



**BOARD OF SELECTMEN
AGENDA**

March 1, 2010

6:15 P.M - Call meeting to order

Approve Minutes: February 1, 2010

Approve Warrants:

PW # 10-34	\$ 109,589.00
DW #10-32A	\$ 16,892.90
BW #10-35	\$ 661,605.09

NEEDS ATTENTION

1. See letter from Board of Health regarding code enforcement issues.
2. See letter from Attorney Geoffrey Curtis regarding Unit 37 at Groveland Commons (appears their first letters were incorrect and they are beginning the process over.
3. See letter and monthly report from Chief Kirmelwicz
4. Please appoint Bernie Perron as an Assistant Harbormaster at the request of Jack Callaghan

AGENDA APPOINTMENTS

6:15 P.M. – John Osborne re Bagnall Building Committee request for Article on STM to carry over remaining funds for sewer engineering design services for the solution of sewerage problems at Bagnall

6:30 P.M. – Georgetown Chief of Police invited to speak on County Dispatching

7:00 P.M. – Stonebridge resident Jesse Hileman regarding four concerns-(1) Eric Gorski's house lot on Washington Street; (2) Who ordered the Road Commissioner to weld shut the emergency gate at Pike Drive; (3) Face to face discussion with Bill Darke as to whether Bill plans to run for re-election; and (4) Planning Board's two petitions

NOTE: I mentioned to Jesse at the time of scheduling his requested appointment that the agenda time was approximate due to not knowing if the first two appointments might run over their allotted time.

Next Meeting: Monday, March 15, 2010 @ 6:15 P.M.

MINUTES

BOARD OF SELECTMEN

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Meeting called to order at 6:16 P.M. at Town Hall.

Present Elizabeth A. Gorski, Donald N. Greaney, and Chairman William H. Darke.

Bagnall School Building Committee

The Bagnall Building Committee met with the Selectmen and made a brief presentation of the plan the committee has come up with. Osborne informed the Board that the cost of the plan is currently at \$8,000,000.00; that the figure is not final. Osborne and members of his committee feel it is the best time to move forward with this because costs should be lower and interest rates are low. The Selectmen were asked if they want to present an Article to this year's Town Meeting.

Also discussed was the cost of a new roof and 44 year old boilers at the school; that if the addition isn't done now the school will still require some major work. Labrecque told the Board that \$8,000,000.00 at 5% over 20 years on an average home of \$362,000.00 would add another \$338 to tax bills on top of the normal 2.5% increase we are allowed.

Member Kim Jackson told the Board to build a new facility would cost over \$20,000,000.00.

The drawings won't be ready until November 10th and bids out and back in by February 2011. Osborne also said another \$200,000.00 will be needed if the Water/Sewer allowed sewerage pumped up to a force main; that easements would also need to be obtained. Osborne asked the Board to approve his committee using the remainder of the \$75,000 the town voted for the Architect they hired to hire an Engineer to get the sewer drawings done.

Selectman Gorski stated she is worried about what is going on with the school budget and the state of the economy. She told the men she thinks their presentation is wonderful but she wishes the town was in a better position. Gorski told the men she feels she has to watch out for the elderly and young people who may be one step away from losing their homes. Gorski also told the committee that she values what they have done.

Selectman Greaney stated the longer we hold off the more the price goes up and it will end up costing one-half to three-quarters more. Osborne told the Board his committee is prepared to withdraw the Article if the Selectmen feel this isn't a good time. Chairman Darke responded that he doesn't have an issue putting it on and letting the people decide.

Pine's Sand Removal Project

Main Street resident Jon Tilton, abutter to the Pine's sand removal project, met with the Board to again express concern with the sand blowing onto his property, his home, his automobiles. Road Commissioner Arakelian was present and responded that he will call

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the contractor and arrange a meeting with himself, Mr. Tilton, Selectman Greaney and the contractor to discuss what can be done to attempt to eliminate the problem, if possible. Mr. Tilton agreed to meet with the parties mentioned and thanked everyone.

Georgetown Police Chief James Mulligan-Essex County Sheriff's Dispatch Services
Selectman Gorski told Chief Mulligan that the Selectmen have listened to the Sheriff's presentation several times regarding regional dispatching; that the Chief was invited to speak to this matter this evening because he comes from New Hampshire where this type of dispatching occurs and he would know first hand about this type of service.

Chief Mulligan told the Board that he has served 37 years as a police officer in Nashua; that he is opposed to the Sheriff's plan as presently put out. Mulligan told the Selectmen that all public safety is local; that you should be able to call a local station and speak with someone who knows the area; that you may save some money in the first phase. Mulligan told the Board that in his opinion, making the decision to close the station would be a big mistake; that all sorts of people come in and out of the Police Station.

