



Office of the  
**BOARD OF SELECTMEN**  
272 Main Street  
Townsend, Massachusetts 01469

Gordon Clark, *Chairman*

Carolyn Smart, *Vice-Chairman*

Andrew J. Sheehan,  
*Town Administrator*

Office (978) 597-1701  
Fax (978) 597-1719

**AGENDA**  
**SEPTEMBER 29, 2015, 6:00 P.M.**  
**SELECTMEN'S CHAMBERS, TOWN HALL**  
**272 MAIN STREET, TOWNSEND, MA**

**I PRELIMINARIES**

- 1.1 Call the meeting to order and roll call.
- 1.2 Pledge of Allegiance
- 1.3 Announce that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions:
- 1.5 Town Administrator updates and reports. Votes may be taken.
- 1.6 Board of Selectmen announcements, updates, and reports. Votes may be taken.
- 1.7 Approval of meeting minutes: July 28, 2015 and August 25, 2015. Votes may be taken.

**II APPOINTMENTS AND HEARINGS**

- 2.1 6:00 Interim Chief of Police Robert A. DeMoura, to provide an update to the Board. The Board may enter Executive session pursuant to GL c. 30A, s. 21(a)(4) to discuss strategy or deployment of security personnel or devices. Votes may be taken.
- 2.2 6:15 Board of Health chairman Jim Le'Cuyer, to address the Board. Votes may be taken.
- 2.3 6:30 AFSCMA representative Jan-Michael DeMaio, to discuss a request for voluntary recognition of a collective bargaining unit. The Board may enter Executive Session pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining. Votes may be taken.

**III MEETING BUSINESS**

- 3.1 Discuss the process of recruiting a permanent Police Chief. Votes may be taken.
- 3.2 Review and approve request of the Cemetery & Parks Commission to declare surplus a 997 Green Ford Pickup truck. Votes may be taken.
- 3.3 Review and approve request of Fire-EMS Chief Mark Boynton to accept a 1996 Steward & Stevenson military truck through the Federal Excess Property program, said truck to be used for forest fire fighting. Votes may be taken.
- 3.4 Review and approve requests by Unitil to cross, alter, or construct within a public way at the following locations. Votes may be taken:
  - 8 Elm Street, to abandon a gas service
  - 178 Fitchburg Road, Lot 1, to install a new gas service
  - 164 South Row Road, to install a new gas service.
- 3.5 Review and sign response to the Open Meeting Law complaint filed against the Board of Selectmen. Votes may be taken.
- 3.6 Vote to sign the Acceptance of the Franz Waldo Miller Post 199, American Legion located on Main Street, West Townsend. Votes may be taken.

3.7 Review and sign letter to Secretary Kimberly Bose of the Federal Energy Regulatory Commission regarding the Kinder Morgan pipeline project. Votes may be taken.

**IV APPOINTMENTS OF PERSONNEL/OFFICIALS**

4.1 Review and approve recommendation of Alice Struthers of the Meeting Hall Gallery Committee to appoint Joan Blanchard to the Gallery Committee for a term from September 29, 2015 to June 30, 2016. Votes may be taken.

**V WORK SESSION**

5.1 Review and sign payroll and bills payable warrants. Votes may be taken.



Office of the  
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Townsend, Massachusetts 01469

1.7

Colin McNabb, *Chairman*

Carolyn Smart, *Vice-Chairman*

Gordon Clark, *Clerk*

Andrew J. Sheehan,  
*Town Administrator*

Office (978) 597-1701  
Fax (978) 597-1719

**MINUTES**  
**JULY 28, 2015, 6:00 P.M.**  
**SELECTMEN'S CHAMBERS, TOWN HALL**  
**272 MAIN STREET, TOWNSEND, MA**

**I PRELIMINARIES**

- 1.1 At 6:00PM the Chairman called the meeting to order. Roll call showed Colin McNabb, Chairman (CM), Carolyn Smart, Vice Chairman, and Gordon Clark, Clerk (GC) present.
- 1.2 Pledge of Allegiance observed.
- 1.3 CM announced that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions: Add 3.2, 3.3; delete 2.3
- 2.4 Review and approve the Housing Authority's Housing Production Plan. Laura Shifrin explained the intent of the plan, reported that the State approved it, but requests a letter from both the Planning Board and the Board of Selectmen. CS moved to approve the Town of Townsend Housing Production Plan and forward on to the Department of Housing & Community Development. GC seconded. Unanimous. CS moved to approve and sign the letter to be submitted with the Housing Production Plan. GC seconded. Unanimous.
- 1.5 Town Administrator updates and reports:
  - Town Administrator, Andrew Sheehan (AS), reported that the Department of Public Utilities is holding a meeting at Fitchburg Memorial Middle School on Wednesday August 12 at 7:00PM to discuss Unitil rate increases.
  - DPW study request has been sent to the State; hoping to start around October.
  - Mass IT community compact was sent additional information.
  - The Board approved sending Engine 6 out to auction, which received no bids. The Fire Chief sent it down to CT for \$1600.
  - Gas pipeline project scoping meetings are coming up around the area. Meeting of the Massachusetts Energy Facilities Siting Board next Tuesday, August 6 at Lunenburg High School at 7PM. Carolyn Sellars put together a letter that she would like one of the Selectmen to read at the meeting, which GC read.
  - AS is still trying to set up a pipeline meeting with Lunenburg and Mason, NH. AS will reach out and try to set up a meeting for August 18, 2015.
- 1.6 Board of Selectmen announcements, updates, and reports:
  - GC asked about the Board getting usernames and passwords for the MMPA. AS is working with MMPA to put a generic password to one of the accounts.
  - GC discussed attending some committee meetings and possibly instituting monthly reports from department heads.
  - CS discussed speaking with the auditor from Melanson and Heath about a fraud program.
  - CS requested putting the Highway sidewalks discussion on a future agenda.

- CS discussed the Building Commissioners request to meet with the Board regarding his stipend. CS said she forwarded the Building Commissioners email regarding his stipend to labor counsel.
- CM read announcement from the Friends of the Townsend Seniors and Friends of the Townsend Library who will be at the Common 7:30 on August 6<sup>th</sup> selling food and baked goods in conjunction with the Townsend Military Band.
- CM offered his condolences and prayers to the family of Elizabeth Stone.

1.7 Meeting minutes:

## **II APPOINTMENTS AND HEARINGS**

2.1 Discuss the reorganization of the Facilities Maintenance Department. Mark Mercurio, Facilities Manager, (MM) was present to discuss the reorganization of the Facilities Department. HRS has not yet provided the reclassification. AS suggested clearly laying out responsibilities of the Facilities Manager. Discussed shortcomings in Townsend as the absence of an HR function; HRS provides an unbiased opinion on job classification and compensation. AS will ask HRS to provide the classification for the next meeting. Discussed what the facilities budget currently covers. CS suggested a breakdown of what the facilities budget pays for each building. GC said a work session maybe in order to clarify this item.

CM requested a 5 minute recess at 6:55PM

2.2 Review and discuss Board of Selectmen and Town Administrator goals. AS read a memo summarizing the affinity diagram. There are 4 broad categories that were identified as top priority areas: financial sustainability, policies and procedures, existing employees and IT. Within the 4 categories there are 5 or 6 subcategories; Financial sustainability includes balanced budgets, new revenue sources, delinquencies and collections, 5 year budget projection and retiree health insurance which is also linked to existing employees. CM and GC discussed retiree health insurance, and the ability to provide it based on funds, decided that GC would help look at health care plan. Discussed financial sustainability and possibly of creating a working group for budget sustainability. CM suggested a joint meeting with the Finance Committee and Capital Planning. Discussed asset reporting policy. AS suggested a Town Hall meeting session with residents to come up with some new revenue ideas, similar to what the Finance Committee did several years ago. CS said that the Board should meet with the Conservation Commission regarding cleaning up the Squannacook River. Discussed material weakness based on the risk assessment. GC suggested looking at job descriptions as employees retire to assess necessity of positions. Discussed the personnel policies needing updating. CS said that a personnel grievance board could help with the personnel policies, which needs to be a priority. CS suggested asking for feedback from department heads and employees on updating policies. CS wants to have a Saturday work session with all boards, committee, and departments. GC said that they should try the Saturday work session as a trial, perhaps getting Kopelman and Paige to provide training. Discussed other options for employee training. Discussed monthly department head meetings. Discussed workers compensation and insurance binders for employees as well as safety committee. AS needs to discuss IT with Steve and Joe Cloutier, who are currently contracted to maintain the Town's IT. Community Compact may help assess issues as well. Discussed bylaw review committee after Charter review committee is complete. AS will be discussing municipal aggregation at an upcoming meeting. CM suggested meeting on August 25 to re-address goals after going over the information provided. GC said that an employee handbook needs to be a primary goal as well as monthly accounting of vehicle usage.

~~2.3 Executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with former nonunion Water Department personnel. Votes may be taken.~~

## **III MEETING BUSINESS**

3.1 Review and approve requests from Unitil to cross, alter, or construct within a Town way to install gas services at 166 Fitchburg Road Lot 6 and 168 Fitchburg Road Lot 5. CS moved to approve requests



from Unitil to cross, alter, or construct within a Town way to install gas services at 166 Fitchburg Road Lot 6 and 168 Fitchburg Road Lot 5. GC seconded. Unanimous.

