



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

Gordon Clark, *Chairman*

Andrew J. Sheehan,
Town Administrator

Carolyn Smart, *Vice-Chairman*

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

AGENDA
OCTOBER 27, 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. Votes may be taken.
 - Open Session: October 20, 2015
 - Executive Session: August 25, 2015 session 1, August 25, 2015, session 2, September 15, 2015, session 1, September 15, 2015, session 2, September 29, 2015.

II APPOINTMENTS AND HEARINGS

- 2.1 6:10 Public Hearing: Unutil and Verizon, for a pole petition to locate one new joint-owned utility pole and relocate one existing joint-owned utility pole on Elm Street. Votes may be taken.
- 2.2 6:30 NMRSD Superintendent Joan Landers and School Committee member Will Hackler to discuss a representative for the NMRSD Facilities Committee. Votes may be taken.
- 2.3 6:45 Highway Superintendent Ed Kukkula to discuss Route 13 north, winter operations, and sidewalks and crosswalks. Votes may be taken.
- 2.4 7:00 Karen Hill, to address the Board regarding her public records requests. Votes may be taken.
- 2.5 7:15 Executive Sessions
 - 2.5.1 Executive Session pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining associated with the request for voluntary recognition of a new collective bargaining unit representing supervisory employees. Votes may be taken.
 - 2.5.2 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.

III MEETING BUSINESS

- 3.1 Consider request to install a streetlight on South Row Road at the intersection of Emery Road. Votes may be taken.
- 3.2 Review and discuss preliminary Special Town Meeting warrant and spending articles. Votes may be taken.
- 3.3 Update on Red Flag Reporting fraud prevention service and discuss who will receive notifications. Votes may be taken.
- 3.4 Discuss draft Selectmen's Policy on Use of Credit Cards. Votes may be taken.

- 3.5 Review and accept Recycling Dividends and Small Scale Initiative grants under the Sustainable Materials Recovery Program in the amount of \$3,950.
- 3.6 Review and approve one day liquor license for Michael Virostko for the Knights of Columbus Dinner to be held from 6-9PM, November 14, 2015. Votes may be taken.
- 3.7 Review and approve License for Frank Farese of the Lion's Club to sell Christmas Trees at the rear of the Town Common from November 27, 2015-December 24, 2015. Votes may be taken.
- 3.8 Review draft responses to Open Meeting Law complaints filed against the Board of Selectmen by Sue Lisio. Votes may be taken.
- 3.9 Review and discuss response to Open Meeting Law complaint filed against the Board of Selectmen by Sue Lisio. Votes may be taken.
- 3.10 Discuss closure of non-continuous Town offices to the public on November 27, 2015. Votes may be taken.
- 3.11 Vote to accept Massachusetts Cultural Council Grant and authorize the Town Administrator to sign grant documents. Votes may be taken.
- 3.12 Vote to sign warrant for Special Election to be held November 17, 2015. Votes may be taken.
- 3.13 Discuss Selectmen assignments. Votes may be taken.
- 3.14 Update on West Townsend Reading Room painting procurement. Votes may be taken.

IV APPOINTMENTS OF PERSONNEL/OFFICIALS

None

V WORK SESSION

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



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

1.7

Gordon Clark, *Chairman*

Andrew J. Sheehan,
Town Administrator

Carolyn Smart, *Vice-Chairman*

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

MINUTES
OCTOBER 20, 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 Announce that the meeting is being tape recorded.~~
- 1.4 Chairman's Additions or Deletions: Delete 2.3.2, 2.3.3
- 1.5 Town Administrator updates and reports: Town Administrator, Andrew Sheehan (AS), had no reports.
- 1.6 Board of Selectmen announcements, updates, and reports:
 - CS provided GC and AS with a Selectmen's Office policies and procedures booklet and a board and committee handbook for review, feedback, and discussion at a later date.
 - CS spoke to Eric Demas from Melanson & Heath regarding notifications for the red flag program. He suggested the Town Administrator and Town Accountant. CS wants to discuss whether a member of the Board of Selectmen should receive notifications. Will discuss at next meeting.
 - GC asked about approving closing Town Hall on the day after Thanksgiving. CS suggested closing the building to the public and leave it up to the Department Heads. Will discuss at next meeting.
 - GC is handling the water department issues and addressed a letter from the Chairman of Water Commissioners to the Board of Selectmen asking when the Superintendent would be put back on the on call rotation. GC said that once Counsel advises the Board will address the issue.
 - GC said that the mileage reports from Highway and Water take home vehicles were in the Board's mail and he requested that the mileage reports from Water specifically reflect commuting mileage, just like Highway.
 - GC said he spoke to a representative of the Division of Open Government regarding the Open Meeting Law complaints against the Board.
- 1.7 Approval of meeting minutes:
 - Open Session: September 8, 2015, September 15, 2015, September 29, 2015, October 6, 2015, and October 13, 2015. CS moved to approve meeting minutes from September 8, 2015, September 15, 2015, September 29, 2015, October 6, 2015, and October 13, 2015. GC seconded. Unanimous.
 - Executive Session: September 15, 2015, session 1, September 15, 2015, session 2, September 29, 2015. Tabled until October 27, 2015 meeting.

