

**MINUTES OF BOARD OF SELECTMEN MEETING  
MONDAY, JULY 15, 2013**

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Chairman Delaney called the meeting to order at 7:15 p.m. in Room 14 at Town Hall in the presence of members, Mr. Foti, Mr. Mauceri, Mr. O’Leary, Mr. Prisco, and the Town Administrator, Greg Balukonis.

**1. CALL THE MEETING TO ORDER**

**2. LEGAL BILLS:**

MR. CHAIRMAN, I MR. FOTI MOVE TO APPROVE LEGAL BILLS FOR JUNE 2013 IN THE AMOUNT OF \$8,145.14 AS FOLLOWS:

KOPELMAN AND PAIGE, P.C. (GENERAL)	\$5,169.14
KOPELMAN AND PAIGE, P.C. (LABOR)	\$2,826.00
AMERICAN ARBITRATION ASSOC.	\$ 150.00
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TOTAL	\$8,145.14

SECONDED BY: MR. O’LEARY  
VOTED: UNANIMOUS (5-0)

**3. PUBLIC COMMENT:**

Chairman, Delaney asked for Public Comment. No Public Comment.

**4. APPOINTMENTS – ELECTION WORKERS:**

MR. CHAIRMAN, I MR. FOTI MOVE TO EXERCISE THE FOLLOWING OPTION FOR APPOINTMENT OF ELECTION WORKERS FOR ELECTIONS HELD BETWEEN SEPTEMBER 1, 2013 THROUGH AUGUST 31, 2014:

#3. CHOOSE NOT TO APPOINT ELECTION OFFICERS, WHEREBY AFTER AUGUST 15<sup>TH</sup> THE RESPONSIBILITY OF APPOINTING AND ASSIGNING ELECTION OFFICERS TO POSITIONS AND PRECINCTS WOULD REVERT TO THE REGISTRARS

Mr. O’Leary recused himself because a family member is on the list to be included as an election worker.

SECONDED BY: MR. FOTI  
VOTED: 4-0-1 (Mr. O’Leary abstains)

**7. ANNUAL MUNICIPAL REVIEW OF TOWN OWNED LAND:**

Mr. Balukonis presented the review to the Board.

He will forward a copy of the spreadsheet which lists the property’s for sale to the Board and he will meet with his staff to put together a list of property’s which could be offered for sale.

Mr. Prisco would like to see the list of Town properties for sale listed on the website and/or take an ad out in the Transcript to notify the public.

**8. TOWN ADMINISTRATORS REPORT:**

Mr. Balukonis discussed FY2014 Local Aid. The Governor issued vetos on the budget items which may impact the unrestricted local government aid.

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He informed the Board that Covanta submitted a proposal to extend the term of their contract to June 30, 2018 with a tipping fee locked in at \$68.00, the current tipping fee is at \$73.00 a ton.

The Board is in consensus to move forward with the proposal from Covanta.

He discussed the Civil Fingerprinting By-law and the Board would like to narrow down the list of licensees and bring it back to Town Meeting in October.

He informed the Board of a meeting he has scheduled with the Community Planning Commission a meeting to discuss solar generating facilities. He has asked town counsel to give an opinion on steps to move forward under zoning in terms of solar generation facilities municipally owned and privately owned.

**12. PUBLIC DISCUSSION: BISHOPS WAY RETAINING WALL**

Mr. Delaney asked if the builder and/or the developer were present at the meeting.

Mr. Lu, the property owner, presented himself.

Mr. Delaney asked those who were there at the meeting who are involved with the Bishops Way Retaining Wall issue to be respectful and orderly.

Mr. Delaney addressed the owner, saying the property is his to build what he wants within state and local code, however, he should have taken into consideration the nature of the neighborhood.

Mr. Delaney discussed the height of the wall with Mr. DeCola, Building Inspector. Mr. DeCola indicated the wall shouldn't be higher than seven (7) feet. When done, from the sidewalk it will be graded up to show 7 feet of surface.

Mr. Delaney asked Mr. Lu if he has any intentions to change the look of the retaining wall.

Mr. Lu has no plans to change the look of the wall adding the wall had to hold back an enormous amount of weight. He had his real estate agent at the meeting with him, George Woods. Mr. Woods helped Mr. Lu describe the landscape design for the wall.