Mulligan told the Board that if they moved the dispatching to the County the town will not have control of the costs just like the regional school system. Mulligan stated he has a concern with what would happen here with dispatching costs. He also feels the personal knowledge all local dispatchers have of their communities is very important and that the County may not hire all dispatchers. Mulligan stated that his opinion is he doesn't think it's a good idea. He also said people move to our towns because of our communities.

Chairman Darke thanked Chief Mulligan for coming down and talking with the Board and told him that he has heard both sides of the issue and that he's not in favor of making the change; that we are a small town and you lose too much control with regionalizing.

Approval of Warrants

Moved Greaney, seconded Darke, and it was

VOTED: To approve Payroll Warrant #10-34
GREANEY, DARKE – "AYE"; GORSKI – "ABSTAIN"

Moved Gorski, seconded Greaney, and it was

VOTED: To approve weekly Warrants #BW10-35 and #DW10-32A.

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Stonebridge Road resident Jesse Hileman

Mr. Hileman, a number of Groveland Baseball board members, Planning Board Chairman Walter Sorenson and approximately 3 or 4 residents of Stonebridge Road arrived with Mr. Hileman for his appointment with the Board of Selectmen.

Also present were five Pike Drive residents and Road Commissioner Arakelian.

Mr. Hileman told the Board he was not representing any organization in town, especially Groveland Baseball. He stated he had a few simple questions for the Board and Chairman Darke told him to proceed.

Hileman told the Board he came here (Town Hall) on February 11th with a handful of questions for the Board's Assistant and "I left here feeling pretty rotten." "I talked to Nancy and Bette and I just want to say that I hope that not everyone is treated in that fashion. We should be able to come in here and disagree with you guys and our issues should be taken seriously." Hileman told the Board he thinks they owe him that. Chairman Darke interjected and stated that anyone who watches us on t.v., if you have ever seen any of our meetings that is exactly the case (that people's issues are taken seriously). Hileman responded "I hope so" then went on to say "I have a few questions Mr. Darke, rumor around town is you may not be running" and Chairman Darke responded that he took out papers this week. He also told Hileman "but that does not prevent anyone from running against me."

Hileman—"second question—the question for 5 Selectmen on the Ballot. I understand there was a some controversy and talked to Mrs. Brodie about it. She wasn't sure if the paper she had was adequate to get that on the Ballot." Hileman asked the Selectmen "Is everything in order? Will that be on the Ballot?" Selectman Greaney told him he should be asking Mrs. Brodie that not us. Chairman Darke responded saying "controversy is a tough word. I feel like in some of these cases we are getting painted like we are trying to make some of these happen or not happen. During my tenure on the Board we have had a couple of petitions presented and they were accepted." Darke further told Hileman that the Town Clerk told him when he took out his papers that the concern was how the petition did not have the question on each page with the signatures; that he thought there was just a separate signature sheet; that the question should be on each page with the signatures below it. Selectman Gorski told Hileman that if a petition is presented to us it is placed on the Warrant; that we are required to do so and we follow Mass General Laws. Hileman said he did bring in some signatures for Mrs. Brodie and "hopefully everything will be in order and we will get to vote on that question."

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Jesse Hileman then addressed Selectman Gorski regarding her family house lot. Hileman said "I am a builder and contractor and am all for developing property. I have nothing against you or your family personally although you may have thought that when I came in that Thursday." Selectman Gorski addressed the Chair and said "Bill, I don't have a house lot in question. Does Mr. Hileman want to talk about my house lot and where I live?" and gave her home address. Hileman responded "the house lot next door. I guess it's your son's; it used to be yours---so my question there is, and excuse me if I am ignorant and if I don't know anything about it but from what I understand that lot was not buildable or non-conforming for a long time and now there is some activity up there. I am wondering what has changed."

Selectman Gorski said "I don't think this is where you question this. Do you do this other places?" and Hileman replied "Do what?" Selectman Greaney responded "Question other people's property and come in here to talk about it." Hileman responded with "I thought this would be the appropriate place. You guys are in charge and....." Chairman Darke responded "Jesse, we are not in charge of what the Planning Board or Board of Health does." Hileman, "no I understand." Darke told Hileman he could speak to his involvement on the matter; that a few years ago he read the State Title V rules. Darke said he was trying to put an in-law on his house for his parents and the Board of Health told him he could not do it; that he had to put a septic system in that was big enough for a small hotel so he thought he should read the State rules and they said you can put a deed restriction on stating you are only going to have so many bedrooms; that he found out some information reading the rules very carefully. Darke said the Board of Health members back then did not know that. Darke said one of his employees, Katie, is Bette's daughter-in-law and it had nothing to do with Bette but he told Katie "I think you can do this because I read the State Title V law so I went to the Board of Health when Jack Bevelaqua was on the Board just to point out what I had seen on behalf of my employee and he was nothing but rude, you think you were mistreated, I wish I had a video tape of that; it was unbelievable; just nasty, nasty, nasty as you can be to somebody".

