



**BOARD OF SELECTMEN
AGENDA**

January 14, 2013

5:30 P.M. - Call meeting to order
Pledge of Allegiance

Town Counsel Brian Maser –Executive Session pursuant to Mass General Laws c. 30A, Sec. 21(a) (3) to update and discuss two cases of pending litigation. (Chairman please declare “to do so in open session may negatively effect the litigating position of the town.”

Executive Session pursuant to Mass General Laws c. 30A, Sec. 21(a) (1) for continuation of grievance hearing of Nov. 13th, Nov. 26th, and Dec. 13th regarding termination of employment of Town employee; vote(s) may be taken.

*Cancelled
See
letter*

6:45 P.M. - Stephen Merrill – proposed plans for changes to fields at Shanahan Town property on Main Street and request to install bathroom facility on said site. All neighbors have received notice of the meeting and invited were asked to attend. Vote may be taken.

7:45 P.M. - Executive Session pursuant to Mass General Laws c. 30A, Sec. 21(a) (6) to consider the purchase, exchange, lease, or value of real Property off Center Street, vote may be taken.

Correspondence: Request from Chief Kirmelewicz to appoint Daniel Ramirez and Michael McIntyre as Reserve Officers and Lock-Up Keepers effective immediately through June 30, 2013;

See request from Leigh Ann Berry requesting appointment to Finance Board

One Day Special License applied for by Pentucket Education Foundation

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Correspondence continued – See letter from Al Couilliard-complaint
See letter from Charles Haryslak –complaint
See letter from Attorney Hewig – update on
legal issue

Approve Minutes – November 5, 2012 (held over from last meeting)

Approve Warrants:

PW # 13-28	\$ 123,960.37
DW #13-26A	\$ 21,737.84
BW #13-27	\$ 887,975.11

Adjournment

MINUTES
BOARD OF SELECTMEN
JANUARY 14, 2013

Meeting called to order at 5:30 P.M.

Present Selectmen Donald N. Greaney, Elizabeth A. Gorski and Chairman William H. Darke.
Also present, Town Counsel Brian Maser and the Board's Assistant.

Executive Session: Moved Greaney, seconded Darke, and it was

VOTED: To enter into Executive Session in accordance with the provisions of
MGL Ch. 30A, Sec. 21(a) (3) to update and discuss threatened
Litigation involving Tracy Dalton, Secretary to Police Chief.

3-0

GREANEY, GORSKI, DARKE – "Aye"

Chairman Darke declared to discuss the threatened legal matter in open session may negatively affect the litigating and/or negotiating position of the town.

Chairman Darke announced that the Board will return to the Board's Open Session at the close of the Executive Session. Executive Session was entered at 5:33 P.M. and closed at 6:02 P.M.

Executive Session: Moved Greaney, seconded Darke, and it was

VOTED: To enter into Executive Session in accordance with the provisions of
MGL Ch. 30A, Sec. 21(a) (3) to update and discuss pending
Litigation involving Officer Aaron Yeo.

2-1

GREANEY, DARKE – "Aye" GORSKI – "ABSTAIN"

Selectman Gorski excused herself and left the meeting room due to her having a family member on the Police Department.

Chairman Darke declared to discuss pending litigation in open session may negatively affect the litigating position of the town.

Chairman Darke announced that the Board will return to the Board's Open Session at the close of the Executive Session for the purpose of attending to regular business. Executive Session was entered at 6:03 P.M. and closed at 6:27 P.M.

The full Board returned to Open Session at 6:30 P.M. with Chairman Darke apologized for the Open Session being delayed and explained to the public that the Board had legal matters to discuss with town counsel.

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Approve Warrants

Moved Greaney, seconded Darke, and it was

VOTED: To approve Payroll Warrant #13-28.

DARKE, GREANEY – “AYE”; GORSKI – “ABSTAIN”

Moved Greaney, seconded Gorski, and it was

VOTED: To approve Deduction Warrant #13-26A and Bill Warrant #13-27.

Accept Minutes

Moved Gorski, seconded Greaney, and it was

VOTED: To accept the Minutes of the meeting of November 5, 2012,
as presented.

Request for Appointment

Chief of Police Robert Kirmelwicz requested the Board appoint Daniel Ramirez and Michael McIntyre as Reserve Officers and Lock-Up Keepers effective immediately through June 30, 2013.

