concerning the duties of a board member on both local and state levels.
 - D. Remember that he or she represents the entire community at all times.
 - E. Accept the office of Selectman as a means of unselfish service and not benefit personally or politically from his or her board activities.
 - F. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
 - G. Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.
 - H. At all times carry and conduct him/herself in a manner that is appropriate and becoming of a Chief Elected Executive Official of the town of Ayer.

2. A member of the Board of Selectmen, in his or her relations with administrative officers of the Town, should:
 - A. Endeavor to establish sound, clearly defined policies that will direct and support the Board of Selectmen, for the benefit of the people of the community.
 - B. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
 - C. Give the Town Administrator full responsibility and authority for discharging his or her duties.

3. A member of the Board of Selectmen, in his or her relations with fellow board members, should:
 - A. Recognize that only an action taken at official and legal selectmen's meetings is binding, and that he or she alone cannot bind the board outside of such meetings.
 - B. Recognize that he or she should not make any representation to anyone on behalf of the board unless and until the board takes a formal position on the matter.
 - C. Should informal decisions by telephone consensus be required of the Board between meetings, all Board members shall be contacted prior to a majority decision being implemented.
 - D. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
 - E. Make decisions only after all facts on a question have been presented and discussed.
 - F. Treat with respect the rights of all members of the board despite differences of opinion.
 - G. Be responsible to address the concerns and complaints of the citizens in the town of Ayer and the employees of the government.
 - H. Demonstrate leadership by raising issues and encouraging debate regarding said issues both within the Board and within the community at large.

99-11: TOWN ADMINISTRATOR RULES AND ETHICS:

1. The Town Administrator, in relation to the Board and the community should:
 - A. Realize that his or her basic function is to carry out the policies of the Board through day to day administration of the town's business.
 - B. Realize that he or she represents the Board and should abide by, and carry out, all board decisions once they are made.
 - C. Be well informed concerning the duties of a Town Administrator on both local and state levels.
 - D. Remember that in representing the Board that he or she represents the entire community at all times and that he or she must treat the public in a courteous and respectful manner.
 - E. Accept the office of Town Administrator as a means of unselfish service and not benefit personally or politically from his or her activities.
 - F. In recommendations for all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
 - G. Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.
 - I. Participate in discussion at Board Meetings and Town Meetings as requested by the Board.
 - J. To speak on behalf of the Board only on accepted policies and accepted positions on issues.

2. The Town Administrator, in his or her relations with other administrative officers of the Town should:
 - A. Endeavor to establish sound, clearly defined policies that will support the Board of Selectmen for the benefit of the people of the community.
 - B. Recognize and support the administrative chain of command.
3. The Town Administrator, in his or her relations with the board members, should:
 - A. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
 - B. Treat with respect all Board members.

99-12: SECRETARY AND SUPPORT STAFF RULES AND ETHICS:

1. The Secretary and Support Staff, in relation to the Board, the Town Administrator and the community should:
 - A. Realize that his or her basic function is to carry out the policies and directives of the Town Administrator and/or the Board.
 - B. Realize that he or she represents the Town Administrator and the Board and should abide by, and carry out, all Town Administrator and Board decisions once they are made.
 - C. Be well informed concerning the duties of the Secretary on the local level.
 - D. Remember that in representing the Town Administrator and the Board that he or she represents the entire community at all times and that he or she must treat the public in a courteous and respectful manner.
 - E. Accept the office of Secretary or Support Staff as a means of unselfish service and not benefit personally or politically from his or her activities.
 - F. In any participation in or comments on appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
 - G. Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.
2. The Secretary and Support Staff, in his or her relations with administrative officers of the Town, should:
 - A. At all times recognize and support the administrative chain of command.
 - B. This policy is not intended to limit or otherwise exclude the Secretary and Support Staff from expressing concerns or issues directly to the Board, but rather it is intended to provide a framework for an effective and efficient operation utilizing an appropriate chain of command. If any concerns or issues are brought to the attention of the Board directly, the Board shall report them to the Town Administrator as soon as it is practicable and shall work proactively with the Town Administrator to address the concern or issue.

3. The Secretary and Support Staff, generally, should:

- A. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- B. Treat with respect the rights of all members of the community and the government despite differences of opinion.

99-13: ORGANIZATION OF THE BOARD:

The Chairman shall be elected annually at the first regular meeting following the Annual Town Election. The Board at any time may remove the Chairman by a majority vote. Unless by a unanimous vote, the Chairman shall not serve two consecutive years in any given term. A majority vote shall constitute an election. Nominations require a second. The immediate past Chairman shall preside as Chairman pro tem until the Chairman is elected. If there is no immediate past Chairman, the senior member in terms of current service shall serve as Chairman pro tem. If a vacancy occurs in the office of Chairman, the Board shall elect a successor. The Board shall further appoint a Clerk under the same provisions stated for the Chairman.

99-14: RESPONSIBILITIES OF THE CHAIRMAN:

The Chairman of the Board shall:

- 1. Preside at all meetings of the Board. In doing so, he/she shall maintain order in the meeting room, recognize speakers, call for votes and preside over the discussion of agenda items.
- 2. Sign official documents that require the signature of the Chairman.
- 3. Call special meetings in accordance with the Open Meeting Law.
- 4. Set agendas with the Town Administrator subject to acceptance of the board when the meeting convenes.
- 5. Arrange orientation for new members.
- 6. Serve as spokesman of the Board at Town Meetings and present the Board's position unless otherwise determined by the Board or delegated by the Chairman.
- 7. Make liaison assignments and assign overview responsibilities for project and tasks to Board member subject to acceptance of said assignment by the Board members.

The Chairman shall have the same rights as other members to offer and second motions and resolutions, to discuss questions and to vote thereon.

99-15: RESPONSIBILITIES OF THE VICE CHAIRMAN:

The Vice Chairman of the Board shall act in the place of the Chairman during his/her absence at meetings. Should the chairman leave office, the Vice Chairman shall assume the duties of Chairman until the Board elects a new Chairman.

99-16: RESPONSIBILITIES OF THE CLERK:

The primary administrative function of the Clerk is to sign the Board's minutes.

99-17: REGULAR BOARD MEETINGS:

Regular Board Meetings are held on a schedule voted by the Board. Unless in the case of an emergency, the Board shall not meet on days designated as legal holidays.

99-18: SPECIAL MEETINGS:

A meeting that is called for any time other than the regular meetings shall be known as a "Special Meeting". The same rules as those established for regular meetings will apply. Special meetings may be called by any member provided that a majority of the members agree to meet, all Board members are notified and the meeting is posted as is required by the Open Meeting Law.

99-19: EMERGENCY MEETINGS:

A meeting that is called for any time other than the regular meetings and that is called without the required forty-eight (48) hour posting shall be known as a "Special Emergency Meeting". The same rules as those established for regular meetings will apply. Special Emergency meetings may be called by any member provided that the subject matter is of an emergency nature, a majority of the members agree to meet, due diligence is used in notifying all Board members and the meeting is posted as is required by the Open Meeting Law.

99-20: WORKING MEETINGS:

The Board may conduct informal "working sessions" from time to time as the situation warrants. At such meetings, which will be posted in accordance with the Open Meeting Law, no official action will be taken. A synopsis of transactions of informal meetings will be made a part of the minutes of the following regular meeting.

99-21: MEETING PROCEDURES:

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of such procedures be on a relatively informal basis, due to the size of the group and the desirability of flexibility in the expression of opinion. Robert's Rule of Order is used as a guide in matters requiring clarification.

Although the public and the press have a right to be present at open meetings of the Board of Selectmen, they do not have the right to participate unless they are recognized by the Chair.

A quorum shall consist of **three** members of the Board. As a practical courtesy, action on critical or controversial matters, such as the adoption of policy or appointments, shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second and vote. Split votes, if any, will be identified by name.

The Town Administrator is expected to be in attendance at all meetings of the Board. The Town Administrator shall attend in order to keep the Board informed and advised on all matters that fall within the jurisdiction of his/her office. He/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction.

99-22: EXECUTIVE SESSION:

Executive Sessions of the Board shall only be held in accordance with the provisions of Massachusetts General Law Chapter 39, section 23B.

If practicable, Executive Sessions, other than a few minutes in duration, will be scheduled only at the end of the open meeting. Only items clearly allowed under the Open Meeting Law shall be included in Executive Session. The mover must specify in the motion to enter Executive Session and the exemption under which the session is sought. A majority of the members present must vote to enter Executive Session by roll call vote. The motion must state whether or not the Board will reconvene into open session.

99-23: AGENDA PROCEDURES:

The responsibility for coordinating and planning the meeting agenda is that of the Town Administrator in consultation with the Chairman. Each of the Board Members and the Town Administrator may place items on the agenda. The Town Administrator, in consultation with the Chairman, shall schedule a realistic time period for each appointment, interview, conference or other scheduled item of business.

All items for the agenda are expected to be submitted to the Town Administrator at least two days before any regularly scheduled meeting. Items of emergency or strictly routine nature that develop after closing of the agenda may be considered under "new business".

Agenda items normally include:

1. Call Meeting to Order
2. Accept Minutes and Agenda
3. Public Input
4. Guests
5. Department Reports
7. New Business
8. Executive Sessions (if any)
9. Adjournment

Members of the Board, Town Administrator, staff or others who prepare background material for the meeting should make an effort to have such material available at least two days before any regularly scheduled meeting. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the Board's meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

The Board's meeting packet shall be compiled by the Secretary. The agenda and all substantiating documents will be arranged in order and hole punched for placement into each Board members meeting binder.

The agenda shall be available to the public and the press at the Selectmen's office at least two days before the meeting date and shall be posted at the Town Office bulletin board, the library bulletin board and on the cable access channel that same afternoon.

Copies of the minutes of the previous meeting and all important correspondence, reports and other pertinent background materials shall be forwarded with the agenda to Board members.

The Board shall not begin discussion of or act on an agenda item after 10:00 P.M. of a regularly scheduled meeting. This rule may be waived by a unanimous vote.

99-24: MINUTES:

The Secretary shall record open meetings of the Board by tape recorder, and he/she shall draft minutes from the tape.

Minutes shall be circulated to the Town Administrator and members of the Board on or before the fourth day after the meeting and shall be in order for approval at the next regular meeting of the Board. By unanimous consent, minor corrections may be made to the minutes without advance circulation of such corrections.

Minutes shall contain a full statement of all motions made and voted by the Board and of the disposition of all proposals for action. Approved minutes shall be signed by the Clerk and recorded in a Minutes Book which shall be bound annually.