3.2 Sign reimbursement request for Winter Recovery Assistance Program in the amount of \$63,853. CS moved to sign reimbursement request for Winter Recovery Assistance Program in the amount of \$63,853. GC seconded. Unanimous.

3.3 Sign District Local Technical Assistance contract with the Montachusett Regional Planning Commission. CS moved to approve and sign District Local Technical Assistance contract with the Montachusett Regional Planning Commission. GC seconded. Unanimous.

#### **IV APPOINTMENTS OF PERSONNEL/OFFICIALS**

None

#### **V WORK SESSION**

5.1 Review and sign payroll and bills payable warrants. CS moved to review and sign payroll and bills payable warrant outside of session. GC seconded. Unanimous.

GC moved to adjourn at 8:25 PM. CS seconded. Unanimous.

*Note: documents used or referenced during the meeting are available at [http://www.townsend.ma.us/Pages/TownsendMA\\_BOSAgenda/](http://www.townsend.ma.us/Pages/TownsendMA_BOSAgenda/) or in the Selectmen's Office.*



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Office (978) 597-1701  
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**MINUTES**  
**AUGUST 25, 2015, 6:00 P.M.**  
**SELECTMEN'S CHAMBERS, TOWN HALL**  
**272 MAIN STREET, TOWNSEND, MA**

**I PRELIMINARIES**

- 1.1 At 5:30PM the Chairman called the meeting to order. Roll call showed Colin McNabb, Chairman (CM), Carolyn Smart, Vice Chairman (CS), and Gordon Clark, Clerk (GC) present.
- 1.2 Pledge of Allegiance observed.
- 1.3 CM announced that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions: Delete 2.2 and discuss page 2:
  - Page 2 of the agenda was not visible to the public over the weekend. CS moved to address agenda items 3.7 through 3.12 to next Tuesday September 1, 2015 at 6:00PM. GC seconded. Unanimous.
- 1.5 Town Administrator updates and reports:
  - Town Administrator, Andrew Sheehan (AS), reported that Devens Household Hazardous Waste Collection Center will be open September 2, 2015 and September 5, 2015 9AM a-12PM. Center is doing well, financially stable and works well for residents.
  - The Governor's office will be in Town Hall on September 3, 2015 at approximately 12:45PM to sign the community compact.
  - FEMA will reimburse about \$36,000 for the January storm, which is less than Ed Kukkula, the Highway Superintendent, requested.
  - Leslie Gabrielska, the Conservation Agent, presented CM with a card and gift from the Town employees.
- 1.6 Board of Selectmen announcements, updates, and reports: no updates from GC and CS. CM thanked the people of Townsend as well as the Town employees, pleasure to work with everyone. CM apologized for leaving early and thanked AS for all his professionalism and said that the Town is lucky to have AS.
- 1.7 Meeting minutes: Executive session: June 23, 2015 and July 14, 2015. No votes were taken.
- 3.1 Discuss and set date for special election to fill a vacancy on the Board of Selectmen. Kathy Spofford, Town Clerk, (KS), was present to discuss and set a date for special election. KS suggested November 17<sup>th</sup> for the special election. AS recommended having the Town Meeting after the special election, in early December. First day to obtain nomination papers will be next Monday August 31, 2015, which will give people 4 weeks to return papers. Last day to obtain nomination papers will be September 25, 2015. CS moved to set the Special Town Election to Tuesday November 17, 2015 with voting hours from 8AM to 8PM. GC seconded. Unanimous. CM thanked his colleagues, GC and CS.

**II APPOINTMENTS AND HEARINGS**

- 2.1 6:15 Facilities Maintenance Department: Discussion with pertinent department heads regarding the scope of the Facilities Department. The discussion may include an executive session pursuant to GL c.

30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. Mark Mercurio, Facilities Manager (MM) was present to continue discussion regarding Facilities Department. Roger Rapoza, Cemetery & Parks Superintendent, (RR) and his department has taken care of the ground care for the last 6 years. GC said there were complaints this year regarding the outside maintenance of the Library, and he wants one person in charge of the grounds and the grounds crew. GC also said that he thinks that the grounds crew should be CORI checked and drug tested. John Barrett, Cemetery & Parks Commission, questioned the complaints that GC heard about, and said that Cemetery & Parks have done a good job of pitching in and helping out as well as saving the Town money. CS said that MM has been reclassified and the outside maintenance is part of that reclassification. Karin Canfield Moore, Senior Center Director, commended Cemetery & Parks on their abilities during the winter months, as well as their quick response time. Sue Lisio said she sees this as a duplication of effort and asked how it will be a cost savings if we need to add staff. Discussed accountability for outside maintenance, and forming a working group to clarify job description and maintenance requirements. GC moved to enter in to executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. CS seconded. CS aye; GC aye.

- ~~2.2~~ 6:30 Meeting with Board of Assessors regarding senior tax work-off program. Votes may be taken.
- 2.3 6:45 Meeting with Building Commissioner Richard Hanks to discuss solar facility permitting fees. Building Commissioner Richard Hanks, (RH), discussed increasing solar facility permitting fees. RH researched other local communities and the Town to be charging significantly less. GC moved to modify current building permit fees for residential solar panel systems to \$150.00 for the building permit and \$100.00 for the wiring permit. CS seconded. Unanimous. GC moved to implement a large scale systems fee that will be one a half cents per watt each for the building permit fee as well for all wiring permit fee. CS seconded. Unanimous. GC amended both motions to be effective of the date September 1, 2015. CS seconded. Unanimous.
- 2.4 7:00 Meeting with Treasurer-Collector Deborah Kristoff regarding miscellaneous topics. CS asked how deferred compensation and reconciling cash progress was, Treasurer-Collector Deborah Kristoff (DK), explained what was being done, implementing quicken and updated spreadsheets. DK is also training her staff which is time consuming, but is working towards a streamlined process. Discussed deferred compensation issue, which DK is working with Great West to rectify. GC requested that DK send out an email or memo regarding status of deferred compensation. AS said that a notice went out to all employees effected last week. MM asked what would happen to the money he lost, DK said that a new representative would be in to discuss this issue as well. AS said that there was no way for the Town to pay the employees back for what they may have lost or gained. Discussed issue of taxing compensation twice which Great West is trying rectify.
- 3.2 Discuss dates for fall Special Town Meeting and vote to open the warrant. AS suggested setting the date for Town Meeting for Tuesday December 8, 2015. AS suggested having Town Meeting at Town Hall. GC moved to tentatively set the date for Town Meeting to Tuesday December 8, 2015 at Memorial Hall at 7:00PM. CS seconded. GC moved for the fall Town Meeting to open the warrant. CS seconded. Unanimous.
- 3.3 Review and respond to Open Meeting Law complaint against the Board of Selectmen. The complaint was received on August 18, 2015. Board discussed their formal response to the complainant. CS adamantly denied that the Board violated the open meeting law. CS said that the Board would put a reappointment on the next agenda, which would need to be put in the letter that the Board will have to send the Attorney General. CS addressed some of the issues in the complaint, one being that the appointee contacted the Ethics Commission and received a response that was provided to the Chairman of Conservation Commission and not made public. CS asked AS to draft a response letter to the Attorney General for the Board to review at the next meeting.
- 3.4 Review and discuss Zoning Board of Appeals mandatory referral for Lynn Fit LLC d/b/a Planet Fitness for a Special Permit to use 10,600 square feet of the Harbor Village Mall at 18 Main Street for an

athletic or recreational facility. GC visited one of the establishments at the Harbor Village Mall, and some are concerned about traffic patterns. AS will forward comments to the Planning Board.

- 3.5 Review and discuss Planning Board mandatory referral for Townsend Fit LLC d/b/a Planet Fitness for Site Plan Review and Special Permits for a change of use at the Harbor Village Mall at 18 Main Street to operate a Planet Fitness facility. Same comments as stated above regarding concerns with traffic patterns.
- 3.6 Review and discuss Zoning Board of Appeals mandatory referral for Keith & Mary LeTourneau for a Special Permit, Variance, or Appeal to use an existing kennel at 352 Main Street to house stray animals picked up by the Animal Control Officer. CS requested legal opinion at last meeting which she said addressed a variety of concerns. GC referred to the comments from Brian Riley of Kopelman & Paige that was received on August 20, 2015. He asked to enter that as the Board of Selectmen's official comment to the Zoning Board.
- 5.1 Review and sign payroll and bills payable warrants. GC moved to review and sign payroll and bills payable warrants outside of session. CS seconded. Unanimous.
- 2.5 8:00 Executive session pursuant to GL c. 30A, s. 21(a)(1) to discuss discipline or complaints or charges against an individual. GC moved to enter in to Executive session pursuant to GL c. 30A, s. 21(a)(1) to discuss discipline or complaints or charges against an individual and enter in to Executive Session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel, and will adjourn from executive session. CS seconded. CS aye; GC aye.
- 2.6 Executive Session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. Votes may be taken.