Darke told Hileman he stood there and took it and told them why he was there, as an individual not as a Selectman; that he was there because of his employee. Darke said "they went through the process so if you have other questions whether the other Boards did something inappropriate---we don't make their decisions for them." Selectman Gorski asked Hileman if he would like them to have the Building Inspector come down to the meeting; that he's just down the hall and Hileman responded "I can talk to Pat. I was just curious if something has changed over the years I can't imagine; from what I understand that lot has been tried to be developed and has been unsuccessful". Chairman Darke spoke up and said "I don't want to speak for Bette but what you are getting at is someone has used their position to make something happen." Hileman responded "Well, from the outside looking in it does appear that way. It's just my gut feeling." Selectman Gorski responded "Excuse me---Bill" and addressing Jesse said "Is that your gut

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feeling?" and Jesse responded "yeah". Selectman Gorski then said let's go into Executive Session and Jesse asked on what grounds. The Board's Assistant was asked and responded "because you are making a complaint or an allegation against someone" and Hileman responded that he was not making a complaint he was just asking a simple question. Selectman Gorski addressed the Chairman with point of order and Chairman Darke replied "That's right. We allow a lot of latitude and leeway because we try to get things resolved but I am not sure where everything is coming from."

Lisa Dube' Carpenter, Chairman of the Board of Health asked to speak and informed Mr. Hileman that she was part of the Board of Health when the variance was issued to Mr. Gorski. Lisa told Hileman that all the documentation is available at the Board of Health office; plans were brought forward to the Board of Health; that the Health Inspector reviewed those plans. Jesse responded that he had talked with Ed today. Lisa continued that the Board deferred to Ed's expertise with regard to the septic system that was going to be installed which, she stated, was a 'state of the art' system and designed for the type of area it was going to be for. Lisa told Hileman that is what her Board relies on for their decisions. She also commented that she cannot speak for other Boards or for the Building Inspector. Lisa told Hileman the documents are available for his review if he would like to look at them. Hileman again stated he had spoken with Ed today and with Walter Sorenson. Selectman Gorski responded that maybe Walter would like to speak; that he is right behind you (Hileman) and Jesse responded "I know, I know, I see him over there. He made it pretty clear that one of those three lots are buildable and in his view everything is on the up and up." Selectman Gorski replied "well thank you Walter!"

Chairman Darke then said they should move on to Hileman's next item. Hileman asked if the meeting is in Executive Session now and Selectman Gorski responded no, that is a whole other process and asked if he would like to go into Executive Session. Hileman replied "No, it was just a simple question and if this is not the forum then I appreciate that and we could have talked about that on February 11th as well."

Selectman Gorski responded "Jesse, excuse me but I think Jeffrey Gorski and you had a very detailed discussion in Gerry's Variety and he walked you through the whole process of what happened for a number of years and the thousands of dollars that have been spent for Engineers and Attorneys and so on----the expertise that was given by Walter Sorenson and Pat Schena, Millenium Engineering. You can check with all those people if you choose to." Hileman responded "I wasn't sure if there was" but didn't finish the sentence. Gorski said "I have been doing this job.....and have been doing it for 10 years and I try to be fair to everybody. This is the first time I have ever been treated like this." Chairman Darke responded "Jesse, I can tell you—sitting on this side here, it is actually harder to do things in this town because you try to make sure everything is above board because people are going to say what they want to say anyway." Darke then explained his being a 'townie'; that he went to Pentucket, went away to college and returned to

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Groveland; that his wife is from Groveland; that his kids graduated from Pentucket. He explained how his father sold the house he (Bill) grew up in and sub-divided the land and Bill's brother and father, "not me" but because he didn't file some paper saying his brother was doing that, there was an ethics complaint filed against him. He told Jesse "when people question your ethics you can understand how it could bother us when you say things like that." Hileman responded "Some times it looks a little fishy. I don't think I insinuated you were doing anything illegal." Darke responded "You are saying 'what's changed'." Selectman Gorski added "You did too make an insinuation" and Hileman responded "That's your opinion Mrs. Gorski."

Hileman than gave each Selectman some pictures he had taken of fallen trees caused by the severe wind and rain storm that occurred several days before the meeting. He began by saying "I think you know the issue at hand here. The pictures represent the potential for a huge problem". He asked if the Fire Chief or any firemen were in the room. He then asked if a fire truck could get through a 3' pile of ice and snow. Hileman had a report from the Police Chief on the whole thing. Hileman said the Chief doesn't think the gate should be welded. (See Chief's email (report) attached hereto and made a part of these Minutes.

Chairman Darke asked if he could cut to the chase telling Jesse he agrees 100%. He told Hileman he first heard of this a few weeks ago. He also told Hileman the Board did not order any one to do anything. Darke said he guessed Bob (Arakelian) can speak to it.