Minutes of Executive Sessions shall be recorded by the Town Administrator, approved by the board, signed by the Clerk and kept by the Town Administrator in accordance with the above procedures.

Minutes are open for public inspection as provided for by law.

99-25: APPOINTMENTS:

The Board makes numerous appointments each year. Appointments are generally made for one or three years in length. In no case, may appointments be made for more than three years unless specifically allowed by state law. Appointments generally are made on or before June 30th of each year. In the case of appointments, a second to the nomination or motion will be required prior to Board action.

Employee Appointments: Employee appointments shall be made with a recommendation from the Town Administrator and as per the Town of Ayer Personnel Policies and Procedures Manual.

Committee Appointments: Whenever possible the Board will seek variety in backgrounds, interests, ages, sex and geographic areas of residents, so that a true cross section of the community will be reflected. In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable. Vacancies could be advertised

in the local paper as well as on Cable TV. Appointments should be based on merit and qualifications rather than political merit.

The Secretary shall:

- a. Provide by April 1st a list of the appointment vacancies to be filled by the Board.
- b. Notify the chairman of the appropriate board or committee requesting recommendations regarding reappointment or the filling of vacancies.
- c. Notify incumbents and request their statements of availability regarding reappointment.

All candidates seeking appointment for the first time to a position shall submit a short written letter of interest or resume. This letter/resume shall be included in the Board agenda in advance of the meeting. The Board may consider reappointments to positions at their pleasure. A statement/resume will only be requested from a candidate seeking reappointment by specific request of a member of the Board.

The Board will interview candidates seeking an appointment for the first time to the following positions as well as all vacant elected positions being filled by them in accordance with the law:

- Advisory Board
- Ayer Cultural Council
- Cable Commission
- Communications Committee
- Conservation Commission
- Council on Aging
- Director of Emergency Preparedness
- Fourth of July Committee
- Gas and Electrical Inspectors
- Historical Commission
- Industrial Development Commission
- Industrial Development Finance Authority
- Montachusett Regional Planning Commission
- Montachusett Area Regional Transit Authority
- Personnel Board
- Recycling Committee
- Zoning Board of Appeals; and
- Any other board, committee or commission appointed by the Board of Selectmen

Notice of candidates being interviewed shall be included in the agenda provided to the Board. The Board may request that candidates for a position not listed above be interviewed. Candidates not being interviewed may, at the discretion of the Board, still be considered upon receipt of the resume/statement.

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

attention by the Board should be referred to the Chairman for inclusion in the next meeting agenda.

5. All other questions and all complaints are to be referred to the Selectmen's Office for action or recommendations. In those instances deemed appropriate by a Board member, the Board member receiving the complaint may deal directly with a department head, the Board member shall subsequently inform the Town Administrator of the issue and its disposition.

99-29: EMPLOYEE GRIEVANCES:

Employee grievances are to be handled as delineated in the Town's Personnel Policies and Procedures. Under the Personnel by-law, the personnel policies and procedures are formulated by the Personnel Board with the approval of the Selectmen. If employee grievances are brought to the attention of a Board member it shall be Board policy to proceed as follows:

Selectmen will not intercede or interfere with the process. The employee will be shown the administrative process to be followed. A meeting with the Board may be requested by any employee; the Board may, at their discretion, defer such meeting until other remedies available to the employee under the personnel policies and procedures manual have been exhausted.

99-30: HEARINGS BEFORE THE BOARD:

Hearings before the Board of Selectmen generally shall be conducted in accordance with the following procedures. Variations may be necessary to comply with statutory requirements applicable to particular matters. The procedure for conducting dog and utility hearings are hereinafter outlined:

1. Notice: The Secretary to the Board of Selectmen and Town Administrator will advertise the hearing and notify interested persons, such as abutters, as required by statute or as directed by the Chairman in the absence of statutory requirements.
2. Hearings will be held in open session unless otherwise voted by the Board in compliance with the Open Meeting Law.
3. The Chairman will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given. Where appropriate, the Chairman will outline the procedure to be followed. All questions shall be addressed to the Chair.
4. The order of presentation will be:
 - a. Presentation by Proposer
 - b. Receipt of recommendations from any Town agency or officer
 - c. Statements by proponents
 - d. Statements of opponents
 - e. Rebuttal statements by proponents and opponents

- f. Where appropriate, questions may be asked of any person making a statement after the statement is finished. Questions will be accepted first from members of the Board.
5. The Board may permit persons not desiring to speak to record themselves as in favor or against the proposal. In the discretion of the Board a show of hands may be taken.
6. At the conclusion of the hearing the Board may render its decision or take the matter under advisement, announcing the intended date of decision.

99-31: PROCEDURE FOR CONDUCTING DOG HEARINGS

A written complaint must be filed with Board of Selectmen. The complaint should describe and name the dog and fully identify the owner. The complaint should further specify why and how the dog is considered to be vicious. Specify all times, dates and reasons.

Upon receipt of a request for a hearing, the hearing will be included in the agenda for a regular meeting. The Secretary to the Board of Selectmen and Town Administrator will notify the Dog Officer and all involved persons. Hearings will be held in open session. The procedure for conducting a hearing is as follows:

1. Read complaint - fully identify and describe dog, present picture when available.
Note
that the hearing is being conducted under Chapter 140 of the MGL's.
2. Swear in the complainant that all information and statements are the whole truth and nothing but the truth.
3. Hear reports from dog officer and/or health officer -- make sure dog is fully identified here.
4. Take testimony from complainants - directly question as to why dog is considered vicious or dangerous. Are they fearful of dog? Is there excessive barking, etc.?
5. Take testimony from owner and/or others speaking on his behalf.
6. At the conclusion of the hearing the Board may render its decision or take the matter under advisement, announcing the intended date of decision.
7. Unless requested by the Board, the dog shall not attend the hearing.

99-32: TOWN MEETINGS:

1) Annual Town Meetings

The Town Meeting warrant, is the Selectmen's warrant by Statute. The Board members shall jointly decide which articles on the warrant will be moved by which member of the Board at the town meeting. The Board of Selectmen may insert articles in the warrant on their own initiative by a vote of the Board or by written petition signed by ten (10) registered voters for the Annual Town Meeting. It has been the practice of the Town of Ayer to hold its Annual Town Meeting on the second Monday in May. The Selectmen may call the Annual Town Meeting for any time allowed by the Massachusetts General Laws. The warrant for the Annual Town Meeting shall be mailed to every house with a registered voter at least two (2) weeks prior to the Annual Town Meeting.

2)Special Town Meetings

The Selectmen will call a Special Town Meeting when deferment of the particular matter(s) proposed for inclusion on the warrant for the Special Town Meeting will not serve the interest of the Town. The Selectmen must call a Special Town Meeting if they receive a written request, signed by two hundred (200) registered voters. It is the practice of the Town of Ayer to use a special town meeting only to address subjects of an urgent nature.

The Selectmen may insert articles in the warrant on their own initiative or by written petition signed by ten percent (10%) of the registered voters for Special Town Meeting . The Selectmen may also insert articles in the warrant upon request of another committee.

Notwithstanding the above, in the interest of economy of operations and imposition on the voters the Selectmen shall strive to limit the calling of Special Town Meetings to the minimum necessary as is otherwise in the Town's best interest. In determining whether to call a Special Town Meeting, the Selectmen may consult with other town committees, officials, and staff as appropriate. It is strongly recommended that the Moderator and Town Clerk be consulted for each Town Meeting.

99-33: TOWN HALL – SMOKING POLICY

The Board of Selectmen have voted the following "No Smoking" policy for the Ayer Town Hall: Effective September 1, 1995, no smoking will be allowed in the Town Hall.

Complaints in regards to this policy shall be filed with the Town Administrator.

99-34: LICENSE FEES

The Selectmen are designated the local licensing authority for most general projects and purposes. State law refers to over 50 types of licenses which may be issued by the Selectmen.

For procedural guidance for alcohol, common victualers, innholders, amusement, Sunday entertainment, motor vehicle (class I, II, III and junk), taxi and earth removal permits and/or licenses please see the existing policy in the Board office and or the relevant town of Ayer By-law.

Applications for licenses and permits will be made available in the Selectmen's Office in accordance with established policies. In the interest of all concerned, it is recommended that persons requesting the licenses or permits be in attendance at the Board meeting when the request is reviewed. The Secretary to the Board of Selectmen and Town Administrator will notify all interested parties of the date and time of such review. License applications shall not be considered by the Board until receipt of written confirmation from the Tax Collector and DPW that all taxes and utility bills are paid in full to date.

For a list of the current fees charged for licenses most frequently issued by the Ayer Selectmen, please see attachment A.

99-35: RECORDS RETENTION

The following is a list of standard records mandated for use by the Board of Selectmen in carrying out their statutory responsibilities. To destroy records included in this retention schedule, a letter with two copies shall be submitted to the Supervisor of Public Records requesting approval. Upon receipt of approval, records may be destroyed.

<u>RECORD</u>	<u>MGL REF</u>	<u>RETENTION PERIOD</u>
Accts & Receipts of Collector	60-94	After Use
Appointment Certificate	41-23C	3 yrs after termination of appt
Audit Report	44-39	Permanent
Boundaries & Perambulation Material	42-2/10	Permanent
Budget Material	41-59	After Use
Cash Books		After Audit
Dog Complaints	140-157	4 yrs
Dog Officer Warrants	140-153	4 yrs
Elections - Vacancy Notices	50-6A & 54-141/144	1 yr
Employment Applications		Perm if hired, otherwise, 2 yrs
Employment Service Record		Permanent
Expenditures	41-60	After Use
Insurance Policies		7 yrs after use
Licenses		
Applications		2 yrs
Book		Permanent
Minutes	66-6	Permanent
Payroll Sheets	41-42	After Use
Purchasing		
Awards and Contracts	30B	7 yrs. after exp. of contract
Emergency Procurement Files		7 yrs after final pay & audits
Organization Proposal	71-15	Permanent
Schedule of Bills Payable	41-51	After Use
Special Town Meeting Petitions	39-10	Permanent

99-36: INSPECTION OF PUBLIC RECORDS:

This section complies 950 CMR 32.00: Public Records Access for the guidance of supervisory and administrative personnel, and to insure that disputes regarding access to particular records are resolved expeditiously and fairly.

Every person has the right to inspect or receive copies of public records in the custody of the Selectmen's departments without unreasonable delay. Every effort shall be made to provide such public records in a timely fashion consistent with current workloads.

