



**BOARD OF SELECTMEN  
AGENDA**

**July 6, 2010**

**6:15 P.M - Call meeting to order**

**Approve Minutes: June 16, 21 & 29<sup>th</sup>, 2010**

**Approve Warrants:**

PW # 10-52	\$ 141,153.74(combined)
DW #10-50A	\$ 36,644.43
BW #10-53	\$ 332,486.37
BW #11-01	\$ 1,050,639.79

**NEEDS ATTENTION**

1. Attached appointments still need attention
2. See letter from CHAPA regarding new deed rider for Groveland Commons units and email from Attorney Ilana Quirk responding to my inquiry regarding same
3. Announcement regarding the failure to close on the Wood Street property  
See email from State Land program coordinator
4. See packet of information from Town Clerk regarding 2010 Election and events leading thereto
5. See request from Nancy Wile, Fifth Grade teacher at Bagnall regarding their effort to have the pool of water behind Bagnall certified as a vernal pool.
6. Vote needed to “approve the Bond Anticipation note renewal in the amount of \$623,200 for the water/sewer department with a due date of July 8, 2011 and interest rate of 1.20%”
7. I need to schedule two public hearings (1) for Chesterton and (1) for Groveland Auto Repair transfer of Class II License. Can the Board meet at 6:00 p.m. on July 19<sup>th</sup> so that I can advertise the meetings for 6:00 p.m. and 6:15 p.m. prior to the 6:30 pm public informational meeting on the bridge.

8. Motion needed to enter into Executive Session as follows:  
“I move that we go into executive session pursuant to G.L. c. 30A, §18(a)(7) and §18(a)(3), to discuss strategy with respect to litigation, and I further move that the Chair declare that holding this discussion in open session will have a detrimental effect on the Town’s litigating position”

**AGENDA APPOINTMENTS**

**6:20 P.M. –**

**6:30 P.M. –**

**6:45 P.M. –**

**7:00 P.M. –**

**7:15 P.M. –**

**Next Meeting: Monday, July 19, 2010 @ 6:15 P.M.**

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BOARD OF SELECTMEN

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Meeting called to order at 6:26 P.M. at Town Hall.

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

**Minutes**

Moved Darke, seconded Gorski, and it was

**VOTED:** To accept the Minutes of June 16<sup>th</sup>, 21<sup>ST</sup> and 29<sup>th</sup>, 2010, as presented.

**Warrants**

Moved Darke, seconded Greaney, and it was

**VOTED:** To approve Payroll Warrant #PW10-52 (combined FY10&11) Darke, Greaney – “Aye”; Gorski – “Abstain”

Moved Darke, seconded Gorski, and it was unanimously

**VOTED:** To approve Bill Warrant #BW10-53, #BW11-01, and Deduction Warrant #DW10-50A.

**Annual Appointments (continued)**

Moved Darke, seconded Greaney, and it was

**VOTED:** To appoint all Reserve Police Officers, Lock-up Keepers and Matrons recommended by Chief Kirmelewicz (list attached hereto), said appointments effective July 1, 2010 through June 30, 2011.

Moved Darke, seconded Gorski, and it was

**VOTED:** To appoint Gene Blatt, Robert Guptill, John Gray, Dan Wellehan and Alexander Johnson as members of the Open Space Committee, said appointments effective July 1, 2010 through June 30, 2011.

Moved Darke, seconded Gorski, and it was

**VOTED:** To appoint James Dole and Thomas Wakefield as Alternate members on the Zoning Board of Appeals, said appointments effective July 1, 2010 through June 30, 2011.

The Board had been told that one of the Zoning members had recently walked out of a meeting and the suggestion had been made that he would not be returning. The Selectmen asked their Assistant to speak with the member to confirm whether he was willing to complete his current term on the board. They also asked that she arrange a meeting for the Board to meet with Tom Wakefield.