### III MEETING BUSINESS

- ~~3.7 Review and approve request of Recreation Commission Chairman Alice Kennedy to declare surplus the ramp to the Town Hall Annex at 274 Main Street. Votes may be taken.~~
- ~~3.8 Review and approve Chapter 90 final report and reimbursement request in the amount of \$29,900 for the pavement management program. Votes may be taken.~~
- ~~3.9 Review and approve Chapter 90 project request in the amount of \$32,000 to mill and resurface 1600 feet of Depot Street from the intersection of Elm Street to Main Street. Votes may be taken.~~
- ~~3.10 Review and approve Chapter 90 project request in the amount of \$69,000 to mill and resurface 1600 feet of Elm Street from the intersection of Main Street. Votes may be taken.~~
- ~~3.11 Review and approve application of Unutil to cross, alter, or construct within a Town way to install a gas service at 6 School Street. Votes may be taken.~~
- ~~3.12 Review and discuss Board of Selectmen and Town Administrator goals. Votes may be taken.~~

### IV APPOINTMENTS OF PERSONNEL/OFFICIALS

None

### V WORK SESSION

*Note: documents used or referenced during the meeting are available at [http://www.townsend.ma.us/Pages/TownsendMA\\_BOSAgenda/](http://www.townsend.ma.us/Pages/TownsendMA_BOSAgenda/) or in the Selectmen's Office.*

2.3

September 23, 2015

Gordon Clark, Chairman  
Townsend Board of Selectmen  
272 Main Street  
Townsend, MA 01469

Dear Chairman Clark,

Pursuant to M.G.L. Chapter 150E and 456 CMR 11.04 and 11.06 (5) this letter shall serve as a request for Townsend to voluntarily recognize AFSCME, Council 93 as the exclusive representative for the purpose of collective bargaining for all of the employees in the unit described below:

All regular, supervisory employees of the Town of Townsend to include the titles of:

Water Dept. Superintendent	Cemetery/Parks Superintendent
Treasurer/Collector	Principal Assessor
Town Accountant	Conservation Agent
Health Administrator	Co-Land Use Coordinator
Animal Control Officer	Council on Aging Director
Library Director	Building Commissioner
Highway Superintendent	Facilities Manager
Recreation Director	

Thank you for your consideration of this matter.

In Solidarity,

Jan-Michael DeMaio, Staff Representative

cc: Andrew Sheehan, Town Administrator

3.2

Inter Office

Memo

To: Board of Selectmen

From: Cemetery & Parks Commissioners

Re: September 14, 2015

Subject: Surplus equipment

At the September 14, 2015 Cemetery and Parks monthly meeting the Commissioners' voted to declare the following surplus equipment.

1. 1997 Green Ford Pick Up Truck.

Thank you.

*Raymond P. Boyes Sr.*  
*John B. Barrett*  
*Arthur V. Bouker*



# TOWNSEND FIRE-EMS DEPARTMENT

*Proudly serving the citizens of Townsend since 1875*

PO Box 530 – 13 Elm St.  
Townsend, MA 01469

33



**Mark R. Boynton**  
Chief of Department

**Headquarters: 978-597-8150**

**Fax: 978-597-2711**

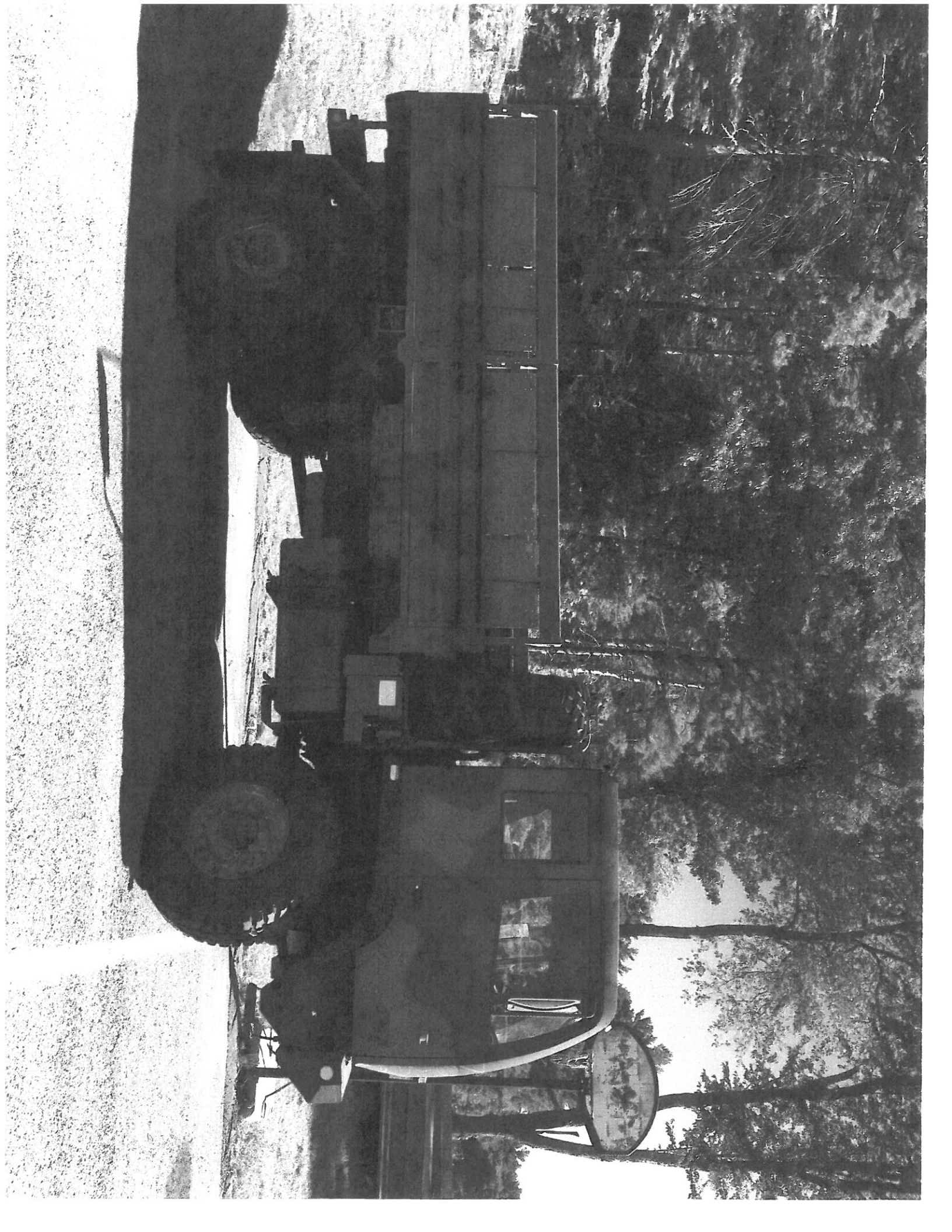
## MEMORANDUM

**To:** Andrew Sheehan, Town Administrator *MCR*  
**From:** Mark R. Boynton, Fire – EMS Chief  
**Subject:** Acceptance of Federal Excess Property  
**Date:** September 17, 2015

Townsend is home of two large tracks of state forest, for that reason the Fire Department has historically maintained a larger than normal fleet of forest fire apparatus at very little or no cost to the tax payers.

Currently we have three forestry trucks for fire protection two of which are military surplus. These two trucks are 1974 and 1978 military vehicles that were adapted for our use. One is currently in need of extensive repairs so it is our intent to return this vehicle to the program that gave it to us. The second vehicle is currently operational and we intend to hold on it until it needs repairs or we no longer have room to store it.

To replace the vehicle we are giving back I respectfully ask the Board of Selectmen to accept a 1996 Steward and Stevensen military truck from the Federal Excess Property program at no cost to the town. This vehicle will be outfitted with the forest fire equipment we currently have. Attached is a copy of the federal excess property form which indicated the vehicle title will remain with the federal government, when the vehicle is no longer functional for the town we must return it.



Date: 9/8/15 AG#: 0001664027 MDCR# 15-86

**FEDERAL EXCESS PROPERTY MULTI-PURPOSE TRANSFER FORM**

**COMMONWEALTH OF MASSACHUSETTS,  
DEPARTMENT OF CONSERVATION AND RECREATION,  
BUREAU OF FIRE CONTROL & FORESTRY**

This form will be used by State, City or Town Fire Departments when registering a Federal Excess Property (FEP) vehicle transferred under the Cooperative Forestry Assistance Act of 1978, section 7 (B) 3. The Fire Department registering the vehicle is enrolled in the Federal State "Pass Through Program".

The title to this vehicle remains with the Federal Government. When vehicle is no longer functional to the City, Town, or Commonwealth, vehicle shall be returned to the General Services Administration (GSA) via the Mass. FEPP Program Coordinator (see below).

\*\*\* Attention all Registry Title Officers: Please refer any questions to the Federal Excess Property Coordinator, within the DCR Bureau of Fire Control, Greg Whittier, Phone (413-253-1798 X 202), Fax (413 253 2239)

(This form is to be completed and signed by all appropriate persons and then copied to: City/Town Fire Dept. receiving FEP; DCR Dist. Warden within whose Dist. The FEP will be garaged; and DCR FEP Program Coordinator.)