1. Definitions:

Custodian shall mean the Department Head for the purposes outlined herein.

Public Records means all books, papers, maps, photographs, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any employee of the Selectmen's departments. Records specifically excluded from "public" records: under the provisions of Chapter 4, Section 7 (26), of the Mass. General Laws include:

- a. personnel files and any other material relating to a specifically named individual whose disclosure may constitute an unwarranted invasion of personal privacy.
- b. memoranda relating to policy development, internal or to the Board of Selectmen; however, backup for all studies or reports may not be reasonably withheld.
- c. commercial or financial information voluntarily provided by contractors or individuals for use by the Selectmen's departments in developing policy.
- d. proposals and bids to enter into a contract or agreement prior to the time schedule for public opening of such bids or proposals; information provided by others relating to contractor's previous performance used in evaluating bidders qualifications prior to a decision on the award of a contract.
- e. appraisals of real property acquired or to be acquired until a final agreement is entered into or litigation has been completed or the time to commence litigation has expired.
- f. water bills or water consumption information pertaining to any specific household or address other than that of the person making the request.
- g. investigatory materials, the disclosure of which materials would probably so prejudice the possibility of effective law enforcement or pending disciplinary action that such disclosure would not be in the public interest.

Search time means the time needed to locate, pull from the files, copy and refile, and when applicable, address and mail a public record. However, it shall not include the time expended to create the original record.

Segregation time means the time used to delete or expunge data which is excluded under the definition of public records.

2. Procedures:

a. Inspection. Public records may be inspected at all times during regular business hours of the department. Personnel are encouraged to assist the public by answering questions about factual information; however, care must be exercised not to offer opinions which are not clearly supported by available data. Originals or sole copies of documents will not be removed from the Office premises for any reason by members of the public.

b. Promptness of Access. Every effort shall be made by personnel to provide on-the-spot access to persons wishing to inspect public records, and similarly, to provide in-hand copies of one or two page documents and additional copies when the employee servicing the request is able. However, when the employee is presented with requests for numerous copies or ten minutes or more search time is required, or the employee is working on other departmental priorities or deadlines, the request for copies may be serviced at a later time. The goal shall be to fulfill all requests for copies within three working days, but in no instance shall the time exceed the ten days allowed by State regulations.

c. Fees. A fee schedule for the most frequently requested public records is provided in Section 4. In addition, whenever search time and/or segregation time exceeds thirty minutes, a prorated fee based on the lowest hourly compensation rate of an employee capable of fulfilling the request for information will apply.

Fees will be waived for public records provided to members of legally constituted boards, commissions and committees containing information within the purview of the body in which the membership exists. In addition, the Department Head may waive fees whenever such action will clearly benefit the public interest.

When requests for copies of public records are received by telephone or mail, the requestor will be notified of the appropriate fee in advance. If copies are to be mailed, the requisite payment must be received prior to mailing.

d. Interpretation. All questions regarding the application of these policies and procedures will be referred to the Town Administrator.

e. Denials. When, in the opinion of an employee who receives a request for information, the requested information is not a public record, or of a nature which is exempt, the request will be referred to the Department Head for a determination. With the concurrence of the Town Administrator, if the Department Head determines that the requested material is not a public record, or of a nature which is exempt, he shall proceed in accordance with the CMR 32.08 by furnishing the requestor with a written response specifying the basis for denial

of the request. The Department Head shall advise the person denied access of his or her remedies under 950 CMR 32.00 and M.G.L. c66 Sec. 10(b).

3. References:
M.G.L. Ch. 4, Sect. 7 (26) 950 CMR 32.00

4. Fees:

- | | |
|--|------------------|
| 1. Photocopies 11" X 8 1/2", 11" X 14", 11" X 17": | \$.25/pg |
| 2. Zoning by-law w/map- | To Be Determined |
| 3. Assessor's Maps- | To Be Determined |

NOTE: When search time/segregate time exceeds 15 minutes per request, a per hour prorated charge based on the lowest hourly compensation rate of a departmental employee capable of fulfilling the request for information will be added to the copying fees above.

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 requires the following:

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.

07-01: BUDGET POLICY (Stabilization Fund)

The Board of Selectmen shall commit 20 percent of available free cash, or a minimum of \$100,000.00, whichever is greater, yearly to the Stabilization Fund and cap that fund's total amount at 8 percent of the previous year's total budget. *(Approved: April 17, 2007.)*

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

Authorization of Policies and Procedures:

The forgoing policies shall take full force and effect on the day of their approval or amendment. These policies and procedures shall not be amended without a vote of the Board of Selectmen. Any vote of change shall be committed to writing, signed, dated and attached hereto.

Gary J. Luca , Chairman

Carolyn L. McCreary, Vice Chairman

Cornelius F. Sullivan, Clerk

Pauline Conley, Member

Frank F. Maxant , Member

Board Member or Employee Acknowledgement:

I acknowledge that I have received a copy of the Town of Ayer Board of Selectmen General Policies and Procedures. I further acknowledge that it is my responsibility to become familiar with them and to abide by them.

Board Member or Employee's Name

Date

TOWN OF AYER



BOARD OF SELECTMEN

GENERAL POLICIES & PROCEDURES

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99-01: PURPOSE:

The Board of Selectmen of the Town of Ayer, recognizing the need to codify the traditional and accepted working relationships among the members of the Board, between the Board and the Town Administrator, office secretary and between the Board and other Town boards, committees, officials and citizens, and also recognizing the need to systemize and reduce to writing the Town's public policies and procedures, hereby undertake to create operating procedures for the Board of Selectmen.

99-02: NATURE OF POLICIES & PROCEDURES:

These policies and procedures shall contain items relating to topics that are not addressed elsewhere. Subjects that would more appropriately be addressed in a statute, by-law or regulation shall not be addressed in this format. These policies are not intended to be all-inclusive.

It should be understood that these policies and procedures represent the rules that govern the manner in which the members of the Ayer Board of Selectmen and their staff shall perform their respective functions. Accordingly, any violation of these policies and procedures may constitute grounds for either sanction or disciplinary action, whichever is appropriate.

99-03: PROCEDURE TO ESTABLISH POLICIES AND PROCEDURES:

Draft policies and procedures shall be placed on the agenda for any regularly scheduled meeting of the Board. Drafts shall be in writing, and may be introduced only by a member of the Board or the Town Administrator. Upon receipt of a draft, the Board may choose to discuss the policy immediately or schedule the discussion for a future meeting. The Board may schedule any hearings or meetings it deems necessary for discussion. The Board may distribute a draft for comment to appropriate officials as it deems necessary.

The Board shall not vote on a policy at the same meeting that it is first introduced. This rule may be waived if the Board unanimously votes that prompt action is necessary. A majority vote of the five member board is necessary for adoption.

The Town Administrator shall be responsible for the maintenance of all policies and procedures.

99-04: AUTHORITY:

The Board of Selectmen is an elected Board and derives its authority and responsibilities from the statutes of the Commonwealth of Massachusetts, the bylaws of the Town of Ayer and from the citizens of the town.

99-05: ELECTION, QUALIFICATION AND RECALL:

The Board shall consist of five duly elected members. Before assuming official duties, each

newly elected member shall be sworn to faithful performance of official responsibilities by the Town Clerk. A duly elected member of the Board of Selectmen can be recalled from office in accordance with the provisions of the Town of Ayer's Recall Petition by-law.

99-06: VACANCIES ON THE BOARD:

When a vacancy occurs in the membership of the Board of Selectmen, the Board or its remaining members shall fill the unexpired term or terms in accordance with the Massachusetts General Laws.

99-07: ROLE OF THE BOARD OF SELECTMEN:

The Board is the chief executive body of the town. The Board sets the community's vision and provides the leadership required to assure that the mission is followed. The Board is responsible for appointing personnel, developing and implementing policy and reviewing for compliance with said policies. The Town Administrator supports the Board on appointments and policy formulation, implementation and compliance.

The Board is responsible for supervising the departments of the general government that are not supervised by the other elected officials. This responsibility is delegated, at the discretion of the Board, to the Town Administrator, and the Board, at its discretion may, and in most instances should, agree to allow the Town Administrator to provide administrative direction to the departments that fall under the board's jurisdiction to assure that the board's policies are implemented in the course of the town's day to day operations. Department heads shall receive policy direction from the board through the Town Administrator, and may also on occasion receive administrative direction directly from the Board (though not unilaterally from an individual member). As a rule, however, Department Heads shall receive administrative direction for day to day operations directly from the Town Administrator. Department Heads report to the board but do so through the Town Administrator. This policy is not intended to limit or otherwise exclude a Department Head from expressing concerns or issues directly to the Board, but rather it is intended to provide a framework for an effective and efficient operation utilizing an appropriate chain of command. If any concerns or issues are brought to the attention of the Board directly, the Board shall report them to the Town Administrator as soon as it is practicable and shall work proactively with the Town Administrator to address the concern or issue. Concerns and questions about the operation of departments, and suggestions for improvements should be addressed to the Town Administrator, and the responsibility for addressing these issues is thus carried out through the Town Administrator. Selectmen may be called upon to resolve disputes that are unable to be resolved on the staff level.

No individual Board member shall be allowed to direct a Department Head in the methods or manners in which the department's day to day business is to be conducted, however, this policy is not intended to limit or restrict the rights of an individual Board member to communicate his or her opinions regarding the implementation of an approved Board policy.

99-08: ROLE OF THE TOWN ADMINISTRATOR:

The Board appoints a Town Administrator who functions as the Town's Chief Administrative Officer. The primary duties of the Town Administrator shall be the day-to-day administration of the general government as outlined in the position's job description. The Town Administrator shall also assist and work under the direction of the Selectmen on appointments and in the formulation, implementation and compliance of policy.

The Town Administrator must maintain a close working relationship with all members of the Board. He/she shall regularly brief the Board on all important issues.

99-09: ROLE OF THE SECRETARY AND SUPPORT STAFF:

The Board appoints a Secretary and said appointment shall be made with a recommendation from the Town Administrator and as per the Town of Ayer Personnel Policies and Procedures Manual.

The Secretary functions as the support staff for the Board and the Town Administrator. The Secretary must maintain a close working relationship with all members of the Board and the Town Administrator. The Secretary reports to and takes direction from the Town Administrator.

The primary duties of the Secretary shall be as outlined in the position's job description. He/she shall perform varied office administration functions as directed by the Town Administrator.