Hileman stated he was shocked to see the gate welded. Chairman Darke told Jesse he agrees; that those things are put there for a reason. Selectman Gorski asked the Road Commissioner why the gate was welded shut. Arakelian replied it was because the lock kept getting cut and the gate was left open and that's just as dangerous. Selectman Gorski asked who was cutting the lock. Arakelian told her that Mr. Hileman cut it once; that there was a witness who said he cut it. Selectman Greaney stated that Hileman also told him he had cut the lock off. Arakelian said Hileman admitted to cutting the lock and said that is defacing town property too. Hileman responded "Yeah, you're right there, but trapping us in our neighborhood" and Arakelian said "you are not getting trapped. You are getting ridiculous on this". Hileman then held up one of his pictures of a fallen tree and asked "Did we dodge a bullet the other day? Did we dodge a bullet the other day?" "Let me ask you this. If a tree falls across the main road of Stonebridge and one of the 28 children school age or younger, or one of the 41 adults, one of which is a quadriplegic and moves his wheel chair with a straw, if any one of these people needs 911 service or our house catches on fire, you are not going to get through the road, you are not going to get through this gate with 3 and a half feet of snow and ice out there." Chairman Darke asked if the gate is still welded and Jesse said "yeah". Darke then explained that the Road Commissioner is elected not appointed by the Board of Selectmen; that he is gracious enough to come work with the Board on issues when the Selectmen ask him to but he doesn't have to. He doesn't have to, but he does. Darke told

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Hileman that he personally thinks the gate should not be welded shut and that it should be locked and that he should not be cutting the lock. Hileman said "Right". Darke said if the gate is locked, it is locked for a reason. He also stated it should be plowed; that it's an emergency access road and should be functioning as what it does. Darke said he would ask that the gate be unwelded and that Hileman not cut the lock again. Darke also said he doesn't know what the process is, who has a key or is it a combination lock? Jesse responded "Ed Dixon had a key. He lived right next to the gate and Nancy Lewandowski lives on the other side." Walter Sorenson, Chairman of the Planning Board explained why the gated road was put in. He said they have 2 or 3 in town. That any road 750' must have a second egress and access. Sorenson suggested they found gates should be opened in the winter generally around November sometime and close them when you think the last storm is coming. In the summer months there was supposed to be one town lock with multiple keys; that the Police Chief needs one and his vehicles, the Fire Chief needs one and how many engines he needs to have one and certainly the Road Commissioner. Sorenson said they will hold a public hearing soon if there needs to be one on this issue and we will get more input from Fire Chief, Police Chief, Bob and re-design the gate as we need to. Road Commissioner Arakelian told Sorenson his department is going to re-design the gate. Sorenson said the Planning Board's perspective is that's an emergency access gate that's got to be open; that the town is so liable; that the town just might have dodged one on this and Hileman replied "We dodged one", "we dodged one".

Arakelian said there is only one gate (on public property) in town; that the others are on private property. Jesse asked "Will the gate be open tomorrow Bob?" and Arakelian replied "No, the gate is not going to be open until we re-design it and we are working on that now." Hileman said "So in the meantime my whole neighborhood will be in jeopardy?" and Arakelian said "No, no one is going to be in jeopardy. You are being ridiculous now." Hileman said "Let me ask you this. Is it not true that a house fire doubles in size every 60 seconds?" The Road Commissioner said "No, how about if all the trees came down and they could not get down Pandora" and Hileman replied "That would suck for everybody, wouldn't it." Arakelian told the Board "It's the hypothetical reasoning." Hileman said "If there is a one in a million chance someone is going to get hurt and we can avoid it" and Arakelian responded "We are not going to open the gate because it is dangerous opening the gate because traffic is going to go through and your children are walking on that path; they are going to be run over." Hileman's response was "You have two grandchildren in that neighborhood, and a son and daughter-in-law there, Bob." The Road Commissioner again said "It is more dangerous opening that gate right now the way you're treating it as your private driveway" and Hileman responded "Oh come on. What do you mean by that?" and Arakelian said "That's what's happening".

Chairman Darke said "Ok, I am not a very good Chairman. I should have someone else take over. Hileman said "I want that gate unlocked tomorrow. I think that would be

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best...." Darke responded "That's up to the residents and Bob. Bob my personal opinion again is it should be open."

A resident of Pike Drive addressed the Chair. "If it's going to be the winter months that the gate is open and it's designed to be an emergency only access road, what is going to happen when the pick-up trucks and the 4 wheelers are coming down from there on a regular basis which happens when the gate is open. It's an emergency access. What does that mean now if the gate is opened?" Arakelian responded "I explained what are going to do. We are going to re-design the gate; we are going to plow down, plow in front; it's going to stay locked. It is always going to be locked, it is an emergency gate only. It is going to stay shut." Chairman Darke said "Exactly, that is what it is for."