TRANSFER  REGISTRATION  RETURN TO GSA  CITY/TOWN

TRANSFER FROM: Dist. # 6, Town: \_\_\_\_\_

TRANSFER TO: Dist. # 6, Town: Townsend FD

New Registration:  Plate Transfer:  Plate #: \_\_\_\_\_

Description of vehicle, including Manufacturer, Model and Type (i.e. 1986, Ford, F-200, Pickup Truck) Stewart & Stevenson Services Inc

LMTV M1078

COST (\$) 104,626.00 Odometer reading: 9269 Body Style (Van, etc.) Cargo

Year made 1996 # of Passengers 3 Doors 2 # of Cylinders 6 GVW 22770

VIN/Serial Number: AT3951BCLE

Color: \_\_\_\_\_ Transmission: Manual  Auto  Fuel Type: Gas  Diesel

Number of Axles 2 Wheels 4 Principally Garaged/Location: Townsend FD

Mary G. Whittier  
Person Completing Form

Mary Whittier  
Dist. Warden (where FEP)

Mark R. Ber...  
Fire Chief (City/Town receiving FEP)

FORM #FEPP (7/20/2010)

PAGE \_\_\_\_\_

3.4

Town of Townsend  
Highway Department  
PO Box 621  
177 Main St  
Townsend, MA 01469  
(978) 597-1712

Application for Permit  
To Cross, Alter and/or Construct Within a Town Way  
Townsend General Bylaws Article II, Section 13

Date: 9/1/2015

Town of Townsend  
Highway Superintendent  
PO Box 621  
Townsend, MA 01469

To Whom it May Concern:

The Undersigned, **Unitil Fitchburg Gas & Electric** hereby applies for permission to: \_\_\_\_\_  
Abandon gas Service at 8 Elm St

A \$100.00 permitting fee is now required with all applications.

Start Date: \_\_\_\_\_

Further, we agree that if the town has been disturbed, i.e., roadway, sidewalk, it will be returned to its original condition. When backfilling operations are required, it shall be constructed of successive layers not more than 1 foot in depth, uniformly distributed and each layer thoroughly compacted. The undersigned will notify the Highway Department when backfilling operations proceed. The Highway Superintendent or his/her Designee will be present during this operation.

Kelli Moore  
(Company Representative)  
285 John Fitch Hwy  
(Street Address)  
Fitchburg, MA 01420  
(City, State, Zip)  
978-353-3221  
(Telephone)

Approved/Disapproved: Highway Superintendent: [Signature] Date: 9.2.15  
Approved/Disapproved: Board of Selectmen: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Town of Townsend  
Highway Department  
PO Box 621  
177 Main St  
Townsend, MA 01469  
(978) 597-1712

Application for Permit  
To Cross, Alter and/or Construct Within a Town Way  
Townsend General Bylaws Article II, Section 13

Date: 9/11/2015

Town of Townsend  
Highway Superintendent  
PO Box 621  
Townsend, MA 01469

To Whom it May Concern:

The Undersigned, Unitil Fitchburg Gas & Electric hereby applies for permission to: \_\_\_\_\_  
Install Gas Service at 178 Fitchbrg Rd Lot 1

A \$100.00 permitting fee is now required with all applications.

Start Date: \_\_\_\_\_

Further, we agree that if the town has been disturbed, i.e., roadway, sidewalk, it will be returned to its original condition. When backfilling operations are required, it shall be constructed of successive layers not more than 1 foot in depth, uniformly distributed and each layer thoroughly compacted. The undersigned will notify the Highway Department when backfilling operations proceed. The Highway Superintendent or his/her Designee will be present during this operation.

Kelli Moore  
(Company Representative)  
285 John Fitch Hwy  
(Street Address)  
Fitchburg, MA 01420  
(City, State, Zip)  
978-353-3221  
(Telephone)

Approved/Disapproved: Highway Superintendent: \_\_\_\_\_  
Approved/Disapproved: Board of Selectmen: \_\_\_\_\_

*Erin A. Kelly*

Date: 9-14-15  
Date: \_\_\_\_\_

Town of Townsend  
Highway Department  
PO Box 621  
177 Main St  
Townsend, MA 01469  
(978) 597-1712

---

Application for Permit  
To Cross, Alter and/or Construct Within a Town Way  
Townsend General Bylaws Article II, Section 13

Date: 09/21/2015

Town of Townsend  
Highway Superintendent  
PO Box 621  
Townsend, MA 01469

To Whom it May Concern:

The Undersigned, **Unitil Fitchburg Gas & Electric** hereby applies for permission to: \_\_\_\_\_

Gas Service Installation 164 South Row Rd Townsend

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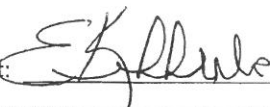
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A \$100.00 permitting fee is now required with all applications.

Start Date: \_\_\_\_\_

Further, we agree that if the town has been disturbed, i.e., roadway, sidewalk, it will be returned to its original condition. When backfilling operations are required, it shall be constructed of successive layers not more than 1 foot in depth, uniformly distributed and each layer thoroughly compacted. The undersigned will notify the Highway Department when backfilling operations proceed. The Highway Superintendent or his/her Designee will be present during this operation.

Kelli Moore  
(Company Representative)  
285 John Fitch Hwy  
(Street Address)  
Fitchburg, MA 01420  
(City, State, Zip)  
978-353-3221  
(Telephone)

Approved/Disapproved: Highway Superintendent:   
Approved/Disapproved: Board of Selectmen: \_\_\_\_\_

Date: 9/21/15  
Date: \_\_\_\_\_





Office of the  
BOARD OF SELECTMEN  
272 Main Street  
Townsend, Massachusetts 01469

3.5

Gordon Clark, *Chairman*

Andrew J. Sheehan,  
*Town Administrator*

Carolyn Smart, *Vice-Chairman*

Office (978) 597-1701  
Fax (978) 597-1719

September 3, 2015

Office of the Attorney General  
Division of Open Government  
Attn: Director  
One Ashburton Place  
Boston, MA 02108

RE: Response to Open Meeting Law Complaint -  
Complaint of Laura Doell v. Townsend Board of Selectmen

On September 11, 2015, the Townsend Board of Selectmen received an Open Meeting Law complaint filed by Laura Doell. Ms. Doell alleges that the Board of Selectmen violated the law on August 11, 2015 with the appointment of Michael Turgeon to the Conservation Commission. The Board denies that it violated the Open Meeting Law, but further notes that Mr. Turgeon's appointment was reconsidered at the Board's meeting of September 1, 2015, as detailed below.

Ms. Doell points out that the filling of a vacancy on the Conservation Commission was not on the agenda that was posted 48 hours before the August 11 meeting. It appears that there was some confusion as to whether the appointment would be ready for action on that date. Members of the Board were aware that the Conservation Commission had voted to recommend Mr. Turgeon to the Board of Selectmen and there was mention of the upcoming item at the Selectmen's July 28, 2015 meeting, but the Town Administrator was advised by the Conservation Agent that the recommendation would be contingent on Mr. Turgeon verifying that his private employment would not create a conflict of interest (as repeated in the complaint). Having received no confirmation from the Conservation Commission in this regard, the Town Administrator did not add the item to the agenda when it was posted on Friday, August 7 for the August 11 meeting. In addition, another Selectman was advised by a Conservation Commissioner that the recommendation was not conditional and that the Commission was eager to get the seat filled. The Board of Selectmen chairman (who has since resigned from the Board) contacted the Town Administrator on Monday, August 10 and directed him to add Mr. Turgeon's proposed appointment to the agenda. The Board then deliberated the appointment and voted to appoint Mr. Turgeon to the Commission.

The Board was not attempting to keep the public out of the discussion. At the time that the agenda was required to be posted [August 7], the Town Administrator and the Board chairman were under the impression that they were waiting to hear that Mr. Turgeon had provided certain information to the Commission. When the chairman was advised that the appointment could proceed, he asked the Administrator to add it as a late and unanticipated agenda item.

The Board hereby denies that it intentionally violated the Open Meeting Law as alleged. Notwithstanding this and in the interest of keeping the public informed and to address any perceived violation, the Board put the appointment of Mr. Turgeon on the September 1, 2015 agenda, reviewed the recommendation from the Conservation Commission, discussed his qualifications, and took another vote on whether to ratify his appointment. This allowed any interested member of the public to hear the Board's deliberations and vote.

There are other statements made in Ms. Doell's complaint that should be addressed. Mr. Turgeon is not a party to any pending Land Court case against the Conservation Commission. He is privately employed as a wetlands consultant, and as such he would need to be aware of the limitations of the Conflict of Interest Law. However, he is not barred by that Law from serving on the Commission; it is every Town officer or employee's personal responsibility to comply with Chapter 268A; and it is beyond the scope of this complaint and the Open Meeting Law to insist that Mr. Turgeon obtain something from the State Ethics Commission (not the Attorney General, as alleged). The Board respectfully suggests that the Attorney General has no jurisdiction over the Conflict of Interest Law.

The September 1, 2015 minutes, a copy of the complaint, and the Board of Selectmen's agenda for September 1, 2015 are enclosed.

Very truly yours,

Gordon Clark, Chairman  
Townsend Board of Selectmen

CC: Laura Doell



# OPEN MEETING LAW COMPLAINT FORM

Office of the Attorney General  
One Ashburton Place  
Boston, MA 02108

Please note that all fields are required unless otherwise noted.

## Your Contact Information:

First Name: Laura Last Name: Doell

Address: 66 Meadow Rd.

City: Townsend State: MA Zip Code: 01469

Phone Number: 978.257.3249 Ext. \_\_\_\_\_

Email: ladoell@gmail.com

Organization or Media Affiliation (if any): none

Are you filing the complaint in your capacity as an individual, representative of an organization, or media?