99-10: BOARD RULES AND ETHICS:

1. A member of the Board of Selectmen, in relation to his or her community should:
 - A. Realize that his or her basic function is as it is listed in section 99-07 which is contained herein.
 - B. Realize that he or she is one of a team and should abide by, and carry out, all board decisions once they are made.
 - C. Be well informed concerning the duties of a board member on both local and state levels.
 - D. Remember that he or she represents the entire community at all times.
 - E. Accept the office of Selectman as a means of unselfish service and not benefit personally or politically from his or her board activities.
 - F. In all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
 - G. Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.
 - H. At all times carry and conduct him/herself in a manner that is appropriate and becoming of a Chief Elected Executive Official of the town of Ayer.

2. A member of the Board of Selectmen, in his or her relations with administrative officers of the Town, should:

- A. Endeavor to establish sound, clearly defined policies that will direct and support the Board of Selectmen, for the benefit of the people of the community.
 - B. Recognize and support the administrative chain of command and refuse to act on complaints as an individual outside the administration.
 - C. Give the Town Administrator full responsibility and authority for discharging his or her duties.
3. A member of the Board of Selectmen, in his or her relations with fellow board members, should:
- A. Recognize that only an action taken at official and legal selectmen's meetings is binding, and that he or she alone cannot bind the board outside of such meetings.
 - B. Recognize that he or she should not make any representation to anyone on behalf of the board unless and until the board takes a formal position on the matter.
 - C. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
 - D. Make decisions only after all facts on a question have been presented and discussed.
 - E. Treat with respect the rights of all members of the board despite differences of opinion.
 - F. Be responsible to address the concerns and complaints of the citizens in the town of Ayer and the employees of the government.
 - G. Demonstrate leadership by raising issues and encouraging debate regarding said issues both within the Board and within the community at large.

99-11: TOWN ADMINISTRATOR RULES AND ETHICS:

1. The Town Administrator, in relation to the Board and the community should:
- A. Realize that his or her basic function is to carry out the policies of the Board through day to day administration of the town's business.
 - B. Realize that he or she represents the Board and should abide by, and carry out, all board decisions once they are made.
 - C. Be well informed concerning the duties of a Town Administrator on both local and state levels.
 - D. Remember that in representing the Board that he or she represents the entire community at all times and that he or she must treat the public in a courteous and respectful manner.
 - E. Accept the office of Town Administrator as a means of unselfish service and not benefit personally or politically from his or her activities.
 - F. In recommendations for all appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.

- G. Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.
- I. Participate in discussion at Board Meetings and Town Meetings as requested by the Board.
- J. To speak on behalf of the Board only on accepted policies and accepted positions on issues.

2. The Town Administrator, in his or her relations with other administrative officers of the Town should:

- A. Endeavor to establish sound, clearly defined policies that will support the Board of Selectmen for the benefit of the people of the community.
- B. Recognize and support the administrative chain of command.

3. The Town Administrator, in his or her relations with the board members, should:

- A. Uphold the intent of executive session and respect the privileged communication that exists in executive session.
- B. Treat with respect all Board members.

99-12: SECRETARY AND SUPPORT STAFF RULES AND ETHICS:

1. The Secretary and Support Staff, in relation to the Board, the Town Administrator and the community should:

- A. Realize that his or her basic function is to carry out the policies and directives of the Town Administrator and/or the Board.
- B. Realize that he or she represents the Town Administrator and the Board and should abide by, and carry out, all Town Administrator and Board decisions once they are made.
- C. Be well informed concerning the duties of the Secretary on the local level.
- D. Remember that in representing the Town Administrator and the Board that he or she represents the entire community at all times and that he or she must treat the public in a courteous and respectful manner.
- E. Accept the office of Secretary or Support Staff as a means of unselfish service and not benefit personally or politically from his or her activities.
- F. In any participation in or comments on appointments, avoid political patronage by judging all candidates on merit, experience, and qualifications only.
- G. Abide by the ethics regulations established by the State and not use the position to obtain inside information on matters which may benefit someone personally.

2. The Secretary and Support Staff, in his or her relations with administrative officers of the Town, should:

The Chairman shall have the same rights as other members to offer and second motions and resolutions, to discuss questions and to vote thereon.

99-15: RESPONSIBILITIES OF THE VICE CHAIRMAN:

The Vice Chairman of the Board shall act in the place of the Chairman during his/her absence at meetings. Should the chairman leave office, the Vice Chairman shall assume the duties of Chairman until the Board elects a new Chairman.

99-16: RESPONSIBILITIES OF THE CLERK:

The primary administrative function of the Clerk is to sign the Board's minutes.

99-16: REGULAR BOARD MEETINGS:

Regular Board Meetings are held on a schedule voted by the Board. Unless in the case of an emergency, the Board shall not meet on days designated as legal holidays.

99-17: SPECIAL MEETINGS:

A meeting that is called for any time other than the regular meetings shall be known as a "Special Meeting". The same rules as those established for regular meetings will apply. Special meetings may be called by any member provided that a majority of the members agree to meet, all Board members are notified and the meeting is posted as is required by the Open Meeting Law.

99-18: EMERGENCY MEETINGS:

A meeting that is called for any time other than the regular meetings and that is called without the required forty-eight (48) hour posting shall be known as a "Special Emergency Meeting". The same rules as those established for regular meetings will apply. Special Emergency meetings may be called by any member provided that the subject matter is of an emergency nature, a majority of the members agree to meet, due diligence is used in notifying all Board members and the meeting is posted as is required by the Open Meeting Law.

99-19: WORKING MEETINGS:

The Board may conduct informal "working sessions" from time to time as the situation warrants. At such meetings, which will be posted in accordance with the Open Meeting Law, no official action will be taken. A synopsis of transactions of informal meetings will be made a part of the minutes of the following regular meeting.

99-20: MEETING PROCEDURES:

Meetings are to be conducted in accordance with generally accepted rules of parliamentary procedure and the Open Meeting Law. It is the practice that application of such procedures be on a relatively informal basis, due to the size of the group and the desirability of flexibility in the expression of opinion. Robert's Rule of Order is used as a guide in matters requiring clarification.

Although the public and the press have a right to be present at open meetings of the Board of Selectmen, they do not have the right to participate unless they are recognized by the Chair.

A quorum shall consist of three members of the Board. As a practical courtesy, action on critical or controversial matters, such as the adoption of policy or appointments, shall be taken, whenever practicable, with the full Board in attendance. Actions and decisions shall be by motion, second and vote. Split votes, if any, will be identified by name.

The Town Administrator is expected to be in attendance at all meetings of the Board. The Town Administrator shall attend in order to keep the Board informed and advised on all matters that fall within the jurisdiction of his/her office. He/she shall carry out the actions of the Board as they relate to the conduct and administration of Town affairs under his/her jurisdiction.

99-21: EXECUTIVE SESSION:

Executive Sessions of the Board shall only be held in accordance with the provisions of Massachusetts General Law Chapter 39, section 23B.

If practicable, Executive Sessions, other than a few minutes in duration, will be scheduled only at the end of the open meeting. Only items clearly allowed under the Open Meeting Law shall be included in Executive Session. The mover must specify in the motion to enter Executive Session and the exemption under which the session is sought. A majority of the members present must vote to enter Executive Session by roll call vote. The motion must state whether or not the Board will reconvene into open session.

99-22: AGENDA PROCEDURES:

The responsibility for coordinating and planning the meeting agenda is that of the Town Administrator in consultation with the Chairman. Each of the Board Members and the Town Administrator may place items on the agenda. The Town Administrator, in consultation with the Chairman, shall schedule a realistic time period for each appointment, interview, conference or other scheduled item of business.

All items for the agenda are expected to be submitted to the Town Administrator at least two days before any regularly scheduled meeting. Items of emergency or strictly routine nature that develop after closing of the agenda may be considered under "new business".

Agenda items normally include:

1. Call Meeting to Order
2. Accept Minutes and Agenda
3. Public Input
4. Guests
5. Department Reports
7. New Business

8. Executive Sessions (if any)

9. Adjournment

Members of the Board, Town Administrator, staff or others who prepare background material for the meeting should make an effort to have such material available at least two days before any regularly scheduled meeting. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the Board's meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

The Board's meeting packet shall be compiled by the Secretary. The agenda and all substantiating documents will be arranged in order and hole punched for placement into each Board members meeting binder.

The agenda shall be available to the public and the press at the Selectmen's office at least two days before the meeting date and shall be posted at the Town Office bulletin board, the library bulletin board and on the cable access channel that same afternoon.

Copies of the minutes of the previous meeting and all important correspondence, reports and other pertinent background materials shall be forwarded with the agenda to Board members.

The Board shall not begin discussion of or act on an agenda item after 10:00 P.M. of a regularly scheduled meeting. This rule may be waived by a unanimous vote.

99-23: MINUTES:

The Secretary shall record open meetings of the Board by tape recorder, and he/she shall draft minutes from the tape.

* Minutes shall be circulated to the Town Administrator and members of the Board on or before the fourth day after the meeting and shall be in order for approval at the next regular meeting of the Board. By unanimous consent, minor corrections may be made to the minutes without advance circulation of such corrections.

Minutes shall contain a full statement of all motions made and voted by the Board and of the disposition of all proposals for action. Approved minutes shall be signed by the Clerk and recorded in a Minutes Book which shall be bound annually.

Minutes of Executive Sessions shall be recorded by the Town Administrator, approved by the board, signed by the Clerk and kept by the Town Administrator in accordance with the above procedures.

Minutes are open for public inspection as provided for by law.

Approved: June 1999, Amended July 2000

kreidler.bos/general/policies

99-24: APPOINTMENTS:

The Board makes numerous appointments each year. Appointments are generally made for one or three years in length. In no case, may appointments be made for more than three years unless specifically allowed by state law. Appointments generally are made on or before June 30th of each year. In the case of appointments, a second to the nomination or motion will be required prior to Board action.

Employee Appointments: Employee appointments shall be made with a recommendation from the Town Administrator and as per the Town of Ayer Personnel Policies and Procedures Manual.

Committee Appointments: Whenever possible the Board will seek variety in backgrounds, interests, ages, sex and geographic areas of residents, so that a true cross section of the community will be reflected. In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable. Vacancies could be advertised in the local paper as well as on Cable TV. Appointments should be based on merit and qualifications rather than political merit.