A Stonebridge resident asked how long will it take before the new gate is designed, built and put in, and Arakelian responded "I believe about six weeks". Hileman responded "So for that six weeks we'll just have to cross our fingers and hope nothing happens." Darke asked "Why can't it be cut and just locked again?" and Arakelian responded, "Oh, because someone will cut the lock." Darke suggested that if someone cuts the lock again the police should be called.

Hileman then told those present that the last town meeting he was working on the Vineyard and his wife went to town meeting and showed some concern about the snow removal of that road (emergency access road) and "you folks agreed that it should be maintained, so after the first snow storm of the year about the time I finished plowing my driveway route---the town is usually done---so I took it upon myself to plow that road the first storm. The lock was on and it was unlocked. I opened the gate and cleared all the snow that Mark McCabe puts on the circle because that's his route; cleaned it all up nice, did not leave a mess, and went on my way---second storm, finished my route, see all the town of Groveland trucks no where in sight---go up and it's not plowed---plow it---the gates locked---I go home---I take it upon myself---I cut the lock. I am guilty of cutting the \$8.00 lock---plowed it out. The third storm I drove my truck down there and the gate's welded shut." Hileman stated he called Bob (Arakelian)---"Bob's like, well you know you cut the lock 9 times or what ever he said." Hileman said he told Bob "No Bob, I cut the lock once." Hileman told the Board he told Nancy the same thing---"she asked me---accused me of cutting the lock multiple times. Nancy Lewandowski responded "I did not." Hileman responded "You said you cut the lock". Chairman Gorski called for a point of order.

Nancy Lewandowski requested the Chair acknowledge her to speak. Chairman Darke called upon her to respond. Nancy responded to Hileman as follows: "I said the lock had been cut five times. Jesse said 'I cut it one time' and I responded to him 'but it had been cut five times'; that the Road Commissioner makes his own decisions because he was insinuating I had ordered Bob to weld the gate. I did not. I was not rude to Mr. Hileman when he was here." Hileman interrupted saying "you were not" and Nancy

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continued "I had never spoken to Mr. Hileman before in my life until the day he came in to my office. He said he wanted to be on the agenda and I treated him like I treat everyone else. I said I need to know what you need to speak about, that if there are other people involved they will need to be informed.....and to have him lead off this meeting by suggesting I was rude to him...." Hileman again interrupted and said "I did not say Mrs. Lewandowski was rude". Nancy replied, "yes you did". Hileman then said "I will clarify---Mrs. Gorski, I did not appreciate the way I was treated and talked to by Mrs. Gorski". Hileman continued "Mrs. Lewandowski and I had a firm yet civil conversation regarding the gate".

Chairman Darke suggested to Hileman for the future "I know that town government may not respond as quickly as some people may like. I mean we really are all trying to do the right thing down here. I would suggest for anybody---if there is an issue call somebody. Even though we don't appoint Bob, for whatever reason he was not accessible, call the Selectmen's office. Nancy is good about getting a hold of us or Bob or whoever, and we all....." Hileman interjected "well I went right to Bob" and Arakelian responded that Hileman just left a message on his answering machine, and Hileman said "and you called me back and left me a message that 'I'll take care of it'." Darke responded "So then, if it doesn't get taken care of then again, I wish we had all this power; I wish somebody would make us King like some people are accusing us---but it doesn't work that way. We have certain things we can do---just like when you came in about the baseball field. We try to bring people together and make things happen. When there was an issue with the trees (no cut zone) we had you all (Stonebridge residents) and the Planning Board in. It's not our jurisdiction but when people came to complain about the Planning Board to us we said ok, can we help get this resolved?" Darke told those present, "Even after this new gate gets put in, if it's still not being plowed properly, call him (Road Commissioner)---call us too."

Selectman Gorski told those present "Mr. Arakelian has a staff of two men and I think he does a great job. He does the baseball fields; when you needed lights at Washington Park.....Donny and I talked to all the neighbors to make sure they were happy the kids could have the lights. We know how happy the kids are." Jesse responded "Sure". Gorski continued, "when Stonebridge had problems Jesse, who came to us (the Board) way back in the day when they first arrived there. We tried to solve a problem for them". Hileman responded "That's why I am here".

Hileman then said "I have the Planning Board Decision here. There's also supposed to be some signs---Do Not Enter---Emergency Vehicles Only". Road Commissioner Arakelian responded "We are addressing that." Chairman Darke asked "Who is supposed to place those Bob?" and Arakelian responded "The developer was. I talked to him on Thursday for 40 minutes. He is on vacation and when he gets back we will address that. We (Highway Department) will put the signs in."