(For statistical purposes only)

Individual     Organization     Media

## Public Body that is the subject of this complaint:

City/Town     County     Regional/District     State

Name of Public Body (including city/town, county or region, if applicable): Board of Selectmen, Town of Townsend

Specific person(s), if any, you allege committed the violation: \_\_\_\_\_

Date of alleged violation: 8/11/15

## Description of alleged violation:

Describe the alleged violation that this complaint is about. If you believe the alleged violation was intentional, please say so and include the reasons supporting your belief.

Note: This text field has a maximum of 3000 characters.

On August 11, 2015 the Townsend Board of Selectmen appointed Mike Turgeon to the Townsend Conservation Commission. This item had been added to the agenda that day, so 48 hour notice was not given. This may have been done to prevent citizens from objecting to his appointment, as the minutes of the applicable Con. Com. meeting, held 8-11-15 show concern about Mr. Turgeon's involvement with a pending case in land court. This case concerns a Con. Comm. decision to enforce the 35-foot "no-disturb" buffer zone for a lot Mr. Turgeon had consulted on (K. Hill's lot on Boutelle Road). The Conservation Commission recommended Mr. Turgeon pending a review of his appointment by the A.G.'s office (later switched to Ethics Commission review). The vote to recommend him was not unanimous. Mr. Turgeon reported that he had communicated with the Ethics Commission & reported to Con. Com. Chair John Desoian only.

What action do you want the public body to take in response to your complaint?

Note: This text field has a maximum of 500 characters.

I want the Board of Selectmen to adhere to the Open Meeting laws, and to monitor Mr. Turgeon's participation in anything which relates to Ms Karen Hill's lot on Boutelle Rd. - including discussions about changes to current practice which would affect her lot - for possible violations of ethics rules.

## Review, sign, and submit your complaint

### I. Disclosure of Your Complaint.

**Public Record.** Under most circumstances, your complaint, and any documents submitted with your complaint, will be considered a public record and available to any member of the public upon request. In response to such a request, the AGO generally will not disclose your contact information.

### II. Consulting With a Private Attorney.

The AGO cannot give you legal advice and is not able to be your private attorney, but represents the public interest. If you have any questions concerning your individual legal rights or responsibilities you should contact a private attorney.

### III. Submit Your Complaint to the Public Body.

The complaint must be filed first with the public body. If you have any questions, please contact the Division of Open Government by calling (617) 963-2540 or by email to [openmeeting@state.ma.us](mailto:openmeeting@state.ma.us).

By signing below, I acknowledge that I have read and understood the provisions above and certify that the information I have provided is true and correct to the best of my knowledge.

Signed: \_\_\_\_\_

*Sarah Powell*

Date: \_\_\_\_\_

9/10/15

For Use By Public Body

For Use By AGO

Date Received by Public Body:

Date Received by AGO:



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**AGENDA**  
**SEPTEMBER 1, 2015, 6:00 P.M.**  
**SELECTMEN'S CHAMBERS, TOWN HALL**  
**272 MAIN STREET, TOWNSEND, MA**

**I PRELIMINARIES**

- 1.1 Call the meeting to order and roll call.
- 1.2 Pledge of Allegiance
- 1.3 Announce that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions:
- 1.5 Town Administrator updates and reports. Votes may be taken.
- 1.6 Board of Selectmen announcements, updates, and reports. Votes may be taken.
- 1.7 Meeting minutes:

**II APPOINTMENTS AND HEARINGS**

None

**III MEETING BUSINESS**

- 3.1 Discuss reorganization of Board of Selectmen. Votes may be taken.
- 3.2 Review draft response to Open Meeting Law complaint against the Board of Selectmen. Votes may be taken.
- 3.3 Review and approve request of Recreation Commission Chairman Alice Kennedy to declare surplus the ramp to the Town Hall Annex at 274 Main Street. Votes may be taken.
- 3.4 Review and approve Chapter 90 final report and reimbursement request in the amount of \$29,900 for the pavement management program. Votes may be taken.
- 3.5 Review and approve Chapter 90 project request in the amount of \$32,000 to mill and resurface 1600 feet of Depot Street from the intersection of Elm Street to Main Street. Votes may be taken.
- 3.6 Review and approve Chapter 90 project request in the amount of \$69,000 to mill and resurface 1600 feet of Elm Street from the intersection of Main Street. Votes may be taken.
- 3.7 Review and approve Chapter 90 project request in the amount of \$20,000 to crack seal 13,900 linear feet of roads on Reagan Road, Laurie Drive, Robyn Drive, Granite Road, Dix Street, Meadow Road, Horseshoe Drive, and Shirley Road. Votes may be taken.
- 3.8 Review and approve Chapter 90 project request in the amount of \$57,263 to reclaim and resurface 1,320 feet of Barker Hill Road from Turnpike Road to Dudley Road. Votes may be taken.
- 3.9 Review and approve Chapter 90 project request in the amount of \$30,653 to reclaim and resurface 800 feet of Linden Street. Votes may be taken.
- 3.10 Review and approve application of Unitil to cross, alter, or construct within a Town way to install a gas service at 18 Warren Road. Votes may be taken.
- 3.11 Review and approve application of Unitil to cross, alter, or construct within a Town way to install a gas service at 13 Elm Street. Votes may be taken.

- 3.12 Review and approve application of Unitil to cross, alter, or construct within a Town way to install a gas service at 6 School Street. Votes may be taken.
- 3.13 Review and discuss Board of Selectmen and Town Administrator goals. Votes may be taken.

**IV APPOINTMENTS OF PERSONNEL/OFFICIALS**

- 4.1 Discuss the recommendation of the Conservation Commission to appoint Michael Turgeon to the Conservation Commission and ratify the appointment made on August 11, 2015. Votes may be taken.

**V WORK SESSION**

- 5.1 Review and sign payroll and bills payable warrants. Votes may be taken.





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**MINUTES**  
**SEPTEMBER 1, 2015, 6:00 P.M.**  
**SELECTMEN'S CHAMBERS, TOWN HALL**  
**272 MAIN STREET, TOWNSEND, MA**

**I PRELIMINARIES**

- 1.1 Chairman called the meeting to order. Roll called showed Carolyn Smart, CS and Gordon Clark GC, present.
- 1.2 Pledge of Allegiance observed.
- 1.3 CS announced that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions: None
- 1.5 Town Administrator updates and reports:
  - Town Administrator, Andrew Sheehan (AS), reported that the gas pipeline coalition meeting was held at 272 Main Street in the Selectmen's Chambers on Monday August, 31, 2015. Discussed permits still being in process. Representative Harrington was present and said that a letter was being put together by herself and Representative Jones to FERC regarding the pipeline project.
  - Fire/EMS Committee will be at the next meeting to give an update on West Station. Residents are putting together a petition to modify the approval from the spring Town Meeting.
  - Next week's agenda will also contain an update regarding the route 119 sidewalk and bike trail.
  - AS said the Town Meeting on December 8 is late in the year and he may ask the Board to meet on the following Thursday (Dec. 10) to give the Department of Revenue time to set the tax rate.
- 1.6 Board of Selectmen announcements, updates, and reports:
  - GC asked if the September 8 meeting could be moved up to 5PM, AS and CS agreed to that time.
  - GC described his first four months as a member of the Board of Selectmen and thanked Jodie Deschenes, Executive Assistant to the Town Administrator, and AS for their help and guidance.
  - Several months ago, GC attended a class and found out about the Community Compacts that Townsend has applied for. AS filled out all the paperwork and the Lieutenant Governor Karyn Polito will be here Thursday, September 3 to sign the Compact.
  - Chief Boynton has instituted a policy in which the staff will man the front desk Monday through Friday to answer phone calls and schedule appointments as needed.
  - GC reported that the grounds look excellent and thanked Roger Rapoza, Cemetery and Parks Superintendent, and Mark Mercurio, Facilities Manager.
  - CS reported that she received a call from a resident about municipal aggregation for electricity. AS said that there is Town Meeting approval to pursue aggregation, but at the time of approval it was not that advantageous. AS will look in to issuing an RFP.
  - CS said that Highway Superintendent, Ed Kukkla received a memo from Baystate Roads from completing all training workshops and commended him for becoming a Roads Scholar.

- CS reported that the Police Chief has retired and the Town has posted for an Interim Chief. GC acknowledged Police Chief Erving Marshall Jr.'s 38 years of service to Townsend. CS suggested that GC work with AS to find an interim chief. GC moved to have GC and AS conduct interviews with all applicants on a date to be determined, possibly next Tuesday, and report back to the Board and make a determination. CS seconded. Unanimous.