**Request for meeting with Town Counsel**

Selectman Darke reported that as he stated in an email sent to Planning Board members and Selectmen, he had requested a personal meeting (not as a Selectman) with Walter Sorenson, Chairman of the Planning Board. Darke stated he wanted to speak with Walter regarding the emails going back and forth to Arakelian and others suggesting Arakelian was not on the planning board (the Selectmen had appointed Arakelian to a three-year appointed position on the Planning Board and Sorenson has argued the Selectmen had no right to do so). Darke informed his fellow board members that the meeting did not take place because they were unable to coordinate a time to meet, but that they did speak on the phone for a short while regarding the issue of the planning board recent change from elected to appointed and back to elected again. Sorenson told Darke that the Planning Board feels the Selectmen made their appointment under the wrong section of Mass General Law. Darke reported that he had suggested to Sorenson that he would like Town Counsel to meet with the two boards, explain the procedure, answer any questions/concerns the parties may have, and put an end to the back and forth on this issue. Darke stated that Sorenson seemed to be okay with that and that he agreed to provide the information he has to the Selectmen for review by counsel prior to the meeting, but that he would not be available to meet until August. Darke asked the Board's Assistant to try to arrange to have counsel meet with the two boards in mid August. Sorenson also told Darke that he feels long-time member James Freer should have been interviewed. Selectman Gorski stated that if nothing else hopefully the meeting will give the people who watch and listen a better feel for what is going on.

**CHAPA Recommendation for Deed Rider – Groveland Commons**

The Board's Assistant had recently received a request from CHAPA, the agency that oversees the town's affordable units (40B units) for sale, that the Selectmen approve a new Deed Rider which would secure the units for perpetuity including against foreclosure so that the town will not lose the affordable units. The Board's Assistant told the Board she had passed the request on to Town Counsel Ilana Quirk for her review and opinion and reported that Attorney Quirk recommends the Selectmen approve CHAPA's use of same for Groveland Commons affordable units and also for Savory Woods/Lindsay Way units (if possible).

**Wood Street/Webster property**

Chairman Greaney made a public announcement that due to a cloud on the title of the Webster property on Wood Street and at the last minute another party claiming rights under a previously recorded Purchase and Sale Agreement and suggesting if the sale to the town went through litigation may be brought against the Websters and the town, the State informed the Town that it would not honor the \$500,000 grant it had awarded for this purchase and the town, through its attorney, informed the Websters that they could not continue with the transaction. Greaney stated that the Selectmen worked with Webster up to the day before the deadline for closing (June 29<sup>th</sup>) to no avail. Releases were required from the party holding the previous P&S Agreement and Webster was unable to obtain same.

The Selectmen acknowledged the hard work of Conservation Commission Chairman Dempsey in trying to make this open space purchase work out, and also the daily assistance town counsel in attempting to help this sale happen.

**Chapter 90 Request**

Road Commissioner Arakelian presented a Chapter 90 Request in the amount of \$194,747.00 for professional engineering services for the rehabilitation of Route #97, Phase II. Moved Darke, seconded Gorski, and it was

**VOTED:** To approve the Chapter 90 Request submitted by Road Commissioner Arakelian in the amount of \$194,747.00 for professional engineering services for the rehabilitation of Route #97.

**Bond Anticipation Note**

Finance Director Greg Labrecque presented the Board with a Board Anticipation Note Renewal in the amount of \$623,200.00 for the water/sewer department.

Moved Darke, seconded Gorski, and it was

**VOTED:** To approve and sign the Bond Anticipation Note Renewal for the Water/Sewer Department loan in the amount of \$623,200.00 with a due date of July 8, 2011 and at an interest rate of 1.20%.

**Board Meeting – July 19<sup>th</sup>, 2010**

The Board's Assistant requested the Board meet at 6:00 p.m. on July 19<sup>th</sup> rather than their usual start of 6:15 p.m. so that she could schedule two public hearings for the first half hour. The request was made due to the Board having an

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informational public hearing scheduled for 6:30 p.m. to update the public on the Bate's Bridge upcoming reconstruction project. The Selectmen agreed to meet at 6:00 p.m. on July 19<sup>th</sup>, 2010 and the meeting will be so posted.

**Executive Session**

The Board's Assistant requested the Board enter into Executive Session for the purpose of discussing strategy with respect to litigation she had recently been notified of by town counsel. Moved Darke, seconded Greaney, and it was

**VOTED:** To enter into Executive Session pursuant to G.L. c. 30A, §21(a) (7) and §21(a) (3) to discuss strategy with respect to litigation, and further move that the Chair declare that holding this discussion in open session will have a detrimental effect on the Town's litigating position.

**DARKE, GREANEY – "AYE"; GORSKI – "ABSTAIN"**

Selectman Gorski left the room and Chairman Greaney announced that the Board would return to Open Session for the sole purpose of adjourning their meeting. Executive Session was entered into at 6:55 p.m. and closed at 7:15 p.m. The Minutes of the Executive Session are on file in a separate binder in the office of the Administrative Assistant.

**Adjournment**

There being no further business to come before the Board, moved Darke, seconded Greaney, and it was

**VOTED:** To adjourn.  
Adjourned at 7:16 P.M.

Respectfully submitted,

Nancy Lewandowski  
Administrative Assistant