II APPOINTMENTS AND HEARINGS

- 2.1 6:00 Executive Sessions

- 2.1.1 Executive session pursuant to GL c. 30A, s. 21(a)(1) to discuss complaints or charges against public officials or individuals. Deborah Kristoff, Treasurer/Tax Collector, (DK), was notified of the Executive session and requested that this item be held in open session. GC explained that the Board is going to extend DK's probationary period for another 90 days and that this was not a disciplinary action, but there are a lot of ongoing issues. GC said that DK works extremely hard. CS said that she met with DK a few days ago about extending the probation on Town Counsel's recommendation. DK said that there has been a great deal of transition that she had to deal with, the support staff had not received as much training as she thought so she has had to take the time to train them on Vadar software. DK objected to the extension of her probationary period as she is a financial officer and is bonded. DK said if the Board is not satisfied with her work, write warnings that lead to termination. GC said that the extension was not about termination, acknowledged training staff is time consuming, but he had to be fair to the citizens and is working for the people. He said he received employee complaints that needed to be addressed. GC believes that in 3 months DK will be in a good place. DK asked about complaints, but GC stopped the conversation and said that DK would need to talk to CS about the complaints in private. DK said that she has asked for the complaints and has not been provided with them. Cindy King (CK), Finance Committee Chair, said the agenda refers to complaints, but and now the Board is not addressing those complaints. CS said that labor counsel advised the Board on how to proceed with this executive session. CK said that she has met with DK and the Town Accountant, and due to the many changes in the Treasurer/Collector office as well as the software changes, there are valid reasons DK is behind on cash reconciliation. The auditors commended DK's abilities. CK said that if DK quits, the Town will be in big trouble. GC said that the probation would remain as there are too many unknowns and things have not gone the way they should, but does not want to talk about DK leaving. CS said that she has full confidence in DK's abilities. CK asked what question was posed to Town Counsel that led to the extension of DK's probationary period; did counsel recommend extending the probationary period or was the question simply can it be extended? GC said that he will not get in to specifics as legal counsel's opinion is privileged information. Veronica Kell said that she was in attendance because she usually watches the meeting on TV, but since this was not televised, she came in person. She asked if CS has full confidence in DK what is to be gained from the probationary period extension. GC said that he thought this meeting would be in executive session and that the access coordinator had a conflicting assignment, so the meeting would not need to be televised. GC said extending the probationary period is not about casting judgment but there are many unanswered questions, and that this was standard administrative procedure on the advice of legal counsel. Paul Rafuse, Water Supervisor, said that DK inherited a mess, as well as a lot of changes and restructuring in that department, which were hurdles that DK had to deal with, and asked the Board to support their employees and drop the probationary period. GC said that this decision to extend the probation was based on the needs of the people, and that GC does support DK; the extension was not disciplinary nor a reflection of DK's work, but things are not where they should be and this issue should have been discussed in executive session so no one would know about the probation extension. DK said that she takes offense to the probation and does not accept it. GC said he serves the people and the people's questions are unanswered. DK repeated that she would answer any and all questions that are posed to her. She is a certified Treasurer and a certified Collector with 21 years of experience and she is governed by Mass Law. GC said that this was not meant to be offensive but there are questions as to what is going on. DK repeated that she will answer any questions. GC said that this was an administrative decision and is not convinced that everything is answered. CS said that 3 years ago, the Town had a material weakness and the Town is back in the same position, which is why the extended probation is necessary, even though CS believes DK to be capable and intelligent. CS said that she will provide DK with the employee complaints. DK said that in regards to employee issues there is one outstanding issue that is beyond her control and predates her; furthermore the auditors

were happy with the way DK handled audit. CS moved to extend DK's probationary period for 90 days. GC seconded. Unanimous. DK asked what the next step would be if she refused to work under these conditions. GC said that he will not facilitate that request and that he answers to the people. DK said she answers to the people as well.

- ~~2.3.2 Executive Session pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining associated with the request for voluntary recognition of a new collective bargaining unit representing supervisory employees. Votes may be taken.~~
- ~~2.3.3 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.~~

III MEETING BUSINESS

- 3.1 Review and discuss response to the Open Meeting Law complaints filed against the Board of Selectmen by Sue Lisio. CS said that legal counsel, Brian Riley drafted a response to the complaints and sent it via email. CS moved to approve the response provided by Brian Riley in response to the Open Meeting Law complaint filed against the Board of Selectmen by Sue Lisio. GC seconded. Unanimous. CS discussed the complaint which indicated that specification was required when entering into an executive session to discuss union negotiations. The response acknowledges the issue and the Board will be more careful going forward. GC advised AS to update agendas accordingly. AS said that he would, but also the Board has final say of the agenda and asked that edits be brought to his attention if necessary. AS asked if individuals should be named in executive session involving complaints or charges. CS said that is not necessary. CS moved to consider the outline town counsel provided on an email dated 10/20/2015 from Brian Riley. GC seconded. Unanimous.