1.7 Meeting minutes: None

## II APPOINTMENTS AND HEARINGS

None

## III MEETING BUSINESS

- 3.1 Discuss reorganization of Board of Selectmen. CS suggested that GC take the position of Chairman because of his public safety background and the need to hire a Police Chief. CS moved to name GC as Chairman of the Board of Selectmen. GC seconded. Unanimous.
- 3.2 Review draft response to Open Meeting Law complaint against the Board of Selectmen. Discussed AS's response to the Open Meeting Law complaint. AS reached out to Town Counsel for guidance. CS made a motion to approve the response to Open Meeting Law complaint against the Board of Selectmen pending review and changes by counsel and to sign outside of meeting. GC seconded. Unanimous.
- 3.3 Review and approve request of Recreation Commission Chairman Alice Kennedy to declare surplus the ramp to the Town Hall Annex at 274 Main Street. CS moved to declare surplus the ramp to the Town Hall Annex at 274 Main Street. GC seconded. Unanimous.
- 3.4 Review and approve Chapter 90 final report and reimbursement request in the amount of \$29,900 for the pavement management program. CS moved to approve Chapter 90 final report and reimbursement request in the amount of \$29,900 for the pavement management program. GC seconded. Unanimous.
- 3.5 Review and approve Chapter 90 project request in the amount of \$32,000 to mill and resurface 1600 feet of Depot Street from the intersection of Elm Street to Main Street. CS moved to approve Chapter 90 project request in the amount of \$32,000 to mill and resurface 1600 feet of Depot Street from the intersection of Elm Street to Main Street. GC seconded. Unanimous.
- 3.6 Review and approve Chapter 90 project request in the amount of \$69,000 to mill and resurface 1600 feet of Elm Street from the intersection of Main Street. CS moved to approve Chapter 90 project request in the amount of \$69,000 to mill and resurface 1600 feet of Elm Street from the intersection of Main Street. GC seconded. Unanimous.
- 3.7 Review and approve Chapter 90 project request in the amount of \$20,000 to crack seal 13,900 linear feet of roads on Reagan Road, Laurie Drive, Robyn Drive, Granite Road, Dix Street, Meadow Road, Horseshoe Drive, and Shirley Road. CS moved to approve Chapter 90 project request in the amount of \$20,000 to crack seal 13,900 linear feet of roads on Reagan Road, Laurie Drive, Robyn Drive, Granite Road, Dix Street, Meadow Road, Horseshoe Drive, and Shirley Road. GC seconded. Unanimous.
- 3.8 Review and approve Chapter 90 project request in the amount of \$57,263 to reclaim and resurface 1,320 feet of Barker Hill Road from Turnpike Road to Dudley Road. CS moved to approve Chapter 90 project request in the amount of \$57,263 to reclaim and resurface 1,320 feet of Barker Hill Road from Turnpike Road to Dudley Road. GC seconded. Unanimous.
- 3.9 Review and approve Chapter 90 project request in the amount of \$30,653 to reclaim and resurface 800 feet of Linden Street. CS moved to approve Chapter 90 project request in the amount of \$30,653 to reclaim and resurface 800 feet of Linden Street. GC seconded.
- 3.10 Review and approve application of Unutil to cross, alter, or construct within a Town way to install a gas service at 18 Warren Road. CS moved to approve application of Unutil to cross, alter, or construct within a Town way to install a gas service at 18 Warren Road. GC seconded. Unanimous

- 3.11 Review and approve application of Unitil to cross, alter, or construct within a Town way to install a gas service at 13 Elm Street. CS moved to review and approve the application of Unitil to cross, alter, or construct within a Town way to install a gas service at 13 Elm Street. GC seconded. Unanimous.
- 3.12 Review and approve application of Unitil to cross, alter, or construct within a Town way to install a gas service at 6 School Street. CS moved to approve application of Unitil to cross, alter, or construct within a Town way to install a gas service at 6 School Street. GC seconded. Unanimous.
- 3.13 Review and discuss Board of Selectmen and Town Administrator goals. AS recommended putting this item off until after the election and waiting for a three (3) member Board. Goals will still continue to be worked on. CS suggested setting up some work sessions in October or November to address some specific policies. This month's focus is on finding an Interim Police Chief and using salt this winter.

#### **IV APPOINTMENTS OF PERSONNEL/OFFICIALS**

- 4.1 Discuss the recommendation of the Conservation Commission to appoint Michael Turgeon to the Conservation Commission and ratify the appointment made on August 11, 2015. AS said this item relates to the Open Meeting Law complaint in item 3.2. Per counsel's advice, the Board put the appointment on the agenda to give the public an opportunity to discuss it. Laura Doell asked CS to clarify the statement she made at the last meeting that Michael Turgeon would be an acting member of the Conservation Commission because the Board of Selectmen approved it. CS clarified that the Board approved the Conservation Commission's request to appoint Michael Turgeon. Laura Dole stated her concern that the ethics question was not made public and that Michael Turgeon had previously worked for someone that is currently in litigation with the Town. CS read an email from counsel and does not think it is fair, in her opinion to keep bringing up the litigation. CS moved to confirm the appointment of Michael Turgeon for a term effective August 11, 2015 to June 30, 2016. GC seconded. Unanimous.

Alice Kennedy, the Recreation Commission Chairman, asked for clarification on the surplus of the ramp discussed in item 3.3. The Recreation Commission wants to be allowed to dispose of it to a willing person (and Eagle Scout) that will be able to repurpose the ramp. CS made a motion to allow the Chief of Procurement, AS, to dispose of the wood in a manner most advantageous to the people of Townsend. GC seconded. Unanimous.

#### **V WORK SESSION**

- 5.1 Review and sign payroll and bills payable warrants. CS moved to review and sign payroll and bills payable warrants outside of session. GC seconded. Unanimous.

CS moved to adjourn at 6:58PM. GC seconded. Unanimous.

*Note: documents used or referenced during the meeting are available at [http://www.townsend.ma.us/Pages/TownsendMA\\_BOSAgenda/](http://www.townsend.ma.us/Pages/TownsendMA_BOSAgenda/) or in the Selectmen's Office.*

## Andy Sheehan

---

**From:** Brian Riley <BRiley@k-plaw.com>  
**Sent:** Wednesday, September 16, 2015 10:38 AM  
**To:** 'Carolyn Smart'  
**Cc:** asheehan@townsend.ma.us  
**Subject:** RE: Message from KM\_224e

Hi, Carolyn - still catching up. Yes, I agree that Ms. Doell's complaint raises nothing new or different from Ms. Kell's complaint that you already responded to. The response can be virtually the same, including that the AG has no jurisdiction over the conflict of interest law. Any questions, let me know.

Brian W. Riley, Esq.  
Kopelman and Paige, P.C.  
101 Arch Street  
12th Floor  
Boston, MA 02110  
(617) 556-0007  
(617) 654-1735 (Fax)  
[briley@k-plaw.com](mailto:briley@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.

-----Original Message-----

**From:** Carolyn Smart [<mailto:csmart@townsend.ma.us>]  
**Sent:** Saturday, September 12, 2015 6:55 AM  
**To:** Brian Riley  
**Subject:** Fwd: Message from KM\_224e

Hi Brian, Just forwarding for your files, I believe we will be using basically the same response as the last complaint unless you have some better advice for us. We did re-confirm the appointment on Sept 1st, as we said we would do. The complainant was at the meeting and was allowed to speak for several minutes; apparently that was not satisfying as we received this complaint yesterday,

Carolyn  
>X-AVG: Scanning  
>To: [csmart@townsend.ma.us](mailto:csmart@townsend.ma.us)  
>Subject: Message from KM\_224e  
>From: [scanner@townsend.ma.us](mailto:scanner@townsend.ma.us)  
>Reply-To: [scanner@townsend.ma.us](mailto:scanner@townsend.ma.us)  
>X-Mailer: KONICA MINOLTA bizhub 224e  
>Date: Fri, 11 Sep 2015 11:51:35 -0500  
>X-Antivirus: AVG for E-mail 2015.0.6086 [4409/10619]  
>X-AVG-ID: ID6D61B72C-1E495D  
>  
>

3.6

**The Franz Waldo Miller Post No. 199, Incorporated,  
The American Legion, Department of Massachusetts**

**Certificate of Adjutant**

I, Richard E. Koivu, the duly appointed Adjutant of The Franz Waldo Miller Post No. 199, Incorporated, The American Legion, Department of Massachusetts, of Main Street, West Townsend, Massachusetts (the "Corporation"), hereby certify that:

1. I am the duly elected Adjutant of the Corporation.
2. Brian L. Borneman, the Vice Commander of the Corporation, and John Laitala, Finance Officer of the Corporation are authorized to convey real property held by the Corporation, and to take all actions as may be necessary and appropriate to carry out the foregoing.
3. The members of the Corporation voted on November 3, 2014, to authorize and empower the Vice Commander and Finance Officer to do all things necessary, on behalf of the Corporation, related to the conveyance of certain real property located on Main Street, West Townsend, Massachusetts, described in a deed dated April 1, 1947, recorded with the Middlesex South Registry of Deeds in Book 7135, Page 153, including, without limitation, execute and deliver deeds, closing documents, including, without limitation, any and all settlement statements, affidavits (including affidavits regarding mechanic's liens and parties in possession), tax forms, disclosure forms, and any other documents required of the closing attorney and/or title insurance company, to disburse all proceeds from the sale of said property, and to take all actions as may be necessary and appropriate to carry out the foregoing.
4. As of the date hereof, the aforementioned vote has not been rescinded or amended and is in effect on the date hereof.

Dated: September 21, 2015

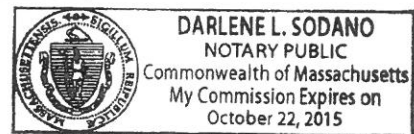
Richard E. Koivu  
Name: Richard E. Koivu  
Adjutant

**COMMONWEALTH OF MASSACHUSETTS**

Middlesex, ss.