Moved Greaney, seconded Darke, and it was

VOTED: To appoint Daniel Ramirez and Michael McIntyre as Reserve Officers
and Lock-Up Keepers, said appointments effective immediately through
June 30, 2013. 2-1 – Gorski “Abstain”

Selectmen reviewed a letter received from resident Leigh Ann Berry requesting appointment to the Finance Board. Moved Greaney, seconded Gorski, and it was

VOTED: To appoint Leigh Ann Berry to serve on the Finance Board, said
appointment effective immediately. 3-0

One Day Special Liquor License

The Board reviewed One Day Special Liquor License request received from Pentucket Education Foundation for their upcoming event at Veasey Park. Moved Greaney, seconded Gorski, and it was

VOTED: To grant a One Day Special Liquor License to Pentucket Education
Foundation. Insurance and a Detail Officer required. 3-0

PY Soccer Representative-Stephen Merrill

Merrill met with the Board and discussed a plan he has drawn for Shanahan field expansion which includes adding parking lot and bathrooms and doing away with porta potties because “they don’t work”. Merrill told the Board that he will go through Water and Sewer and tie into manhole and put bathrooms in the area of the snack shack; that his plan is for “his” and “her”

bathrooms. Merrill told the Board that the bathrooms will be maintained by PYS and his group will keep them clean; that he hasn't decided whether they should be pre-fab or regular construction. Chairman Darke asked if the bathroom facility would be locked when fields aren't in use and plumbing winterized. Merrill answered yes to both questions. Darke told Merrill the property use is allowed for PYS not to be rented to others; that the Board's biggest concern is security. Merrill told Darke that there are always ways to secure property; that the snack shack at the field has never been broken into but was spray painted.

Selectman Greaney asked why trees aren't shown on Merrill's plan and Merrill responded that they aren't doable for getting enough parking space. Neighbor to the field, James Sheehan, spoke about the plan and saving trees and Merrill responded that they need 110 yards for a fill size field; that they would still need to plant evergreens or something and Sheehan responded he would expect "mature evergreens".

Merrill's plan is for 90 parking spots and a guardrail. One of the attending neighbors stated he isn't happy with the circle and trees being removed. Merrill suggested they could maybe put some trees around the parking spots; that once everything is drawn up they can see what space is available. Merrill was questioned as to whether 90 parking spots will fit and told there would need to be 3-5 handicap spots. It was also mentioned that hot top requires drainage being installed. Merrill told the Board that he plans on seeking grants and will be very proactive; that the project could be done in stages once the full project is approved. Resident Sheehan stated that he would need more detail; that he is concerned about noise and the parking and told the Selectmen that all the homes were there before the Board allowed soccer use of the field. He told the Board that noise is a big issue for the residents and himself. Another neighbor expressed concern about the full parking lot and only putting a few trees in; that he feels this will hurt the value or resale of the houses abutting the field. He suggested trees be planted on homeowners properties to help hide the parking lot. Chairman Darke asked about looking at parking on Main Street and Merrill responded that it is too tight and many signs would be needed.

Selectman Gorski thanked Merrill for his hard work and told him that if the neighbors don't buy into it the Board won't be able to approve the changes; that this town property is no different than Washington Park (town property); that everyone has to buy into it; that the Board needs assurances that things will work out appropriately; that the neighbors need to be on board because they have been there a long time. Selectman Greaney suggested Merrill meet with CPA to see if funding could be available for the bathroom and construction plans. Merrill thanked the Board and the residents for their time.

Executive Session-Center/Main Street Properties

Moved Greaney, seconded Gorski, and it was

VOTED: To enter Executive Session pursuant to MGL Ch. 30A, Sec. 21(a) (6) to consider the purchase, exchange, lease or value of real property off Center/Main Streets. 3-0

GREANEY, GORSKI, DARKE – "AYE

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Chairman Darke declared that an open session may have a detrimental effect on the town's continued negotiations. Darke also announced that the Board would return to Open Session at the close of the Executive Session for the sole purpose of adjourning their meeting.

Executive Session was entered at 7:48 P.M. and closed at 8:17 P.M. Selectmen returned to Open Session at 8:18 P.M.

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

VOTED: To adjourn.

Adjourned at 8:25 P.M.

Respectfully submitted,

Nancy Lewandowski
Administrative Assistant