IV APPOINTMENTS OF PERSONNEL/OFFICIALS

- 4.1 Appoint Fire-EMS Chief Mark Boynton, Town Administrator Andrew Sheehan, and Boxborough Police Chief Warren Ryder to the Police Chief Screening Committee with terms from October 21, 2015 until the completion of the Committee's charge. CS moved to Appoint Fire-EMS Chief Mark Boynton, Town Administrator Andrew Sheehan, and Boxborough Police Chief Warren Ryder to the Police Chief Screening Committee with terms effective October 21, 2015 until the completion of the Committee's charge. GC seconded. Unanimous. GC asked AS to notify Robert Pomeroy of BadgeQuest that the Committee had been formed. AS said that BadgeQuest has requested a salary amount from the Board for the new Police Chief to start advertising for such. The Board discussed pay ranges of \$95,000-\$105,000 with an educational incentive. AS said that because of Chief Marshall's buyout, a supplemental appropriation may be required to cover the cost of the recruitment and the new Chief's salary. GC suggested a range from \$95,000-\$125,000. CS moved that the salary range would be \$95,000-\$125,000 subject to on feedback from BadgeQuest. GC seconded. Unanimous. Karen Chapman asked why items 2.3.2 and 2.3.3 had been removed from the agenda. CS said that Counsel was to attend the meeting but was ill and unable to attend.

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 7:01PM. GC seconded. Unanimous.

Note: documents used or referenced during the meeting are available at http://www.townsend.ma.us/Pages/TownsendMA_BOSAgenda/ or in the Selectmen's Office.



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

2.1

Gordon Clark, *Chairman*
Andrew J. Sheehan,
Town Administrator

Carolyn Smart, *Vice-Chairman*
Office (978) 597-1701
Fax (978) 597-1719

LEGAL NOTICE
TOWN OF TOWNSEND

The Board of Selectmen will conduct a Public Hearing on Tuesday, October 27, 2015, at 6:10 PM in the Selectmen's Meeting Chambers, 272 Main Street, Townsend, MA. The purpose of this hearing is to consider the petition of Unitil and Verizon New England Inc., companies duly incorporated for the transmission of electricity for lighting, heating and power, and intelligence and telecommunications respectively, for permission to construct and use a line for such transmission, with the poles and other fixtures necessary to sustain and protect its wires, upon and along the public ways in said Town as follows:

ELM STREET – on the westerly sideline, place new JO Pole No. T.4 1/2/E.4 1/2 approximately 150 feet southerly from the center line of Jefts Street, then on the westerly sideline relocate JO Pole No. T.5/E.5 approximately 172 feet southerly from the center line of Jefts Street. 1 JO Pole to be placed and 1 JO Pole to be relocated.

And to this end your Honorable Board is hereby requested, after due notice and a hearing as provided by law, to grant to your petitioner, and its successors and assigns, a location for such line agreeably to the provisions of Chapter 166 of the General Laws and of all acts in amendment thereof, to grant said companies, their respective successors and assigns, joint or identical locations for such lines the poles erected thereon to be owned and used by them in common.

Also for permission to place and maintain underground laterals, manholes, handholds, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes in Article XI Section 22, clause 62 of Section 34 of Chapter 262 of the Town of Townsend by-laws.

It is suggested that the pole be located substantially as shown on a plan filed herewith marked "Verizon New England Inc. and Fitchburg Gas and Electric Light Company d/b/a Unitil, Proposed Poles on Elm Street, VX N.E. Inc. Plan No. 4AOC6RE," dated 9/23/15.

All citizens are encouraged to present verbal or written comments prior to or during the hearing.

THE BOARD OF SELECTMEN

Gordon Clark, Chairman
Carolyn Smart, Vice Chairman



Rec'd 8/17/15

2.4

The Commonwealth of Massachusetts
William Francis Galvin, Secretary of the Commonwealth
Public Records Division

Shawn A. Williams
Supervisor of Records

July 31, 2015
SPR15/296

Mr. Andrew J. Sheehan
Town Administrator
Town of Townsend
227 Main Street
Townsend, MA 01469

Dear Mr. Sheehan:

I have received the petition of Karen Hill appealing the response of the Office of the Board of Selectmen (Board) of the Town of Townsend (Town) to her requests for public records. G. L. c. 66 § 10(b); 950 C.M.R. 32.08(2). Specifically, Ms. Hill requested copies of emails for the Town's Conservation Agent and for both the Town's Conservation Commission (Commission) Chairman and its Land-Use Coordinator from January 1, 2011 to the present. Upon receiving a fee estimate in response to this request Ms. Hill appealed to this office. In particular, Ms. Hill objects to the hourly rate of the persons reviewing responsive records, believing an employee from another department, paid a lower hourly rate could perform the task of records review. Ms. Hill also objects to the lack of a timeline in the Board's response to her request.