The Secretary shall:

- a. Provide by April 1st a list of the appointment vacancies to be filled by the Board.
- b. Notify the chairman of the appropriate board or committee requesting recommendations regarding reappointment or the filling of vacancies.
- c. Notify incumbents and request their statements of availability regarding reappointment.

All candidates seeking appointment for the first time to a position shall submit a short written letter of interest or resume. This letter/resume shall be included in the Board agenda in advance of the meeting. The Board may consider reappointments to positions at their pleasure. A statement/resume will only be requested from a candidate seeking reappointment by specific request of a member of the Board.

The Board will interview candidates seeking an appointment for the first time to the following positions as well as all vacant elected positions being filled by them in accordance with the law:

- Advisory Board
- Ayer Cultural Council
- Cable Commission
- Communications Committee
- Conservation Commission
- Council on Aging
- Director of Emergency Preparedness
- Fourth of July Committee
- Gas and Electrical Inspectors

- Historical Commission
- Industrial Development Commission
- Industrial Development Finance Authority
- Montachusett Regional Planning Commission
- Montachusett Area Regional Transit Authority
- Personnel Board
- Recycling Committee
- Zoning Board of Appeals; and
- Any other board, committee or commission appointed by the Board of Selectmen

Notice of candidates being interviewed shall be included in the agenda provided to the Board. The Board may request that candidates for a position not listed above be interviewed. Candidates not being interviewed may, at the discretion of the Board, still be considered upon receipt of a the resume/statement.

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.

99-25: 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.

99-26: 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.

99-27: 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 attention by the Board should be referred to the Chairman for inclusion in the next meeting agenda.
5. All other questions and all complaints are to be referred to the Selectmen's Office for action or recommendations. In those instances deemed appropriate by a Board member, the Board member receiving the complaint may deal directly with a department head, the Board member shall subsequently inform the Town Administrator of the issue and its disposition.

99-28: EMPLOYEE GRIEVANCES:

Employee grievances are to be handled as delineated in the Town's Personnel Policies and Procedures. Under the Personnel by-law, the personnel policies and procedures are formulated by the Personnel Board with the approval of the Selectmen. If employee grievances are brought to the attention of a Board member it shall be Board policy to proceed as follows:

Selectmen will not intercede or interfere with the process. The employee will be shown the administrative process to be followed. A meeting with the Board may be requested by any employee; the Board may, at their discretion, defer such meeting until other remedies available to the employee under the personnel policies and procedures manual have been exhausted.

99-29: HEARINGS BEFORE THE BOARD:

Hearings before the Board of Selectmen generally shall be conducted in accordance with the following procedures. Variations may be necessary to comply with statutory requirements applicable to particular matters. The procedure for conducting dog and utility hearings are hereinafter outlined:

1. Notice: The Secretary to the Board of Selectmen and Town Administrator will advertise the hearing and notify interested persons, such as abutters, as required by statute or as directed by the Chairman in the absence of statutory requirements.
2. Hearings will be held in open session unless otherwise voted by the Board in compliance with the Open Meeting Law.
3. The Chairman will announce the nature and purpose of the hearing, identify the particular matter, and recite the notice given. Where appropriate, the Chairman will outline the procedure to be followed. All questions shall be addressed to the Chair.
4. The order of presentation will be:
 - a. Presentation by Proposer
 - b. Receipt of recommendations from any Town agency or officer
 - c. Statements by proponents
 - d. Statements of opponents
 - e. Rebuttal statements by proponents and opponents
 - f. Where appropriate, questions may be asked of any person making a statement after the statement is finished. Questions will be accepted first from members of the Board.
5. The Board may permit persons not desiring to speak to record themselves as in favor or against the proposal. In the discretion of the Board a show of hands may be taken.
6. At the conclusion of the hearing the Board may render its decision or take the matter under advisement, announcing the intended date of decision.

2009: PROCEDURE FOR CONDUCTING DOG HEARINGS

A complaint must be filed with Board of Selectmen. The complaint should describe and identify and fully identify the owner. The complaint should further specify why and how the dog is considered to be vicious. Specify all times, dates and reasons.

When a request for a hearing, the hearing will be included in the agenda for a regular meeting. The Secretary to the Board of Selectmen and Town Administrator will notify the Dog Owner and all involved persons. Hearings will be held in open session. The procedure for conducting a hearing is as follows:

1. Read complaint - fully identify and describe dog, present picture when available.
- Note
 1. that the hearing is being conducted under Chapter 140 of the MGL's.
 2. Swear in the complainant that all information and statements are the whole truth and nothing but the truth.
 3. reports from dog officer and/or health officer -- make sure dog is fully identified here.

4. Take testimony from complainants - directly question as to why dog is considered vicious or dangerous. Are they fearful of dog? Is there excessive barking, etc.?
5. Take testimony from owner and/or others speaking on his behalf.
6. At the conclusion of the hearing the Board may render its decision or take the matter under advisement, announcing the intended date of decision.
7. Unless requested by the Board, the dog shall not attend the hearing.

99-31: TOWN MEETINGS:

1)Annual Town Meetings

The Town Meeting warrant, is the Selectmen's warrant by Statute. The Board members shall jointly decide which articles on the warrant will be moved by which member of the Board at the town meeting. The Board of Selectmen may insert articles in the warrant on their own initiative by a vote of the Board or by written petition signed by ten (10) registered voters for the Annual Town Meeting. It has been the practice of the Town of Ayer to hold its Annual Town Meeting on the second Monday in May. The Selectmen may call the Annual Town Meeting for any time allowed by the Massachusetts General Laws. The warrant for the Annual Town Meeting shall be mailed to every house with a registered voter at least two (2) weeks prior to the Annual Town Meeting.

2)Special Town Meetings

The Selectmen will call a Special Town Meeting when deferment of the particular matter(s) proposed for inclusion on the warrant for the Special Town Meeting will not serve the interest of the Town. The Selectmen must call a Special Town Meeting if they receive a written request, signed by two hundred (200) registered voters. It is the practice of the Town of Ayer to use a special town meeting only to address subjects of an urgent nature.

The Selectmen may insert articles in the warrant on their own initiative or by written petition signed by ten percent (10%) of the registered voters for Special Town Meeting. The Selectmen may also insert articles in the warrant upon request of another committee.

Notwithstanding the above, in the interest of economy of operations and imposition on the voters the Selectmen shall strive to limit the calling of Special Town Meetings to the minimum necessary as is otherwise in the Town's best interest. In determining whether to call a Special Town Meeting, the Selectmen may consult with other town committees, officials, and staff as appropriate. It is strongly recommended that the Moderator and Town Clerk be consulted for each Town Meeting.

99-32: TOWN HALL – SMOKING POLICY

The Board of Selectmen have voted the following "No Smoking" policy for the Ayer Town Hall: Effective September 1, 1995, no smoking will be allowed in the Town Hall.

Complaints in regards to this policy shall be filed with the Town Administrator.

99-33: LICENSE FEES

The Selectmen are designated the local licensing authority for most general projects and purposes. State law refers to over 50 types of licenses which may be issued by the Selectmen.

For procedural guidance for alcohol, common victualers, innholders, amusement, Sunday entertainment, motor vehicle (class I, II, III and junk), taxi and earth removal permits and/or licenses please see the existing policy in the Board office and or the relevant town of Ayer By-law.

Applications for licenses and permits will be made available in the Selectmen's Office in accordance with established policies. In the interest of all concerned, it is recommended that persons requesting the licenses or permits be in attendance at the Board meeting when the request is reviewed. The Secretary to the Board of Selectmen and Town Administrator will notify all interested parties of the date and time of such review.

For a list of the current fees charged for licenses most frequently issued by the Ayer Selectmen, please see attachment A.

99-34: RECORDS RETENTION

The following is a list of standard records mandated for use by the Board of Selectmen in carrying out their statutory responsibilities. To destroy records included in this retention schedule, a letter with two copies shall be submitted to the Supervisor of Public Records requesting approval. Upon receipt of approval, records may be destroyed.

<u>RECORD</u>	<u>MGL REF</u>	<u>RETENTION PERIOD</u>
Accts & Receipts of Collector	60-94	After Use
Appointment Certificate	41-23C	3 yrs after termination of appt
Audit Report	44-39	Permanent
Boundaries & Perambulation Material	42-2/10	Permanent
Budget Material	41-59	After Use
Cash Books		After Audit
Dog Complaints	140-157	4 yrs
Dog Officer Warrants	140-153	4 yrs
Elections - Vacancy Notices	50-6A & 54-141/144	1 yr
Employment Applications		Perm if hired, otherwise, 2 yrs
Employment Service Record		Permanent
Expenditures	41-60	After Use
Insurance Policies		7 yrs after use
Licenses		

Approved: June 1999, Amended July 2000

kreidler.bos/general/policies

Applications		2 yrs
Book		Permanent
Minutes	66-6	Permanent
Payroll Sheets	41-42	After Use
Purchasing		
Awards and Contracts	30B	7 yrs. after exp. of contract
Emergency Procurement Files		7 yrs after final pay & audits
Organization Proposal	71-15	Permanent
Schedule of Bills Payable	41-51	After Use
Special Town Meeting Petitions	39-10	Permanent

99-35: INSPECTION OF PUBLIC RECORDS:

This section complies 950 CMR 32.00: Public Records Access for the guidance of supervisory and administrative personnel, and to insure that disputes regarding access to particular records are resolved expeditiously and fairly.

Every person has the right to inspect or receive copies of public records in the custody of the Selectmen's departments without unreasonable delay. Every effort shall be made to provide such public records in a timely fashion consistent with current workloads.

1. Definitions:

Custodian shall mean the Department Head for the purposes outlined herein.

Public Records means all books, papers, maps, photographs, financial statements, statistical tabulations, or other documentary materials or data, regardless of physical form or characteristics, made or received by any employee of the Selectmen's departments. Records specifically excluded from "public" records: under the provisions of Chapter 4, Section 7 (26), of the Mass. General Laws include:

- a. personnel files and any other material relating to a specifically named individual whose disclosure may constitute an unwarranted invasion of personal privacy.
- b. memoranda relating to policy development, internal or to the Board of Selectmen; however, backup for all studies or reports may not be reasonably withheld.
- c. commercial or financial information voluntarily provided by contractors or individuals for use by the Selectmen's departments in developing policy.

d. proposals and bids to enter into a contract or agreement prior to the time schedule for public opening of such bids or proposals; information provided by others relating to contractor's previous performance used in evaluating bidders qualifications prior to a decision on the award of a contract.

e. appraisals of real property acquired or to be acquired until a final agreement is entered into or litigation has been completed or the time to commence litigation has expired.

f. water bills or water consumption information pertaining to any specific household or address other than that of the person making the request.

g. investigatory materials, the disclosure of which materials would probably so prejudice the possibility of effective law enforcement or pending disciplinary action that such disclosure would not be in the public interest.