On this 21st day of September, 2015, before me, the undersigned Notary Public, personally appeared Richard E. Koivu, Adjutant of The Franz Waldo Miller Post No. 199, Incorporated, The American Legion, Department of Massachusetts, proved to me through satisfactory evidence of identification, which was MA Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Darlene L. Sodano  
Notary Public  
My Commission Expires:



Please Return To:  
Katharine Lord Klein, Esq.  
Kopelman and Paige, P.C.  
101 Arch Street, 12<sup>th</sup> Floor  
Boston, MA 02110

## QUITCLAIM DEED

**THE FRANZ WALDO MILLER POST NO. 199, INCORPORATED, THE AMERICAN LEGION, DEPARTMENT OF MASSACHUSETTS**, a Massachusetts corporation, with an address of Main Street, West Townsend, Massachusetts 01474, for consideration paid of Eighty-Nine Thousand and 00/100 (\$89,000.00) Dollars, the receipt and sufficiency of which is hereby acknowledged, grants to the **TOWN OF TOWNSEND**, a Massachusetts municipal corporation, having an address of 272 Main Street, Townsend, Massachusetts 01469, with *Quitclaim Covenants*, a certain parcel of land, with the improvements situated thereon, in West Townsend, so-called, on the Southerly side of the County Road leading from Colburn's Store to Ashby, Massachusetts, now commonly known as the State Highway, in Middlesex County, Commonwealth of Massachusetts, described as follows:

Beginning at the Northeasterly corner of the premises on the Southerly side of said Road at a stake and stones at a corner of land late of Joel Kendall; thence

Westerly by the South line of said Road five (5) rods and five (5) feet to a stake and stones at a corner of land late of Dexter Dickinson; thence

South eight and one-quarter ( $8 \frac{1}{4}$ ) degrees West by land of said Dickinson nine (9) rods to a stake and stones; thence

South eighty-one and three-quarters ( $81 \frac{3}{4}$ ) degrees East by land of said Dickinson five (5) rods and five (5) feet to a stake and stones; thence

North eight and one-quarter ( $8 \frac{1}{4}$ ) degrees East by land of the late Joel Kendall nine (9) rods to the bound first-mentioned.

No deed stamp taxes are due on this conveyance pursuant to G.L. c.64D, §1.

The Town's Acceptance of Deed is attached hereto and incorporated herein.

The foregoing premises do not constitute all or substantially all of Grantor's assets in Massachusetts.

Property Location: Main Street, West Townsend, MA



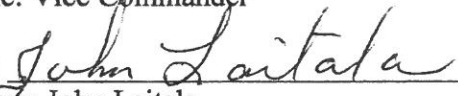
The foregoing premises are those conveyed by deed of The Franz Waldo Miller Post No. 199, The American Legion to the Grantor, dated April 1, 1947 and recorded with the Middlesex South Registry of Deeds in Book 7135, Page 153.

[Signature Page Follows]

Witness our hands and seals as of this 21st day of September, 2015.

THE FRANZ WALDO MILLER POST NO. 199,  
INCORPORATED,  
THE AMERICAN LEGION,  
DEPARTMENT OF MASSACHUSETTS

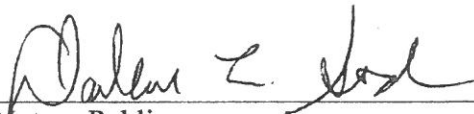
By:   
Name: Brian L. Borneman  
Title: Vice Commander

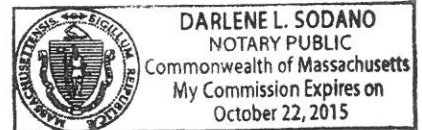
By:   
Name: John Laitala  
Title: Finance Officer

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 21st day of September, 2015, before me, the undersigned notary public, personally appeared Brian L. Borneman, proved to me through satisfactory evidence of identification, which was MA Drivers License, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as Vice Commander of The Franz Waldo Miller Post No. 199, Incorporated, The American Legion, Department of Massachusetts.

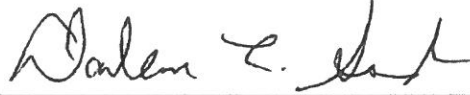
  
Notary Public  
My Commission Expires:



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 21st day of September, 2015, before me, the undersigned notary public, personally appeared John Laitala, proved to me through satisfactory evidence of identification, which was MA Drivers License, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose as Finance Officer of The Franz Waldo Miller Post No. 199, Incorporated, The American Legion, Department of Massachusetts.



Notary Public

My Commission Expires:



DARLENE L. SODANO  
NOTARY PUBLIC  
Commonwealth of Massachusetts  
My Commission Expires on  
October 22, 2015

ACCEPTANCE OF DEED

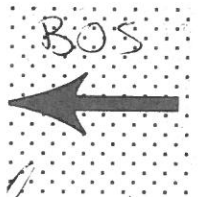
On this 29th day of September, the Town of Townsend, acting by through its Board of Selectmen, pursuant to the vote taken under Article 26 of the May 5, 2015 Annual Town Meeting, a certified copy of which is attached hereto, hereby accepts the foregoing deed from The Franz Waldo Miller Post No. 199, Incorporated, The American Legion, Department of Massachusetts.

TOWN OF TOWNSEND,  
By its Board of Selectmen

\_\_\_\_\_  
Gordon Clark

\_\_\_\_\_  
Carolyn Smart

\_\_\_\_\_



COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this 29th of September, 2015, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, member of the Townsend Board of Selectmen, as aforesaid, who proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Townsend.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

Title Insurance Affidavit

To: Owner/Buyer and \_\_\_\_\_ (“Title Insurance Company”)

Property Address: See Exhibit A for description of the Property

The undersigned Seller of the Property, does under oath depose and say that:

1. To the best of my knowledge, there is no person to whom a debt is due for labor or materials furnished in the erection, alteration, repair or removal of a building or structure upon said Property by virtue of an agreement with, or by the consent of the undersigned, or of a person having authority from or rightfully acting for the undersigned in performing or furnishing such labor or materials for work actually performed during the past 93 days, including the date hereof.

2. To the best of my knowledge, at the date hereof there are no tenants or other parties who are in possession or who have the right to be in possession of the Property.

3. To the best of my knowledge, neither the Property nor any use thereof is in violation of restrictive covenants, if any, affecting the Property.

4. To the best of my knowledge, all bills for municipal light plant service charges which could become liens have been paid.

5. No security interest which secures payment or the performance of any obligation has been given by the undersigned, or to the knowledge of the undersigned, in any personal property or fixtures placed upon or installed in the Property.

This Affidavit is made for the benefit of the Owner/Buyer and for the purpose of inducing the Title Insurance Company to issue an Owner’s Policy with respect to the Property.

Signed under the penalties of perjury as of the 21 day of September, 2015.

The Franz Waldo Miller Post No. 199, Incorporated,  
The American Legion, Department of Massachusetts

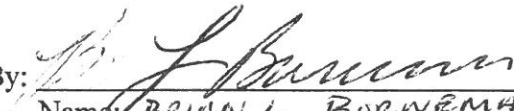
By:   
Name: BRIAN L BORNEMAN  
Title: VICE COMMANDER

Exhibit A

A certain parcel of land, with the improvements situated thereon, in West Townsend, so-called, on the Southerly side of the County Road leading from Colburn's Store to Ashby, Massachusetts, now commonly known as the State Highway, in Middlesex County, Commonwealth of Massachusetts, described as follows:

Beginning at the Northeasterly corner of the premises on the Southerly side of said Road at a stake and stones at a corner of land late of Joel Kendall; thence

Westerly by the South line of said Road five (5) rods and five (5) feet to a stake and stones at a corner of land late of Dexter Dickinson; thence

South eight and one-quarter ( $8 \frac{1}{4}$ ) degrees West by land of said Dickinson nine (9) rods to a stake and stones; thence

South eighty-one and three-quarters ( $81 \frac{3}{4}$ ) degrees East by land of said Dickinson five (5) rods and five (5) feet to a stake and stones; thence

North eight and one-quarter ( $8 \frac{1}{4}$ ) degrees East by land of the late Joel Kendall nine (9) rods to the bound first-mentioned.

The foregoing premises are those conveyed by deed of The Franz Waldo Miller Post No. 199, The American Legion to the Grantor, dated April 1, 1947 and recorded with the Middlesex South Registry of Deeds in Book 7135, Page 153.



**DISCLOSURE STATEMENT FOR  
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY  
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)**

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

(1) Real Property:

See Exhibit A.

(2) Type of Transaction, Agreement, or Document:

Sale to municipality.

(3) Public Agency Participating in Transaction:

Town of Townsend

(4) Disclosing Party's Name and Type of Entity (if not an individual):

The Franz Waldo Miller Post No. 199, Incorporated,  
The American Legion, Department of Massachusetts

(5) Role of Disclosing Party (Check appropriate role):

Lessor/Landlord  Lessee/Tenant

Seller/Grantor  Buyer/Grantee

Other (Please describe): \_\_\_\_\_

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME

BRIAN BORNEMAN

RESIDENCE

135 HIGHLAND ST  
TOWNSEND MA 01469

NAME

John Laitala

Richard E. Koivu

Robert Tumber

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RESIDENCE

29 FARMER RD FITCHBURG MA

120 BAYBERRY HILL RD TOWNSEND MA

364 MAIN ST TOWNSEND MA

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(7) None of the above- named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (insert "none" if none):

None

(8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

*No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.*

*Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.*

*The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.*

Exhibit A

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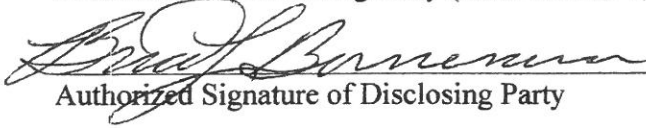
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(9) This Disclosure Statement is hereby signed under penalties of perjury.