Mr. O'Leary stated at a previous meeting with the CPC and Conservation Mr. Lu indicated he was willing to build an esthetically pleasing wall such as the ones on Agatha Way and other areas of town which were pointed out to Mr. Lu. He concurred that is the type of retaining wall that would be used. He gave his word, and didn't do it and didn't convey that to the neighbors that he wasn't going to because of the septic design or other reasons. What the neighbors thought they were getting, they didn't and this started the mistrust and communication failure.

Mr. Delaney asked Mr. Lu what the next step is with the landscape plan.

Mr. Balukonis suggested it would be helpful to take the images of the plantings and put them on the plan and submit them electronically so the images can be seen. Also the Town, under the Board's direction, could make that area more esthetic pleasing because the Town owns the 4 foot strip of land between the sidewalk and the street.

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Mr. Prisco asked if Mr. Lu if he would reconsider refacing the wall, painting, an anti-graffiti sealant.

Mr. Woods said if they did try to reface with brick or stucco, it wouldn't last. It would chip away its mortar. There is no way to change the wall without undermining the structure.

Mr. Lu indicated he would consider sealing the wall with an anti-graffiti product.

Mr. Prisco asked the Chairman to discuss the steps to move forward; how the abutters can communicate with him.

Mr. Delaney said Mr. Lu will submit the landscape design to the Town Administrator.

Mr. Lu would like to collect the neighbor's telephone numbers.

Neighbors of Bishops Way spoke to the Board about their concerns from refacing, grading the bottom of the wall to show the height, where the wall ends, water runs off and erosion control.

Attorney Susan Keifer discussed the Conservation Order of Conditions.

Mr. Mauceri asked Mr. DeCola to explain to him the height of the wall and the setback conditions.

Mr. DeCola described the setback in the area is 50 feet. If the wall was over 7 feet the wall would have to be 50 feet back from the property line.

The Board gave Mr. Lu a list of tasks which include:

- Erosion controls must be put into place to stop the run-off from his property to his neighbor's land by the end of this week.
- A landscape architect must submit a computerized rendering with a view from the street of Lu's landscaping plan by the end of next week.
- He must get two or three quotes to refinish the wall and then submit those to the Town Administrator for review.
- He must get the names and contacts of neighbors and meet with them by the end of this week to continue to work on a compromise.

The Board took a break at 9:34 p.m.

The Board returned at 9:40 p.m.

Mr. O'Leary asked what the Board is going to propose as a Zoning By-law in relation to the lots that have not been built on in Town.

Mr. Delaney informed the Board that Mr. Balukonis has contacted Counsel to draft an aesthetics by-law for October Town Meeting.

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**6. TOWN ADMINISTRATORS REVIEW**

Mr. Delaney read through the Town Administrator's annual performance review in detail. He read each category and the grade the Town Administrator received.

Each Board member gave their opinion and comments of the review.

**9. OLD AND NEW BUSINESS**

**Mr. Prisco**

- Asked if there are any Drop Box issues
- When is the next Financial Planning Team Meeting  
Would like to revisit Civil Fingerprinting for October Town Meeting
- Is there an update on the new fire truck (waiting for a meeting to finalize the bid specification, no issues)
- Would like to have as an agenda item an update as to where the Town's legal counsel is with the School building project. (They sent an email to Mr. Balukonis - the Town needs to provide them with additional documentation).
- Asked Mr. Mauceri about National Night Out

**Mr. O'Leary**

- Wished Barbara Stats and Warren Pearce a speedy recovery
- Congratulated the Fourth of July Committee

**Mr. Foti**

- Wishes Barbara Stats and Warren Pearce a speedy recovery.
- Thanked the Town for its quick response to the Route 28 Auto Sales; They have no less than 28 cars on the lot.
- Asked about the Town's 300th Celebration (He will contact the Historical Society).

**Mr. Mauceri**

No Comment

**Mr. Delaney**

- Wishes Barbara Stats and Warren Pearce a speedy recovery
- Congratulations to the July Fourth Committee
- Asked if the signs signifying where the cross walks were could be put back.

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**15. ADJOURNMENT**

MR. CHAIRMAN, I MR. FOTI MOVE TO ADJOURN.

SECONDED BY: MR. O'LEARY  
VOTED: MR. O'LEARY AYE  
MR. FOTI AYE  
MR. DELANEY AYE  
MR. PRISCO AYE  
MR. MAUCERI AYE

VOTED: UNANIMOUS (5-0)  
ADJOURN 10:50 p.m.

\_\_\_\_\_  
DATE

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JOSEPH FOTI, CLERK