Search time means the time needed to locate, pull from the files, copy and refile, and when applicable, address and mail a public record. However, it shall not include the time expended to create the original record.

Segregation time means the time used to delete or expunge data which is excluded under the definition of public records.

2. Procedures:

a. Inspection. Public records may be inspected at all times during regular business hours of the department. Personnel are encouraged to assist the public by answering questions about factual information; however, care must be exercised not to offer opinions which are not clearly supported by available data. Originals or only copies of documents will not be removed from the Office premises for any reason by members of the public.

b. Promptness of Access. Every effort shall be made by personnel to provide on-the-spot access to persons wishing to inspect public records, and similarly, to provide in-hand copies of one or two page documents and additional copies when the employee servicing the request is able. However, when the employee is presented with requests for numerous copies or ten minutes or more search time is required, or the employee is working on other departmental priorities or deadlines, the request for copies may be serviced at a later time. The goal shall be to fulfill all requests for copies within three working days, but in no instance shall the time exceed the ten days allowed by State regulations.

c. Fees. A fee schedule for the most frequently requested public records is provided in Section 4. In addition, whenever search time and/or segregation time exceeds thirty minutes, a prorated fee based on the lowest hourly compensation rate of an employee capable of fulfilling the request for information will apply.

Fees will be waived for public records provided to members of legally constituted boards, commissions and committees containing information within the purview of the body in which the membership exists. In addition, the Department Head may waive fees whenever such action will clearly benefit the public interest.

When requests for copies of public records are received by telephone or mail, the requestor will be notified of the appropriate fee in advance. If copies are to be mailed, the requisite payment must be received prior to mailing.

d. Interpretation. All questions regarding the application of these policies and procedures will be referred to the Town Administrator.

e. Denials. When, in the opinion of an employee who receives a request for information, the requested information is not a public record, or of a nature which is exempt, the request will be referred to the Department Head for a determination. With the concurrence of the Town Administrator, if the Department Head determines that the requested material is not a public record, or of a nature which is exempt, he shall proceed in accordance with the CMR 32.08 by furnishing the requestor with a written response specifying the basis for denial of the request. The Department Head shall advise the person denied access of his or her remedies under 950 CMR 32.00 and M.G.L. c66 Sec. 10(b).

3. References:
M.G.L. Ch. 4, Sect. 7 (26) 950 CMR 32.00

4. Fees:

1. Photocopies 11" X 8 1/2", 11" X 14", 11" X 17"
\$.25/pg
2. Zoning by-law w/map- To Be Determined
3. Assessor's Maps- To Be Determined

NOTE: When search time/segregate time exceeds 15 minutes per request, a per hour prorated charge based on the lowest hourly compensation rate of a departmental employee capable of fulfilling the request for information will be added to the copying fees above

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

Authorization of Policies and Procedures:

The forgoing policies shall take full force and effect on the day of their approval or amendment. These policies and procedures shall not be amended without a vote of the Board of Selectmen. Any vote of change shall be committed to writing, signed, dated and attached hereto.

Cornelius F. Sullivan, Chairman

Paul D. Bresnahan, Vice Chairman

Robert J. Pena, Clerk

Jane Witherow, Member

James M. Fay, Member

Board Member or Employee Acknowledgement:

I acknowledge that I have received a copy of the Town of Ayer Board of Selectmen General Policies and Procedures. I further acknowledge that it is my responsibility to become familiar with them and to abide by them.

Board Member or Employee's Name

Date

Board of Selectmen

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



Tel. (978) 772-8220
Fax (978) 772-3017

Town Administrator
(978) 772-8210

Board of Selectmen Budget Policy No. 07-01

The Board of Selectmen shall commit 20 percent of available free cash, or a minimum of \$100,000.00, whichever is greater, yearly to the Stabilization Fund and cap that fund's total amount at 8 percent of the previous year's total budget.

Approved: April 17, 2007

Frank F. Maxant Provided: policy = objective, not mandatory, per discussions.

Frank F. Maxant, Chairman

Pauline Conley

Pauline Conley, Vice Chairman

Carolyn L. McCreary

Carolyn L. McCreary, Clerk

Gary J. Luca

Gary J. Luca, Member

Cornelius F. Sullivan I agree with Frank!

Cornelius F. Sullivan, Member

File copies to: Town Administrator
Town Accountant
Town Treasurer
Finance Committee

BOS OPEN SESSION

NEW BUSINESS

SELECTMAN HILLMAN

- Rotary Holiday Lights
- Welcome to Ayer Sign

FUTURE TOPICS

- Meeting with Superintendent Wetzel Re: DPW Projects/Issues
- Scheduling of Tax Rate Classification Hearing
- Scheduling of Water / Sewer Rate Hearing
- Executive Session Minutes Review (Sept. 9th ES Session)
- OTHERS?

FUTURE MEETINGS

- Mon. Sept. 9, 2013, 7pm: Joint ES Mtg. with BOH Re: Properties Enforcement Update
- Tues. Sept. 10, 2013, 7pm: E.S. Meeting with AFSCME 93 (Town Hall/Clerical) and IAFF #2544 Fire Union
- Tues. Sept. 17, 2013, 7pm: Regularly Scheduled Open Session Meeting
- Wed. September 18, 2013, 7pm: DPW Contract Negotiations

ADJOURNMENT

Town of Ayer

Office of Community & Economic Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8206 ♦ Fax: 978-772-8208



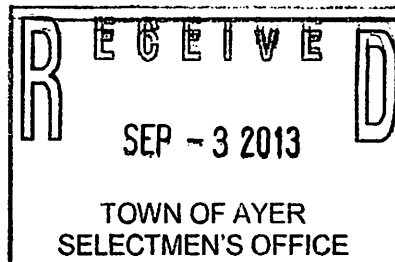
TO: Robert Pontbriand

FR: David Maher

RE: Business Certificates

Cc:

DT: September 2, 2013



Robert:

Attached is the information that you requested that I gathered and presented to the Fin-Com a number of months ago (actually years).

Attached is an outline associated with "filing for a business certificate" and the recommendations I made at that time to the Fin-Com.

Also the business sheet that Sue and I worked on to establish at that time what businesses had or didn't have a business certificate, since we did this using 2011 information that would make the 2012 listing and the current 2013 listing delinquent within the next few months.

Let me know if there is anything else that I can provide to you before this evening's meeting pertaining to this agenda item that would be helpful to your discussion.

David Maher

Town of Ayer

Office of Community and Economic Development

Town of Ayer

Office of Community & Economic Development

Town Hall ♦ One Main Street ♦ Ayer, MA 01432 ♦ 978-772-8206 ♦ Fax: 978-772-8208



Ayer Business Certificate Recommendation Office of Economic Development

Filing a Business Certificate MGL Chapter 110, Section 5

Who Must File?

Any person or persons conducting business under any title other than the complete real name or the owner or any corporation doing business in a name other than the corporate name

Where Does One File?

Said person would file with the Town or City's Town Clerk's office for that place the business is located

What if any changes are made?

Upon discontinuing, retiring or withdrawing from such business or if there is a change of residence of the business owner, any of these changes must be filed with the clerk's office

How long would the business certificate be in effect and does it expire?

Upon payment a certificate would be in effect for four (4) years from the date of issue and at expiration must be renewed for the business to continue to be in compliance with the Town's business certificate by-law.

Displaying the certificate?

The business certificate does not need to be displayed but must be provided upon request during regular business hours to any person purchasing goods or services from that business

Process of Filing

When a person is interested in starting a business there are a number of administrative entities that could direct them to the Clerk's office:

1. When opening a business account at a bank, the bank will request a business certificate at which time the client would contact the Clerk's office
2. Prior to receiving a certificate of occupancy and as a possible requirement to receive a C of O, the Building Official should remind the potential owner of the need to secure a business certificate
3. Where a business pertains to the Board of Health, within the administrative process the client could be reminded of their need to secure a business license
4. Anytime a prospective business owner approaches the Town's Office of Economic Development for any type of information that office would request and inform the business owner to the process of securing a license

New Business Filing

A business owner would request a business certificate form from the Clerk's office. The Clerk's administrator would provide the business certificate form, examine that form with the client for any questions and direct them to speak with the Building Official to cross check their type of business for location and zoning, giving the office hours days and times of the Building Official. Upon completion of the certificate with a signoff from the Building Official, all persons involved and named on the certificate and needed to be present to sign the certificate, it would be certified.

Business Certificate Renewals

The Clerk's office would send out a renewal reminder to all businesses that are reaching their expiration date not less than thirty (30) days prior to the expiration.

Renewal businesses would be informed of their upcoming "expiration" date and also informed of the possible fine that could be levied, three hundred dollars (\$300) for each month during which violation of the renewal occurs.

Fees

Business Certificate Filing (includes one certified copy)	\$20.00
Withdrawals, Discontinuances, Changes (one certified copy)	\$ 5.00

All fees would be the same regardless of zoning type: industrial, commercial or retail

Background Information

Currently there are approximately 229 in town business without any business license

Currently there are approximately 29 businesses that expired at some month during 2011

Currently there are approximately 25 businesses that expire in 2012

Currently there are approximately 22 businesses that expire in 2013 and 28 in 2014

Recommendation

Currently there are more than 75% of the businesses in the Town of Ayer that do not possess a business license. The Clerk's office could consider a mailing that would start the renewals of all these businesses for July 1st which would follow the fiscal calendar of the Town. This would get the largest majority of the businesses on a four year cycle.

Continuing the process only 22 expirations would have to be mailed for renewal in 2013 and only 18 for 2014.

As new businesses are added they would become part of the mailing for the particular year that they submitted any application for the business license.

Businesses that look to apply with less than 30 days left to the fiscal year could be held to the next upcoming fiscal year to get the maximum amount of time allowed (4 years) for a certificate.