It appears that Ms. Hill has requested these records on numerous occasions, as recently as May 21, 2015. The Board issued at least two fee estimates in response to these requests. The estimate dated April 1, 2015 was prepared in response to a March 24, 2015 request by Ms. Hill that was not provided to this office by Ms. Hill. The April 1 response by the Board is the subject of this appeal. Ms. Hill did not provide a copy of the March 24 request with her petition for appeal. Ms. Hill is advised that to avoid delays a requester must submit a copy of a request for public records along with a petition for appeal. 950 C.M.R. 32.08(2). Whereas several other similar requests, dated April 8 and May 21, 2015 were provided, I will commence review.

Fees

Ms. Hill objected to the hourly rate proposed by the Board for the subjects of the responsive records to review those records once recovered by the Town's Information Technology vendor. Ms. Hill concedes that, while "these employees are the only ones in their respective departments, they are not the lowest paid employee capable of performing the task.

There is an employee at the water department who is paid \$16.00+, who also is currently serving as a Town Selectman.” A review of the statutory and regulatory provisions regarding fees for public records is therefore in order.

A custodian of records may assess a reasonable fee for complying with a request for public records. G. L. c. 66, § 10(a); 950 C.M.R. 32.06(2). Absent specific statutory authority to the contrary, the fees to be charged for complying with requests for public records are established by the Public Records Access Regulations (Regulations). 950 C.M.R. 32.06. The Regulations define “search time” as the time needed to locate, pull from the file, copy and re-file public records, and “segregation time” as the time used to review and redact data that is exempt from non-exempt material. 950 C.M.R. 32.03. The search and segregation fees must reflect the actual cost of complying with a particular request. G. L. c. 66, § 10(a).

Ms. Hill has suggested that such review be conducted by a clerk in the Town’s Water Department. The Regulations provide that in cases where search and segregation time is necessary a custodian of records may charge a pro-rated fee based on the hourly rate of the lowest paid employee who is *capable* of performing the task in the department where the records are normally retained. 950 C.M.R. 32.06(1)(c). The requested records are records of the Conservation Department, not the Water Department.

You explained to a member of my legal staff that the Commission staff consists of two employees, namely the persons who are subject of the responsive records. You further explained that these two employees have the superior knowledge of the subject-matter of the records of the Commission and are therefore the only persons capable of reviewing the responsive records. Upon review, I find the Board’s fee estimate with respect to the persons capable to perform the task of review is appropriate and in compliance with the Regulations.

Timeline for providing responsive records

The Board provided a fee estimate indicating the number of hours required to search for and segregate the responsive records. The Board is permitted to obtain payment for provision of responsive records prior to commencing work to retrieve those records. Once an estimated fee is paid, the records must be provided within a reasonable time. Globe Newspaper Co. v. Commissioner of Education, 439 Mass. 124 (2003). Accordingly, I find the Board’s response with respect to timelines of provision of records to be reasonable.

Conclusion

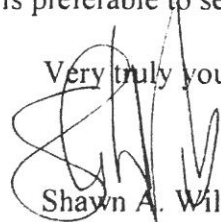
I find the Board has provided Ms. Hill with a fee estimate that was prepared in compliance with the Regulations. Once the estimated fees are paid by Ms. Hill the Board must provide the responsive records within a reasonable time. If the Board maintains that any portion of the responsive records is exempt from disclosure it must provide Ms. Hill a written explanation, *with specificity*, how a particular exemption applies to each record. To meet the

Mr. Andrew J. Sheehan
Page Three
July 31, 2015

SPR15/296

specificity requirement a custodian must not only cite an exemption, but must also state why the exemption applies to the withheld or redacted portion of the responsive record. A copy of any such response must be provided to this office. It is preferable to send an electronic copy of this response to this office at pre@sec.state.ma.us.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Shawn A. Williams', is written over the typed name below.

Shawn A. Williams
Supervisor of Records

cc: Ms. Karen Hill

Andy Sheehan

From: Brian Riley <BRiley@k-plaw.com>
Sent: Thursday, July 30, 2015 11:38 AM
To: 'Andy Sheehan'
Subject: RE: Public records request

Hi, Andy. As far as the Public Records Law itself goes, this does not change my opinion. It is the "custodian" of the requested records that is supposed to handle the response. That being said, the custodian is required to comply with the law and regulations in responding – it makes no difference who the requester is or what the purpose of the request might be. One does not need a reason to make a records request, and the custodian is prohibited from asking why the request is being made. 950 CMR 32.05(5). And all responsive records must be produced, unless there is a clear exemption that applies. The failure of a custodian to comply with the law can lead to administrative orders from the Supervisor of Public records or even court orders sought by the Attorney General.

If you are concerned that the appropriate records custodian in this instance cannot, or will not, comply with this request in accordance with the law, however, in my opinion, you could designate some other appropriate individual to perform the search and production of records. Whoever does this, the Town cannot assess search and segregation costs higher than the "lowest paid employee capable of performing that task." For example, if there is a custodian making \$15 per hour that is capable but someone else making \$20 per hour ends up doing the work, the Town should only charge \$15 per hour. My point in the previous opinion was that a requester submits a records request to the proper custodian and does not get to choose who does the work. If that change is made by you as Town Administrator to get the response done, however, I do not see a problem with that.