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Selectman Gorski pointed out that one of the residents expressed a concern with snow mobiles or ATVs using the emergency road. The Pike Drive resident responded "I have seen kids come down with four wheelers when the gate is open---trucks come through from Stonebridge. When the gate is open it is a free-for-all and that is supposed to be emergency access only". Selectman Gorski responded that the police won't be chasing kids on ATVs because that's too dangerous. Sorenson asked where are the kids coming from—mentioning the roads are public ways and they shouldn't be traveling on them. Hileman responded "I bring my lawn tractor down through there". A Stonebridge Road resident commented "I have lived there three years now and have never seen one pickup truck, one car or one anything go through that gate" and Nancy Lewandowski told him "the people from Pike Drive don't drive up the road to Stonebridge.....the trucks and other vehicles come down from Stonebridge through the emergency access road".

Sorenson said "from a public safety perspective the Fire Chief, Planning Board needs...the town is liable...can you make a vote as the Board of Selectmen....put your feelings on record?" Selectman Gorski said "Bob is an elected official. I am sure he is going to take care of it". Darke said "That's our opinion that we think he should....if he wants to do that...can I have a motion". Greaney responded if Bill wants a motion he will make the motion.

Moved Greaney, seconded Gorski, and it was

VOTED: That the Board's opinion is you (Road Commissioner) should unweld the gate tomorrow and put a new lock on it.

Chairman Darke said "So Bob, you know where we stand". Selectman Gorski said "We don't want anyone hurt in any neighborhood of this town". Greaney said "I found out about this because there was a group email that went out mostly to the baseball people. I did talk to him (Hileman) about it. He also mentioned that his kids go get the bus on Pandora/Pike because they don't want to walk out through Stonebridge". Greaney asked if they are even allowed to do that and Hileman responded "Yup, just pick a bus stop and take it....they don't allow you to take it one day here and one day the next". Greaney then asked if there's a reason why the bus won't come up that street. Darke stated he thought it was up to the school.

Jesse Hileman stated "Mrs. Dalton used to pick up his kid when she drove for preschool. Now he is in first grade, 6 years old and they have to walk through my yard, my next door neighbor's yard, Brennan's yard to get to the street---or if the road is plowed they would take the extra 3 or 4 minutes and walk down the emergency road". A long time Pike Drive resident responded "Jesse, they don't need to walk through those yards. They can walk down your driveway and down Stonebridge---they do it because you think it's shorter and easier. It's nice of Dick Brennan to allow the children to" and Hileman

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responded "Yeah, I plow Dick Brennan's driveway for free because he lets my kids cut through his yard".

Resident and Zoning Appeals member James Dole asked "Bob, when it comes to plowing this roadway...should not there be insurance through the town for liability issues so when private people are plowing that piece of roadway aren't we subject to liability issues?" and Arakelian responded "Yes". Dole stated "they (private plowers) should not be plowing".

Discussion continued about school bus going down Stonebridge now that it's accepted. Pike Drive resident said "You are talking like it's miles! It's not that long of a walk. It would do them good to get a little exercise".

Hileman then said "Earlier Nancy made a comment regarding whether I thought she had anything to do with the gate and quite frankly I think Nancy has a lot of pull with the Board and with Bob". Chairman Darke responded "People will believe what they want to believe" and Hileman then said "Mrs. Gorski when I see the Highway Department trucks in her yard". Gorski responded "That is hearsay; that's what you say....why are you"....and Chairman Darke interrupted "Jesse come on" and Arakelian stated "That is baloney". Hileman --"I saw them with my own eyes"... "with my own eyes".

Stonebridge male resident asked "What are we going to do about the gate?" "Will it be open tomorrow?" and Chairman Darke stated "That's up to the Road Commissioner". The resident responded "You voted on it" and Darke said "It's up to Bob". A Pike Drive resident said "You talk about it being open. You are going to put a lock on it, aren't you? You're not just going to leave the gate open?" Arakelian responded "I am not going to open the gate". Hileman then said "So let me ask the Board this. In the event of a catastrophic problem with a house fire or injury and the first responders can't get there on time, who will be responsible?" Gorski commented "The first responder is the Trinity Ambulance". Hileman said "Sure. Do they have a pipe saw to cut the welded gate? I would guess not". Gorski then asked "So you want the gate open. Bob wants it locked and keys to the Police Department. Well, what would you like?" *Hileman stated "I do not want the gate open. Nope. I never said that. Have I ever said that? I never said I want it open. I never said I want it removed." Gorski asked Mr. Hileman if he has any respect for anyone and he replied "I have nothing but respect for everyone in this room but don't put words in my mouth".