TOWN OF AYER
 FISCAL YEAR 2011
 BUSINESS LISTING

ID#	Business Name	Site	Zip	City	State	Phone	Lic Exp	Exp Year	Years	No License?
01A	HEADLINE SALON	19 HITCHBURG RD	01432	AYER	MA	978-723-7727	8/15/2011	2011	0	
01B	ICE HOUSE PARTNERS	323 WEST MAIN ST	01432	AYER	MA	723-7727	3/19/2011	2011	0	
01C	ILLUSTRATIONS TRAINING	2428 WAINESVILLE RD	01432	AYER	MA	978-723-4522	7/19/2011	2011	0	
01D	JENNER ONLINE MARKETING	6 MILLBURY CIRCLE	01432	AYER	MA		9/23/11	2011	0	
01E	JOYFUL HORIZONS	25 GLOUCESTER RD #38	01432	AYER	MA		9/23/11	2011	0	
01F	KIDWORKS	11 BROOK ST	01432	AYER	MA	425-6988	3/7/2011	2011	0	
01G	MALCOLM	80 WEST MAIN ST	01432	SHIRLEY	MA			2011	0	
01H	MARIA'S SCHOOL OF DANCE	44 PEABODY RD	01432	AYER	MA		4/23/2011	2011	0	
01I	NOMANUEDEBORG	100 WILBROD ST	01432	AYER	MA		12/27/2011	2011	0	
01J	NORTH MIDDLESEX SAVINGS BANK	7 MAIN ST	01432	AYER	MA	772-7886	12/27/2011	2011	0	
01K	PET YELLOW PAGES DIRECTORY	75 MILLBURY CIRCLE	01432	AYER	MA	772-9726	10/19/2011	2011	0	
01L	PROFESSIONAL HAIR DESIGN	100 PARK ST	01432	AYER	MA		9/29/2011	2011	0	
01M	SEVENS AND ELANS	100 PARK ST	01432	AYER	MA			2011	0	
01N	THIRD EYE CONCEPTS	71 PLEASANT ST	01432	AYER	MA			2011	0	
01O	UNITY ROOFING	6 OLD-TOWNE RD #32	01432	AYER	MA		6/28/2011	2011	0	

Expires in 2012

TOWN OF AYER
FISCAL YEAR 2011
BUSINESS LISTING

DBA	Simo	Location	Owner	Addr1	Addr2	City	State	Zip	Area	Phone	Lic Exp	Exp Year	Years	
1ST CHOICE REALTY	5	PEARL STREET				AYER	MA	01432			5/1/2012	2012	1	
ABOUT TOWN TRANSPORTATION	38	MAIN ST				AYER	MA	01432			5/1/2012	2012	1	
ALDEN CONSULTING	61A	GROTON SCHOOL RD				AYER	MA	01432			5/1/2012	2012	1	
AUCI AIR MECHANICAL SOLUTIONS	31	WILLOW ROAD				AYER	MA	01432			5/1/2012	2012	1	
BID/SANITERS/SURPLUS SPOT	30	MAIN ST				AYER	MA	01432			5/1/2012	2012	1	
BOUDREAU & SONS PLUMBING G.M.	44	GROTON SHIRLEY RD				AYER	MA	01432			5/1/2012	2012	1	
CHD CLEANING SERVICE	112	PEARL STREET				AYER	MA	01432			11/25/2012	2012	1	
IMEC INC DBA SYSTEMS PRO INC	11	WILLOW ST				AYER	MA	01432			11/25/2012	2012	1	
INSIGHT LANDSCAPE	48	LITTLETON RD #98				AYER	MA	01432			5/1/2012	2012	1	
JAMMING WITH THE ANGELS	18	FLORNBURG RD				AYER	MA	01432			7/6/2012	2012	1	
KELLY AT HEADS UP	18	FLORNBURG RD				AYER	MA	01432			5/1/2012	2012	1	
L & N RECOVERY SERVICES	14	PO BOX 841				AYER	MA	01432			7/1/2012	2012	1	
LEE-SU.COM	55	GROTON ST #7				AYER	MA	01432			4/18/2012	2012	1	
MASTER CONSTRUCTION	83	LITTLETON RD #21E				AYER	MA	01432			5/22/2012	2012	1	
METICULOUS CLEANING SERVICES	27	EAST MAIN ST				BRANTFORD	CT	06405-0000	978	772-2823	5/22/2012	2012	1	
MR MIKE'S CUTCO	8	HARVARD RD				AYER	MA	01432			2/1/2012	2012	1	
NASHOBA TRAILER & EQUIPMENT	40	BRYAN WAY				AYER	MA	01432			7/2-5653	10/17/2012	2012	1
PAMPERED PETS	210	MAIN ST				AYER	MA	01432			5/28/2012	2012	1	
PHOTO OR PHOTOGRAPHY	2	WEST MAIN STREET				AYER	MA	01432			5/21/2012	2012	1	
PITSTOP BARBERSHOP	14	LITTLETON ROAD				AYER	MA	01432			5/1/2012	2012	1	
POOR LITTLE RICH FERRET.COM	61	GROTON STREET				AYER	MA	01432			7/28/2012	2012	1	
REMEMBER MAIN ST CARDS INC	61	MAIN ST				AYER	MA	01432			7/28/2012	2012	1	
RESGRAIN SOLUTIONS LLC	31	LITTLETON RD #22C				AYER	MA	01432			5/28/2012	2012	1	
TECHNICAL PRODUCTS INC	31	WILLOW ROAD				AYER	MA	01432			5/28/2012	2012	1	
TECHNICAL PRODUCTS INC	31	WILLOW ROAD				AYER	MA	01432			5/28/2012	2012	1	
UNDER FOOT INSTALLATION	2	PEARL STREET				AYER	MA	01432			1/16/2012	2012	1	

expired 2013

TOWN OF AYER
FISCAL YEAR 2011
BUSINESS LISTING

ID#	Since	Location	Owner	Acct1	Acct2	CITY	State	Zip	Aves	Phone	Lic Exp	Exp Year	Years
123A		LITTLETON RD				AYER	MA	01432	978	772-2718	12/8/2013	2013	2
ABOUTDOWNLIVERY	1	SCULLEY RD #A	TRENHOLM KATHRYN	198 WEST MAIN ST		AYER	MA	01432	978	772-2431	11/18/2013	2013	2
ALL AMERICAN RECYCLING LLC		WEST MAIN ST	ROBICHAUD FREDERICK	35 MAIN ST		AYER	MA	01432	978	772-0923	11/18/2013	2013	2
AYER ANIMAL MEDICAL CENTER		MAIN ST	COVERBAATHERINE & HOLE M	12 MAIN ST		AYER	MA	01432	978	772-0835	6/22/2013	2013	2
AYER OPTICAL SHOP	35	MAIN ST				AYER	MA	01432	978	772-0835	6/22/2013	2013	2
BE ESPRIT SALON	32	WESTFORD RD				AYER	MA	01432	978	772-0835	6/22/2013	2013	2
BELT FINE	84	EAST MAIN ST				AYER	MA	01432	978	772-0835	6/22/2013	2013	2
BIRCHWOOD BUILDERS	30	MAIN ST	DEBBIES STAFFING	50 WEST MAIN ST		AYER	MA	01432	978	772-2718	6/26/2013	2013	2
C. R. PIERCE	38	CENTRAL AVENUE				AYER	MA	01432	978	772-2718	6/26/2013	2013	2
DEBBIES STAFFING	38	CENTRAL AVENUE				AYER	MA	01432	978	772-2718	6/26/2013	2013	2
HAPPY DOG SITTING	23	SANDY POND RD #1	SINGALYIS GEORGE	46 MAIN ST		AYER	MA	01432	978	772-0828	2/19/2013	2013	2
HEARTS HOME DOG TRAINING	24	WASHINGTON ST				AYER	MA	01432	978	772-0828	2/19/2013	2013	2
HONEY DO LIST GUY THE	40	MAIN ST				AYER	MA	01432	978	772-0828	2/19/2013	2013	2
JOHN BARBER SHOP	11	BROOK ST	MCPARTLAN DAVID	11 BROOK ST		AYER	MA	01432	978	772-0828	4/9/2013	2013	2
MAC'S WELDING	6.5	CHURCH ST				AYER	MA	01432	978	772-2718	6/26/2013	2013	2
MAGHOBAY VALLEY MASSAGE	123.5	WEST MAIN ST #9				AYER	MA	01432	978	772-2718	6/26/2013	2013	2
ROBERTS DECOR & GIFTS	131	LITTLETON RD	BELANGER JOANNA	9 ROOMAN AVENUE		AYER	MA	01432	978	772-0832	6/26/2013	2013	2
ROUTIER & SONS BROS	131	LITTLETON RD				AYER	MA	01432	978	772-0832	6/26/2013	2013	2
SHIRLEY UPHOLSTERY & FURNITR	123A	CENTRAL AVE	STANDARD ELECTRIC SUPPLY CO	123 A CENTRAL AVE		AYER	MA	01432	978	772-0832	6/26/2013	2013	2
STANDARD ELECTRIC SUPPLY CO	123A	CENTRAL AVE				AYER	MA	01432	978	772-0832	6/26/2013	2013	2
SUGSENN	40	LITTLETON RD	TERRANOVA AUTOBODY INC	40 LITTLETON RD		AYER	MA	01432	978	772-7708	8/11/2013	2013	2
TERRANOVA AUTOBODY INC	40	LITTLETON RD				AYER	MA	01432	978	772-7708	8/11/2013	2013	2

ARTICLE VI SPECIAL PROVISIONS

Section 1. Signs and Billboards.

A. Purposes.

This Section of Article VI of this bylaw is adopted for the regulation and restriction of signs within the Town of Ayer in order to prevent or minimize damage to the environment, to protect and enhance the visual environment of this town and the safety, convenience and welfare of its residents.

B. This Section of Article VI of this by-law is adopted as a Zoning by-law pursuant to Chapter 40A of the

General laws. This Section of Article VI of this by-law is hereby declared to be remedial and protective, and is to be so construed and interpreted as to secure the beneficial interests and purposes thereof.

C. Administration and Enforcement

1. Enforcement

(a) The Building Inspector is hereby authorized to enforce this by-law for any sign erected before and after the adoption of this bylaw. The Building Inspector is authorized to order the repair or removal of any sign and its supporting structure which in his judgment is dangerous, or in disrepair or which is erected or maintained contrary to this by-law.

(b) deleted

(c) Immediate removal may be ordered by the Building Inspector of any sign requiring a permit which has been erected without first obtaining such permit.