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

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.

From: Andy Sheehan [mailto:asheehan@townsend.ma.us]
Sent: Tuesday, July 28, 2015 9:06 PM
To: Brian Riley
Subject: RE: Public records request

Brian,

A quick follow-up to this. There is some tension between the requester and one of the employees whose emails are requested. The employee indicated in public that she feels the records request is part of a witch hunt. Does this disqualify her or change your opinion that she is the appropriate records custodian? Thanks.

Andy

From: Brian Riley [mailto:BRiley@k-plaw.com]
Sent: Monday, July 13, 2015 9:41 PM
To: 'Andy Sheehan' <asheehan@townsend.ma.us>
Subject: RE: Public records request

Andy: I am writing in response to your email below. In my opinion, it is the responsibility of the appropriate records custodian to not only respond to the request but to conduct the search and segregation of the responsive records as well. While the Town is obligated to find the "lowest paid employee capable of performing the task," it is not reasonable for a requester to insist that someone outside the custodian's department do the work.

The Supervisor of Public Records' "Guide to the Public Records Law" has multiple references to the records custodian using his or her "superior knowledge" of the records to identify the responsive records as well as the search, segregation and production of the records. A "custodian" is defined as "the governmental officer or employee who in the normal course of his or her duties has access to or control of public records." 950 CMR 32.03. There is no support in the Law or the applicable regulations, in my opinion, for a person without that "superior knowledge" to perform those duties. As long as the "lowest paid" officer or employee is performing the tasks, the Town's response and estimate is valid and consistent with its obligations.

My response to your questions below is as follows:

- 1) The Board of Selectmen has no role in this matter; the Conservation and Land Use departments have complied with their obligation to respond and the Secretary's office already has the appeal.
- 2) As noted, the appropriate response is for the lowest paid employee that is either the "records custodian" or someone else in the custodian's office or department (i.e., those with "superior knowledge" of the records) to perform the location, search and segregation of the records.

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

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.

From: Andy Sheehan [mailto:asheehan@townsend.ma.us]
Sent: Wednesday, July 01, 2015 2:00 PM
To: Brian Riley
Subject: Public records request

Brian,

Karen Hill, owner of property in Townsend, has filed numerous public records requests. Her earliest requests were made on July 7, 2014. Ms. Hill initially requested all emails from January 1, 2009 to present to or from Conservation Agent Leslie Gabrijska and all emails from January 1, 2009 to present to or from Land Use Coordinator and former Conservation Commission chairman Karen Chapman. Ms. Hill amended the time period and now requests all emails from January 1, 2011 to present to or from Conservation Agent Leslie Gabrijska and Land Use Coordinator and former Conservation Commission chairman Karen Chapman. We estimate there to be more than 10,000 emails. Ms. Gabrijska and Ms. Chapman are the only employees in their respective departments and each is paid the same hourly rate. I previously responded to Ms. Hill and to Shawn Williams, Supervisor of Records, with a cost estimate to provide the records. See attached. You may recall that Ms. Hill has an outstanding appeal with the Conservation Commission over a development proposal that the Commission denied. Atty. Goldrosen has been handling the appeal on the Town's behalf.

Recently, Ms. Hill appealed directly to the Board of Selectmen for assistance. Ms. Hill has asked that a lower paid employee be designated to review the emails for exempt information. She initially identified either Selectman Carolyn Smart, the Town Clerk's Office, or the Technology Department. Selectman Smart removed herself from consideration, the Town Clerk's Office employee was later identified as the Assistant Town Clerk. The Town outsources its technology support and the vendor's rate is substantially more than the employees in question.

The Board of Selectmen discussed the issue at length on June 23, 2015. I advised that the appeal process under the statute is through the Secretary of State's Office and that process should be allowed to play out. I also advised that only Ms. Gabrijska and Ms. Chapman have the knowledge to be able to identify exempt material and protect the Town's interests, including but not limited to the Town's interest in the litigation with Ms. Hill.

The Board asked me to reach out to you for guidance and direction in this regard. Specific questions were not posed; however I believe it boils down to two essential questions:

1. Should the Board involve itself in this matter or should it leave it to the Secretary of State's Office?
2. If the Board gets involved, do you have an opinion on the Board delegating the review for exempt material to an employee such as the Assistant Town Clerk?

The Board has tabled this item until July 14, 2015. An answer in advance of the 14th is appreciated. Thank you.