***NOTE FOR THE RECORD:** I witnessed Jesse Hileman cut the lock then purposely open the gates wide, leave them that way and drive away after he plowed the emergency town road. When he came to my office and asked to speak to the Board about the gate, I told him the Road Commissioner had asked me to report to him if I ever saw anyone cut the lock. I told Jesse I saw him pull up to the gate, walk to the gate, saw it had a lock on

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it again, return to his truck, pull out large bolt cutters and go to the gate and cut the lock. I asked him why he later swung the gate wide open and then drove away leaving it wide open. His response to me was "Why didn't you close the gate?" and my response to him was "Because it's not my gate". I told him seeing he was the one who opened it, he should have at least closed it when he was finished plowing. Also, for the record, **Mr. Hileman has sent an email to a number of baseball people and others in town and within the email he wrote "I (Hileman) am working with the Planning Board to see if I can get the gate removed completely".**

I also would like to point out that Mr. Hileman violated my rights under the Open Meeting Law the evening of March 1st. Mr. Hileman did not request an appointment on the Board's agenda to discuss his alleged concern/complaint that I had the Highway Department trucks in my yard, working in my yard. I was entitled to receive 48 hours written notice of what Mr. Hileman's alleged complaint against me was---had the right to request an Executive Session, if I chose---had the right to have Counsel present to confer with, if I chose. None of these rights were allotted to me and, Mr. Hileman, by his actions that evening, has opened himself and the town (taxpayers) up for a law suit. I am not an elected official or an open target as an elected official might be for having to take taxpayers/residents slanderous, degrading remarks. Further, for the record, I have never requested nor ordered the Highway Department come to my yard to do yard work.
END OF NOTE.

Chairman Darke explained that the Board members don't serve on the Board for the money; that they don't get health insurance like is rumored around town; that they are entitled to buy the insurance at full cost and he does do that; that once a month he writes a check for \$900 to pay for it; that it's a good plan and he saves some money buying through the town. Darke told those present that occasions like this makes him stop and think is it all worthwhile---that you give up your time and are away from your family for \$1,200 after taxes---that they attend lots of other meetings---but they do the job because they want to---it's a volunteer job---telling Hileman "just like your job on the baseball. I care about the town---some people say his brother's doing that because he is on the Board of Selectmen. I am telling you it doesn't work that way. We are here because we have a vested interest in the community. What I have given up in fifteen years---it would take a lot for me to get back". Hileman responded "No one is doubting your dedication to the town. I appreciate everything you guys do".

Darke responded "There are certain things we can and can't do and I am not trying to throw Bob under the bus---we can disagree on things. He is an elected official. I personally think the thing should be open, I think he should do it right away but that's ok". Hileman asked "So what happens if there is a problem within the next six weeks?" and Darke responded "I don't know". Hileman asked "Who do we hold accountable?" and Darke said "The town some how".

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Sorenson interjected and said "for the record, Planning, Public Safety, wants it open; Fire Chief wants it open. I believe the Police Chief wants it open so for the record with all those public safety officials...if something does happen they will come back to us in this meeting—televised. I would not want to be on the other end of that table". Sorenson then said "I agree Bob, we need to re-design that lock but meanwhile, until we come up with a fix, I think it is a really good idea for the town to get us off the hook liability wise, just get the gate open for now". Arakelian responded he doesn't think there is liability...and further said he would like to eliminate the whole thing and just make a walking path, put ballards up and asked why we need an emergency gate. Hileman responded you won't get any emergency vehicles through there and Arakelian asked why we need emergency vehicles? Hileman asked why would you take out a way that's there and Arakelian responded "Do you know how many dead end streets we have in town? Sixty-seven" and Hileman said "and if one of them had a second means of egress for emergency vehicles why would you close it up?" Chairman Darke then asked if there were any other issues to discuss. Hileman responded "The gate is my biggest concern and I am dissatisfied Bob that you are going to leave us in that position for 6 weeks, including two of your grandchildren of the 28 children, your son and your daughter-in-law are two of the 41 adults that live in our neighborhood and not to mention Mr. McDonald who is a quadriplegic who may need assistance more often than any one else". Arakelian replied "It may be shorter. How could we get a statement from you (Hileman) that you won't cut the lock or tamper with any town property?" Hileman responded "I will give you my word. I will sign" and Arakelian added "and not plow town streets". Hileman said "I plowed that road to benefit everyone in my neighborhood. I did not do it to maliciously plow your road". Resident Jim Dole asked "what about the liability of you plowing that road way?" Darke jokingly said to Hileman "Jesse, if you want to plow something for nothing come plow my driveway". Hileman responded "I would be happy to" and Arakelian laughed and said "Oh, we'd have another meeting then".

Hileman then commented to Arakelian "If it's an issue with plowing the main road(s) maybe you should take a look around at the private contractors that do driveways because I personally don't push any snow across the street. I pile it on the property of the people I am working for and I see other guys plowing across the road. You can't avoid plowing on the street to some extent". Dole responded "I am talking about the roadway between Pike Street and Stonebridge. You had no business going on there and plowing".