\_\_\_\_\_  
Print Name of Disclosing Party (from Section 4, above)

  
Authorized Signature of Disclosing Party

\_\_\_\_\_  
Date (9/21/2015)

BRIAN L. BORNEMAN Vice Commander

\_\_\_\_\_  
Print Name & Title of Authorized Signer



Office of the  
BOARD OF SELECTMEN  
272 Main Street  
Townsend, Massachusetts 01469

3.7

Gordon Clark, *Chairman*

Carolyn Smart, *Vice-Chairman*

Andrew J. Sheehan,  
*Town Administrator*

Office (978) 597-1701  
Fax (978) 597-1719

September 29, 2015

Kimberly D. Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street NE Room 1 A  
Washington, DC 20426

Re: Tennessee Gas Pipeline Company, L.L.C., Docket No. PF14-22-000

Dear Secretary Bose:

As you are aware, five different projects are proposed that will almost double the amount of natural gas coming to New England. These projects are the Tennessee Gas/Kinder Morgan CT Expansion, Tennessee Gas/Kinder Morgan Northeast Energy Direct (NED), Spectra Atlantic Bridge, Spectra Access Northeast, and Portland Natural Gas C2C Project. We fear that these projects are redundant with each other and with existing projects that FERC previously determined were necessary but which are now underutilized.

We respectfully request that FERC combine the proposals from Kinder Morgan, Spectra Energy, Portland Natural Gas, and their various partners into one regional Environmental Impact Statement and one coordinated FERC process. This approach is consistent with the National Environmental Policy Act (NEPA). Added together, these proposals could almost double the gas supply to New England at a time when the federal Clean Power Plan (CPP) and the MA Global Warming Solutions Act (GWSA) are demanding that we greatly reduce our consumption of fossil fuels.

Kinder Morgan admits that other projects could meet the same needs as their proposed NED project. Kinder Morgan writes: "[Without] the proposed Project, other natural gas transmission companies will be required to increase their capacity and construct new facilities to meet the existing and growing demand for the additional transportation capacity. Such action will only result in the transference of environmental impacts from one project to another but will not eliminate such impacts in their entirety." (Resource Report 10 - Alternatives, July 2015, p. 10-2) Since Kinder Morgan acknowledges that the alleged need met by NED could be met by the competing projects, it makes sense that all the projects be analyzed together to see which one, if any, or which combinations of projects, would meet the demand while minimizing the impact to the environment and affected land owners.

On December 18, 2014, the Council on Environmental Quality (CEQ) issued guidance on the effective use of "programmatic" NEPA reviews. The guidance recommends agencies consider a



programmatic review when “making decisions on common elements or aspects of a series or suite of closely related projects” and as a way to “avoid ‘segmenting’ the overall program from subsequent individual actions and thereby avoid unreasonably constricting the scope of environmental review.” (December 2014 CEQ Guidance, p.15-16) Specific actions listed in the December guidance as appropriate for a programmatic NEPA review include those that FERC and other federal agencies are now considering for several pipeline projects in New England:

Approving Multiple Actions. Decision to proceed with multiple projects that are temporally or spatially connected and that will have a series of associated concurrent or subsequent decisions. Programmatic examples include:

- Several similar actions or projects in a region or nationwide (e.g., a large scale utility corridor project); or
- A suite of ongoing, proposed or reasonably foreseeable actions that share a common geography or timing, such as multiple activities within a defined boundary (i.e., Federal land or facility). (December 2014 CEQ Guidance, p.14)

The various pipeline proposals share a common geography and timing. All have potential impacts on a range of resources and involve many local, state and regional stakeholders. Together these projects total 2.66 Bcf/d of increased natural gas capacity. Adding the recently (March 2015) approved Spectra AIM project, the total reaches close to 3 Bcf/d of additional gas capacity into New England. If Kinder Morgan elects to revert back to the 2.2 Bcf/d NED project as originally proposed, the additional capacity will be close to 4 Bcf/d.

Clearly the capacity of all these projects taken together far exceeds any potential shortfall in even the most aggressive demand scenario. They are redundant and cannot cite the same “need” or be considered independently. These projects constitute alternative solutions to the same potential need and must be reviewed as such under NEPA.

A consolidated review will allow the various agencies an opportunity to “propose standard mitigation protocols and/or operating procedures in a programmatic NEPA review and thereby provide a framework and scope for the subsequent tiered analysis of environmental impacts.” (December 2014 CEQ Guidance, p. 23) As the December 2014 guidance document states: Programmatic NEPA reviews provide an opportunity for agencies to incorporate comprehensive mitigation planning, best management practices, and standard operating procedures, as well as monitoring strategies into the Federal policymaking process at a broad or strategic level. These analyses can promote sustainability and allow Federal agencies to advance the nation’s environmental policy as articulated in Section 101 of NEPA. (December 2014 CEQ Guidance, p. 35)

Furthermore, combining the projects in a programmatic review would foster an open and transparent process, not just for the potential environmental impacts, alternatives and mitigation measures, but also for the needs analysis critical to understanding and quantifying both the No Build alternative as well as various alternatives by different gas transmission companies.

The FERC NEPA review for these combined projects needs to determine:

- What amount of gas, if any, is needed to meet the threshold of public convenience and necessity which would most certainly result in easements across hundreds of private properties? Please keep in mind that two offshore LNG “energy bridge” terminals that FERC recently determined were absolutely “necessary” for New England now sit

essentially idle after the costs and environmental impacts associated with their construction have already occurred.

- What is the best way to meet any gas need while minimizing project impacts? This could be by choosing one particular project or parts of several different proposals that best meet the needs with the least impact.
- In assessing the needs of the electric generation market, the NEPA review should include the results of the study MA Attorney General Maura Healey is undertaking to determine electric reliability needs including what gas capacity we need for electricity generation through 2030. The results of that study, expected in October 2015, will show whether or not new pipeline capacity is needed to serve the electric generation market and if so, will properly define and dimension that need.
- In assessing the amount of the gas contracted through the various LDC proposals, the review should include an analysis of how much of the LDC demand is currently replacing expiring volumes already under contract? How much is for future demand? How much is to arbitrage?
- The No Action alternative should consider whether further investments by LDC's in repairing widespread and long-standing leaks in the distribution systems and providing increased incentives for people with older gas furnaces and appliances to upgrade to more efficient ones would negate the need for any new pipeline, while at the same time help met the state's obligation under the GWSA.
- The No Action alternative should address the feasibility of increased use of already constructed onshore and offshore LNG facilities to cover any shortfalls, which appear to be limited to a few days per year. FERC must contrast the relative environmental impacts of construction of pipelines to this alternative, given that the construction impacts associated with the LNG terminals have already occurred.
- The EIS for a regional gas transmission study should acknowledge the specific projects proposed in response to the New England Clean Energy Plan RFP (<http://cleanenergyrfp.com/>) and fully consider their timing and future presence in assessing the need for increased natural gas in evaluating the No Action Alternative. The No Action Alternative must also evaluate whether the import of 2400 MW of additional hydroelectric power by 2020 as proposed by Massachusetts Governor Charlie Baker fully meets or greatly reduces the need for the project in the No Action Alternative.
- The role of export in any proposed pipeline capacity expansion needs to be explicitly explained. People bearing the impacts and loss of property need to know where the gas is going. If export is identified as a “need” for increasing pipeline capacity to and through New England, an alternative that needs to be considered is serving the export market by sending gas on existing pipelines south to existing export facilities on the Gulf and Mid Atlantic Coasts.
- In comparing and contrasting the NED project and other natural gas transmission projects, the relative impacts of increased natural gas use on greenhouse gas emissions must be considered. The EIS should specifically address consistency with the federal CPP and MA GWSA. It should compare and contrast the proposed projects with increased reliance on renewable energy sources, increased efficiency incentives, gas savings from leak repairs, and other ways which may be more consistent with CPP and GWSA.
- If increased natural gas is primarily a bridge fuel as many of the project proponents are

claiming, then these projects should be considered only a potential temporary solution. The temporary nature of increased need, if in fact additional pipeline capacity is needed at all, must be taken into account in comparing the permanent loss of critical forested habitat associated with the projects to other short-term solutions, such as increased use of our currently underutilized LNG terminals using existing infrastructure.

In summary, we respectfully ask FERC to look at the larger picture of natural gas capacity in New England by combining the various proposals into a single, comprehensive NEPA review. This consolidated review will best allow FERC to fulfill its obligation to “use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans” as specified in Section 101 of the National Environmental Policy Act.

Thank you for the opportunity to comment and we look forward to your response.

Sincerely,

Gordon Clark, Chairman  
Townsend Board of Selectmen

cc: Senator Elizabeth Warren  
Senator Edward Markey  
Representative Niki Tsongas  
Representative James McGovern  
Governor Charles D. Baker  
Lt. Governor Karyn E. Polito  
Attorney General Maura Healey  
MA Senate President Stanley Rosenberg  
MA State Rep. Sheila Harrington  
MA State Sen. Jennifer Flanagan  
Christy Goldfuss, Managing Director, Council on Environmental Quality  
Matthew Beaton, MA Secretary of Energy and Environmental Affairs