Andy

Andrew J. Sheehan
Town Administrator
Town of Townsend
Townsend, MA 01469
978-597-1700 x1701
Fax: 978-597-1719
asheehan@townsend.ma.us

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2015.0.6086 / Virus Database: 4392/9835 - Release Date: 07/30/15



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

3.2

Gordon Clark, *Chairman*


Carolyn Smart, *Vice-Chairman*

Andrew J. Sheehan,
Town Administrator

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

MEMORANDUM

TO: Board of Selectmen
Finance Committee

FROM: Andrew J. Sheehan, Town Administrator 

DATE: October 23, 2015

SUBJ.: Special Town Meeting, December 8, 2015
Preliminary Warrant and Spending Articles

The Board of Selectmen tentatively set December 8, 2015 as the date for the Special Town Meeting. In anticipation of that I have prepared a draft Warrant and spreadsheet of the spending articles. I bring this forward now so that a number of policy decisions can be made over the coming weeks as we approach the Town Meeting.

As you will recall, several of the spending articles on the May 2015 Annual Town Meeting were passed over and deferred until the Fall Special Town Meeting. The primary reason for this was the large snow and ice deficit of approximately \$325,000 as a result of last winter's historic snowfall and extended freeze. As I will explain in more detail at Tuesday's meeting Town Accountant Terry Walsh has identified some funds that can be repurposed to pay down much of the remaining snow and ice deficit. We will also receive some FEMA reimbursement which will be applied to the snow and ice deficit. The remaining amount - about \$43,500 - can be paid off out of available funds or amortized and carried over to FY17. This is one of the items that will need Board action.

The question of how we pay for these expenditures is obviously of great interest. As has been well documented, we do not have free cash. Most years we get certified free cash during the second half of October. This year will be a little later, but I do not expect it to interfere with the Special Town Meeting. The Town's retirement assessment from the county retirement system came in \$67,477 less than budgeted. These funds are available to supplement other areas of the budget. The accompanying spreadsheet reflects the most current numbers. However, I must make clear that the sources of funds are only

potential sources and the entire approach to Town Meeting should be discussed in depth.

A number of departments have requested supplemental funds in FY16. At this time, they are consolidated in a single article (#4); however, if the Board prefers these can be broken out into separate articles. These include:

- Town Accountant, for additional hours and contracted services for capital asset management;
- Legal services, to fund an anticipated budget shortfall;
- Treasurer-Collector, for temporary consulting services until a new Treasurer-Collector is hired and for another Collector audit;
- Town Clerk, for the costs of the special election.
- Facilities, to fund contractual obligations;
- Police Department, to fund the separation agreement with Chief Marshall and pay for the recruitment of a new Chief;
- Fire Department, for additional funds associated with the temporary quarters and the move back to the new headquarters station;
- Property, casualty, and liability insurance, to make up for underfunding the budget;

I suggest the Board meet with the departments jointly with the Finance Committee to get further detail on these requests.

As usual, we also have a number of standalone appropriation articles. Several of these are articles we see every year and some of them are onetime requests based on current needs. These include prior year bills, transfers to stabilization and capital stabilization, additional hours at the Library and Senior Center, legal and consulting costs for the gas pipeline, paying down debt, paying down snow and ice deficit, supplementing the recycling center revolving account, supplementing the Conservation Commission's land fund, employee training, funding road improvements, an appropriation to fund a grant, and funding for mailbox replacements. Most of these are fairly simple and can be more easily explained at Tuesday's meeting. Not all of them appear to be critical and the Board may decide to defer action on some.

I also wish to remind the Board of some prior discussions as well as plant some seeds for future consideration:

- Town Accountant: In consultation with Terry Walsh I recommend that the Board be prepared to budget the Town Accountant for 37.5 hours/week in FY17. This is expected to coincide with the recruitment for a new Accountant. The Town's reliance on a part time Accountant is insufficient for the complexities and demands of the position. I also recommend additional hours for the Department Assistant in Accounting;
- Selectmen's Office: I recommend that the hours of the Executive Assistant to the Town Administrator be increased to 37.5 in FY17. The normal demands of the office combined with the more frequent meeting schedule make it very challenging to keep up with the workload;

- Human Resources: The Town should budget for a Human Resources professional in FY17. An increasing amount of time is expended on HR/personnel matters and we lack the time and capacity to adequately deal with it. As laws and issues become more complex and as more of our workforce unionizes the HR demands will invariably increase. A full time HR position is not necessary at this time and we may be able to partner with another entity to share these costs;
- The Town's contract for information technology support services with REA, Inc. is for one year. The Board should revisit the means by which we manage our information technology and decide if an outsourced approach is still the best way to manage our IT system.

I look forward to discussing these in more depth at the meeting.

12/8/2015
Special Town Meeting
Summary of Spending Articles

10/23/2015

Draft for discussion purposes

Article #	Dept. #	Approp. Amount	Funding Source					Description
			Free Cash	Raise/Approp.	Transfer	Stabilization	Capital Stab.	
1		-						Prior fiscal year bills
2		-						Transfer to Stabilization Fund
3		200,000						Transfer to Capital Stabilization Fund
4		206,997						Supplements to the FY16 operating budget
	135				7,000			Town Accountant: additional hours to transition to successor *
	135				2,900			Town Accountant: additional funds to retain Melanson Heath to update and maintain the Town's capital asset database
	151		60,000					Legal: additional funds to cover expected shortfall
	146		23,000					Treasurer-Collector: additional funds for temp consultant until permanent Treasurer-Collector is hired and funds for a Collector audit
	155							MIS: technology upgrades/investments
	162		6,000					Elections: additional funds for special election
	191				3,136			Facilities: additional funds for mileage stipend
	210		26,961					Police: additional funds to offset the buyout of Chief Marshall
	210		22,000					Police: additional funds for Police Chief recruitment
	220		36,000					Fire-EMS: additional funds associated with relocation to/from HQ station
	945				20,000			Additional funding for P, C & L insurance *
5	610				26,935			Library: additional hours *

THE COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX SS.