Chairman Darke again attempted to wrap up the meeting, asking if anyone else has anything to say that hasn't already been said. The male Stonebridge resident said "Bottom line is nothing is going to happen to the gate until you design it. It stays welded shut?" Pike Drive resident asked "Why can't it be so simple---undo the welding, get a temporary lock and give all departments a key." Arakelian responded "I will take it into consideration". Sorenson stated "We will open up a hearing on it but Neve (the developer) is responsible for putting the gate up. If it needs to get tweaked it should be

on his dime. I was not aware till Bob told me all of these gates have different locks".
***Hileman responded "Bob made it clear he doesn't care about any of the other gates.**

***NOTE FOR THE RECORD:** *The two other gated roads are on private property. A town official has no right to enter onto private property. The Planning Board has been told by Town Counsel that to do so without the owner's permission could be found as a violation of the owners civil rights. **END OF NOTE.**

Hileman also stated "Can I also add that many times I have seen that pad lock unlocked. If the lock has been missing numerous times perhaps it was not cut...but I was a kid once and if I saw a loose pad lock I might take it and throw it in the woods". Darke responded "It should be locked, that is what it is there for". Hileman continued with "As far as for the multiple locks coming up missing" and Darke interjected "We are going to move forward here". Hileman then asked "Was 6 weeks an approximate time? So it could be 10, 12 weeks? 15 weeks?" Arakelian answered with "No, it could be less". Resident Jim Dole told Hileman "If it weren't for you we would not be in this position right now. 15 weeks? You should be ashamed of yourself. I care about this town too". Hileman responded "I care about everybody". He then said "In short, the Fire Chief, Police Chief, Planning Board and Board of Selectmen----everyone agrees the gate should not be welded and Bob has agreed to take care of it". Arakelian responded "I will take it under consideration. I am exclusively in charge of the public ways--not the Fire Chief---not the Police Chief---not the Planning Board or Board of Selectmen. It is under my office and I am not making like I am a big shot doing that, but I have to take a lot of things into consideration. I take public safety also---of keeping that gate open and cars and trucks...I do not care what that gentlemen sitting in the corner says, I know that they are using it...off road vehicles too". The Stonebridge resident responded "I agree with you. It should be locked. I am not saying leave it open so people can use it. People on Stonebridge don't want it". Hileman also said he doesn't think the people on Stonebridge want it. Arakelian said "We have got something going here. We will make some sort of resolution. Maybe it came to this so you (Hileman) stop cutting the locks". Hileman replied "I did it once" and Arakelian replied "I don't know that I believe you". Hileman then remarked as he was about to leave the meeting room "I don't know if I believe you when you say Nancy didn't have anything to do with you welding it, so there you go. Thanks for your help. Have a good evening". The residents of Pike Drive thanked Mr. Arakelian and the Board of Selectmen as they left the meeting room.

Planning Board Chairman

Walter Sorenson addressed the Board regarding the Town Meeting Warrant. He told the Board the Planning Board will be submitting an Article for the town to accept the Master Plan; that they will put copies out there for the residents to read. He mentioned some study they were asked quite some time ago to do regarding 200 + acres of Center Street property. He also said he would be submitting a non-binding Ballot question for the Town Election Ballot asking the voters if they want to change the Board of Selectmen to a 5 member board. Sorenson said if they say no that will end that issue. The Board's Assistant asked that he send the Articles electronically to her because the deadline has passed and all Board's had received a memo of the mid February date for submitting Articles; that she is trying to prepare the first draft of the Warrant for the Board's review.

Request for Assistant Harbormaster

Jack Callaghan, the Town's Assistant Harbormaster, requested the Board appoint resident Bernie Perron as an Assistant Harbormaster. Upon motion duly made by Gorski, seconded by Greaney, it was

VOTED: To appoint Bernard Perron as an Assistant Harbormaster, said appointment effective immediately through June 30, 2010.

Reserve Fund Transfer Request

The Council on Aging Direct, Lynne Stanton, submitted a request for a \$1,000 Reserve Fund Transfer to the Council on Aging Expense Account. Upon motion duly made by Gorski, seconded by Greaney, it was

VOTED: To approve the request of the Council on Aging for a Reserve fund transfer of \$1,000.00 to COA expenses.

Executive Session

At the request of Chairman William Darke and upon motion duly made by Gorski, seconded by Greaney, it was

VOTED: To enter into Executive Session in accordance with the provisions of Massachusetts General Laws, Chapter 39, Section 23B, paragraph 6 for the purpose of discussing real estate negotiations.

Gorski, Darke – "Aye" Greaney – "Abstain" and announced he would not participate in discussion on this matter because his employer is an abutter to the property that will be discussed. Greaney left the meeting room.

Executive Session was entered at 8:32 P.M and closed at 8.43 P.M, and the Board returned to its Open Session. The Minutes of the Executive Session are on file in a separate binder in the Board of Selectmen Assistant's Office.

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There being no further business to come before the Board, upon motion duly made by Greaney, seconded by Darke, it was

VOTED: To adjourn.
Adjourned at 8:44 P.M.

Respectfully submitted,

Nancy Lewandowski
Administrative Assistant