2. Permits

(a) Except as provided below a sign permit from the Building Inspector shall be required for the erection, construction or alteration of a sign. The application for a permit shall be submitted in such a form as the Building Inspector may prescribe and shall include a drawing to scale and other such information as may be required for a complete understanding of the proposed work. The application shall be accompanied by the written consent of the owner or lessee of the premises upon which the sign is to be erected. In reviewing applications submitted to him, the Building Inspector shall apply the following standards in acting upon each permit, unless otherwise specifically provided:

- (1) The sign will not cause visual confusion, flare, or offensive lighting in a neighborhood.
- (2) The sign will not be a detriment to the surrounding area.
- (3) The sign will not significantly alter the character of the zoning district.

(4) The sign will not interfere with pedestrian safety in the area.

- (b) Within 30 days after the application for a permit is submitted, the Inspector of Buildings shall approve or disapprove the application. If the Building Inspector does not take any action on the application within 30 days, the application shall be deemed approved.
- (c) No permit shall be required for a sign in a residential district erected in accordance with the provisions of this by-law.

(d) Accessory signs legally erected before the adoption of this by-law which do not conform to the provisions of this by-law may continue to be maintained subject to compliance with the requirements for a permit in effect as of the adoption of this by-law, provided, however, that no such sign shall be permitted if, after the adoption of this by-law, it is enlarged or altered in any substantial way, except to conform to the requirements of this by-law.

Any sign legally erected before the adoption of this by-law which after that date: advertises, calls attention to or identifies products, persons or activities which are no longer sold, located, or carried on at the premises must be removed within 60 days after notice by the Building Inspector; and any such sign predating this by-law which has not been repaired or properly maintained, must within 60 days after notice to that effect has been given by the Building Inspector, be brought into compliance with the requirements of this by-law or removed.

- (e) A sign permit shall become null and void if the work for which the permit was issued has not been completed within a six month period.
- (f) Permits shall not be required for window signs.

3. Fees

- (a) All fees shall be paid to the Town and collected by the Building Inspector .
- (b) After the adoption of this by-law the sign permit fee shall be set by the Building Inspector .

D. Sign Types.

Definitions for sign types are found in the Bylaw definitions section, Article II.

TABLE VI-1E1. Permitted Sign Types

All Residential Districts

All Business Districts

PERMANENT SIGNS:

TABLE VI-1E2. Permitted Sign Uses

PERMANENT SIGNS				
SIGN USES:	All Residential Districts	Downtown Business	General Business	Industrial Districts
<u>Residential Identification Sign</u>	Y	Y	Y	Y
For Buildings with One- to Four-Family Dwelling Units:				
Maximum Size	1 sq. ft.	1 sq. ft.	1 sq. ft.	1 sq. ft.
Maximum Height	12 ft.	12 ft.	12 ft.	12 ft.
Number per Dwelling Unit	1	1		1
For Buildings with Five- or More Family Dwelling Units:				
Maximum Size	10 sq. ft.	10 sq. ft.	10 sq. ft.	10 sq. ft.
Maximum Height	6 ft.	6 ft.	6 ft.	6 ft.
Number per Development	1	1	1	1
Additional Condition:	Free-standing sign only	Free-standing sign only	Free-standing sign only	Free-standing sign only
<u>Home Occupation Sign</u>	Y	Y	Y	Y
Maximum Size	2 sq. ft.	2 sq. ft.	2 sq. ft.	2 sq. ft.
Maximum Height	4 ft.	4 ft.	4 ft.	4 ft.
Number per Dwelling Unit	1	1	1	1
<u>Residential Accessory Use Sign (Not including home occupations)</u>	Y	Y	Y	Y
Maximum Size	2 sq. ft.	2 sq. ft.	2 sq. ft.	2 sq. ft.
Maximum Height	4 ft.	4 ft.	4 ft.	4 ft.
Number	1	1	1	1
<u>Community Facility</u>	Y	Y	Y	Y
Maximum Size	10 sq. ft.	10 sq. ft.	10 sq. ft.	10 sq. ft.
Maximum Height	6 ft.	6 ft.	6 ft.	6 ft.
Number	1	1	1	1
<u>Agricultural Identification Sign</u>	Y	Y	Y	Y
Maximum Size	10 sq. ft.	10 sq. ft.	10 sq. ft.	10 sq. ft.
Maximum Height	6 ft.	6 ft.	6 ft.	6 ft.
Number	1	1	1	1
<u>Political Sign</u>	Y	Y	Y	Y
Maximum Size	6 sq. ft.	6 sq. ft.	6 sq. ft.	6 sq. ft.
Maximum Height	6 ft.	6 ft.	6 ft.	6 ft.

Number	No limit	No limit	No limit	No limit
<u>Signs for Nonconforming Uses</u> Signs for Nonconforming Uses must conform to the sign standards for the permitted sign use of similar conforming sign use	Y	Y	Y	Y
<u>Business Sign for Commercial, Retail or Service Use</u> Maximum Size Minimum Height Max. Ht. for Freestanding Sign Max. Ht. for Other Sign Types Minimum Setback from Lot Line Number Per Single Use Building Number Per Multi-Use Building - Per Business Use - Per Development	N	Y 40 sq. ft. 5 ft. 10 ft. 15 ft. None 2 1 1	Y 40 sq. ft. 5 ft. 15 ft. 15 ft. 10 ft. 2 1 1	Y 40 sq. ft. 5 ft. 15 ft. 15 ft. 10 ft. 2 1 1
<u>Business Sign for Wholesale, Transportation or Industrial Use</u> Maximum Size Max. Ht. for Freestanding Sign Max. Ht. for Other Sign Types Minimum Setback from Lot Line Number Per Single Use Building Number Per Multi-Use Building - Per Business Use - Per Development	N	N	N	Y 75 sq. ft. 15 ft. 20 ft. 25 ft. 2 1 1
<u>Traffic or Directional Signs of Governmental Body</u>	Y	Y	Y	Y
<u>Incidental Signs</u>	N	N	N	N

TEMPORARY USE				
SIGN USES:	All Residential Districts	Downtown Business	General Business	Industrial Districts
<u>For Sale, Rent or Lease Sign</u>	Y	Y	Y	Y
Maximum Size	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.
Maximum Height	6 ft.	6 ft.	6 ft.	6 ft.
Number Per Permitted Use	1	1	1	1
<u>Architect, Engineer or Contractor Sign</u>	Y	Y	Y	Y
Maximum Size	4 sq. ft.	4 sq. ft.	4 sq. ft.	4 sq. ft.
Maximum Height	6 ft.	6 ft.	6 ft.	6 ft.
Maximum Number Per Lot	1	1	1	1
Minimum Setback From Lot Line	10 ft.	10 ft.	10 ft.	10 ft.
Max. Number Per Subdivision	1			
Minimum Setback From Lot Line	10 ft.			
<u>Special Event Signs</u>	Y	Y	Y	Y
Additional Condition:	Sign must be removed within 72 hours upon completion of the Special Event.			

Y = Permitted

F. Prohibited signs.

No person may erect a sign which:

1. No establishment shall have any flashing lights visible from the outside.
2. Flashes, rotates, or has motorized moving parts that are visible from a public street.
3. Any sign which, by reason of its size, location, content, coloring or manner of illumination, constitutes a traffic hazard or a detriment to traffic safety in the opinion of the Building Inspector by obstructing the vision of drivers, or detracting from the visibility of any traffic sign or control device on public streets and roads.
4. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way or which obstructs a window, door or other opening for providing light or air or interferes with property function of the building.
5. Any sign or sign structure which:
 - (a) Is structurally unsafe.
 - (b) Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment.
 - (c) Is not kept in good repair, or

(d) Is capable of causing electrical shocks to persons likely to come in contact with it.

6. Signs which make use of words such as STOP, LOOK, DANGER, or any phrases, symbols, or characters, in such a manner as to interfere with, mislead, or confuse traffic.
7. String lights used in connection with commercial premises to commercial purposes other than Christmas decorations.
8. Spinners, and streamers except as specified in Temporary Sign, section.
9. Any sign now or hereafter existing which no longer advertises a business, service conducted or product sold. To be removed at owner's expense.
10. Is affixed to a fence, utility pole or structure, or tree, shrub, rock or other natural objects.

G. Variance.

An application for variance may be filed with the Board of Appeals as allowed in the Town of Ayer By-laws.

H. Maintenance.

Each sign shall be maintained in a secure and safe condition. If the Building Inspector is of the opinion that a sign is not secure, safe or in good state of repair, he shall give written notice of this fact to the person responsible for the maintenance of the sign. If the defect in the sign is not corrected within the time permitted by the Building Inspector, the Building Inspector may revoke the permit to maintain the sign".

I. Nonconforming Signs.

Any sign or other advertising (billboard) devices heretofore legally erected may continue to be maintained, provided, however, that no such sign or other advertising device shall be permitted if it is enlarged.

Approved by Attorney General December 10, 1999.

Section 2, Flood Plain District

A. Purpose

The purposes of the Flood Plain District are to protect the public health safety and general welfare to protect human life and property from the hazards of periodic flooding to preserve the natural flood control characteristics and the flood storage capacity of the Flood Plain and to preserve and maintain the groundwater table and recharge areas within the Flood plain

B. District Delineation.

The general boundaries of the Flood Plain District are shown on the Ayer Flood Plain District Rate Map (FIRM) dated July 19, 1982 as Zones A, A 1-30 to indicate the 100 year flood plain. The exact boundaries of the District are defined by the 100 year water surface elevations shown on the FIRM and further defined by the Flood Profiles contained on the Flood Insurance study dated July 19, 1982. The floodway boundaries are delineated on the Ayer Flood Plain District

Date: Wed, 21 Aug 2013 11:49:19 -0400 [11:49:19 AM EDT]

From: Robert Pontbriand <ta@ayer.ma.us>

To: jfay@ayer.ma.us

Subject: Fwd: Cross walk concern

Jim,

Per your request.

R

Begin forwarded message:

From: pconley52@verizon.net

Date: August 20, 2013, 7:50:53 AM EDT

To: "Town Administrator Robert Pontbriand" <rponbriand@ayer.ma.us>, "Bill Murray" <pdchief@ayer.ma.us>, "Mark Wetzel" <mwetzel@ayer.ma.us>

Subject: Cross walk concern

Reply-To: pconley52@verizon.net

Good morning -

While out for my morning walk around town I just witnessed a somewhat older woman w/a shopping cart cross Park St at Groton St, right in front of traffic and head west on Park St toward Cumberland Farms or perhaps Hannaford. I tried to photograph what I saw but couldn't

If we don't do so permanently why could not put in a x-walk at the Gibbons office - at least temporarily - to see if it makes a difference?

Pauline

Sent from my Verizon Wireless BlackBerry