To either of the Constables of the Town of Townsend in the County of Middlesex, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of the Town of Townsend, qualified to vote at Town Meetings for the transaction of Town affairs, to meet at the Memorial Hall, 272 Main Street, Townsend, MA for the Special Town Meeting on **December 8, 2015, at 7:00 PM**, then and there to act on the following articles:

FINANCIAL MATTERS

ARTICLE 1

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$ _____ for the purpose of paying prior fiscal year bills; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 2

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury, the sum of \$ _____ for the purpose of supplementing the stabilization fund, as allowed under MGL Chapter 40, Section 5B; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 3

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$ _____ for the purpose of supplementing the capital stabilization fund, including debt service payments of capital items, as allowed under MGL Chapter 40, Section 5B; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 4

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury for the purpose of supplementing the FY16 budget; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 5

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of **\$26,935.00** to supplement the FY16 Library operating budget; or take any other action in relation thereto.

SUBMITTED BY: Library Trustees/Petition

ARTICLE 6

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$4,303.00 to supplement the FY16 Library operating budget; or take any other action in relation thereto.

SUBMITTED BY: Library Trustees/Petition

ARTICLE 7

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury for the purpose of supplementing the FY16 Council on Aging budget; or take any other action in relation thereto.

SUBMITTED BY: Petition

ARTICLE 8

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$_____ for the purpose of paying off debt; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 9

To see if the Town will vote to repurpose the sum of \$_____ from the appropriation made under Article 2 of the Special Town Meeting of March 1, 2011 for the purpose of offsetting the snow and ice deficit under the provisions of Massachusetts General Laws Chapter 44, Section 31D; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 10

To see if the Town will vote to transfer from available funds in the treasury the sum of \$_____ for the purpose of offsetting the snow and ice deficit under the provisions of Massachusetts General Laws Chapter 44, Section 31D; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 11

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$_____ for the purpose of supplementing the Board of Health Revolving Account to offset the cost of chipping the wood pile, or take any action in relation thereto.

SUBMITTED BY: Board of Health

ARTICLE 12

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$_____ for the purpose of providing training for employees and supervisory personnel, or take any action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 13

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury, the sum of **\$5,000.00** for the purpose of supplementing the Conservation Commission's land fund, or take any other action in relation thereto.

SUBMITTED BY: Conservation Commission

ARTICLE 14

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury, the sum of **\$_____** for the purpose of funding road improvements, or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 15

To see if the Town will vote to repurpose the sum of **\$6,391.99** from Article 18 of the Annual Town Meeting held on May 3, 2011 for the purpose of repainting the Ambulance Garage, so called, located at 272 R Main Street, Townsend, MA; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 16

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury, the sum of **\$107,789.00** for the purpose of providing matching funds for two grants to acquire a mobile generator and a generator to be located at Atwood Acres, __ Dudley Road, Townsend, MA; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 17

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury, the sum of **\$_____** for the purpose of funding consulting and legal costs associated with the Kinder Morgan gas pipeline project; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 18

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury, the sum of **\$_____** for the purpose of funding repairs and/or replacements of mailboxes damaged by Town snow removal operations; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 19

To see if the Town will vote to repurpose the sum of **\$_____** from Article 18 of the Special Town Meeting held on November 25, 20105 for the purpose of constructing a sidewalk along a portion of Main Street, from South Street to the Harbor Church, so called; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 20

To see if the Town will vote to accept the provisions of Massachusetts General Law chapter 44, section 53F3/4 in order to establish a separate revenue account to be known as the “PEG Access and Cable Related Fund” into which will be deposited funds received in connection with a franchise agreement between the Town’s cable operator and the Town and from which monies shall only be appropriated for cable-related purposes consistent with the franchise agreement, including but not limited to : (i) support of public, educational, or governmental access cable television services; (ii) monitoring compliance of the cable operator with the franchise agreement; or (iii) preparing for renewal of the franchise license; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 21

To see if the Town will vote to accept the following roads:

- Trophy Avenue, off Haynes Road
- Alyssa Drive, off Ash Street

Or take any other action in relation thereto.

SUBMITTED BY: Planning Board

ARTICLE 22

To see if the Town will vote to amend the General Bylaws to provide for increased penalties for the illegal dumping; or take any other action in relation thereto.

SUBMITTED BY: Board of Health

3.4



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

Gordon Clark, *Chairman*
Andrew J. Sheehan,
Town Administrator

Carolyn Smart, *Vice-Chairman*
Office (978) 597-1701
Fax (978) 597-1719

POLICY #3-2015
BOARD OF SELECTMEN

USE OF CREDIT CARDS

STATEMENT:

~~The Understanding that use of cash accounts with all vendors is difficult for the Town of Townsend to manage and control. For this reason, the Town hereby establishes the following this credit card policy for use by Town Departments policy governing the use of credit cards by Town departments.~~

TYPES OF ALLOWED CREDIT CARDS:

- ~~Prohibited cards: Major Credit Cards (Master Card, Visa, Discover etc.) are not allowed.~~
- ~~Permitted cards: Vender-specific Credit Cards (Lowes, Home Depot, Staples etc.) are will be allowed.~~

Formatted: Bulleted + Level: 1 + Aligned at: 0.75" + Indent at: 1"
Formatted: Bulleted + Level: 1 + Aligned at: 0.79" + Indent at: 1.04"

TERMS OF USE:

~~The maximum limit (total) to be charged by any Departmental Credit Card(s) department is not to shall not exceed \$6,000.00 per fiscal year unless authorization is received by the Town Accountant. Unless approved in advance by the Town Accountant, charges should shall not never be overexceed the budgeted amount appropriated departmental budgetary constraints.~~

Formatted: Left, Indent: Left: 0", First line: 0.5"

~~Only items for direct use of the department in pursuing departmental operations are will be allowed.~~

~~No charges shall be incurred for personal use by town personnel authorized to use said credit card.~~

TERMS OF PAYMENT:

~~The department Credit card invoices will be processed for payment when received. Late charges will not be tolerated and will result in loss of use.~~

RETURNS:

Any item charged on ~~a any department~~ credit card and returned to the vender will be explained on a "Returned Merchandise Form" which will contain the following information;

1. The name of the Vender to which the item was returned
2. The date of purchase and the date of the return
3. The reason for the return of merchandise

All credit card reimbursements will be made in the form of a credit to the credit card account.

LOSS OF USE: The following shall result in loss of privileges:

Use of ~~departmental~~ card to make personal purchases or to purchase items other than for the use of the department.

Formatted: Font: Not Bold

Incurring late charges

CONTROLS:

The ~~departmental~~ credit card(s) ~~will be~~ is the responsibility of the Department Head and under his/her direct control, ~~which will include but not be limited to;~~ The department head shall:

1. ~~Ensure that the credit card is kept in a secure location~~ Provide a safe and secure environment for the credit card(s) when not in use.
2. ~~Authorizing~~ Authorize the use of ~~departmental~~ the credit card(s) by employee (s).
3. ~~Ensure that~~ Regaining custody of the credit card(s) is returned after the authorized use ~~by an authorized employee~~
4. Record of any account # user names and/or passwords on file with the Town Accountant to secure and/or report to any appropriate agency information needed for lost or stolen card (s).

GRANTS:

~~All grant awards must be filed with the Office of the Town Accountant. The Accountant will need verification documentation prior to any expenditures. Authorization to spend prior to receipt of grant reimbursement will require authorization from the Town Accountant. Requests for reimbursements should be submitted in a timely manner.~~

Comment [A51]: This does not fit in a credit card policy. A separate grant policy might be a more appropriate place for this requirement

ADOPTED BY THE BOARD OF SELECTMEN ON _____, 2015

Gordon Clark, Chairman

Carolyn Smart, Vice-Chair



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

Gordon Clark, *Chairman*
Andrew J. Sheehan,
Town Administrator

Carolyn Smart, *Vice-Chairman*
Office (978) 597-1701
Fax (978) 597-1719

POLICY #3-2015
BOARD OF SELECTMEN

USE OF CREDIT CARDS

STATEMENT:

The use of cash accounts with vendors is difficult for the Town of Townsend to manage and control. For this reason, the Town hereby establishes this policy governing the use of credit cards by Town departments.

TYPES OF CREDIT CARDS:

- Prohibited cards: Major Credit Cards (Master Card, Visa, Discover etc.) are not allowed.
- Permitted cards: Vender-specific Credit Cards (Lowes, Home Depot, Staples etc.) are allowed.

TERMS OF USE:

The maximum limit (total) to be charged by any department shall not exceed \$6,000.00 per fiscal year unless authorization is received by the

Town Accountant. Unless approved in advance by the Town Accountant, charges shall not exceed the budgeted amount

Only items for direct use of the department in pursuing departmental operations are allowed.

No charges shall be incurred for personal use by town personnel authorized to use said credit card.

TERMS OF PAYMENT:

Credit card invoices will be processed for payment when received. Late charges will not be tolerated and will result in loss of use.

RETURNS:

Any item charged on a credit card and returned to the vender will be explained on a "Returned Merchandise Form" which will contain the

following information;

1. The name of the Vender to which the item was returned
2. The date of purchase and the date of the return
3. The reason for the return of merchandise

All credit card reimbursements will be made in the form of a credit to the credit card account.

LOSS OF USE: The following shall result in loss of privileges:

Use of card to make personal purchases or to purchase items other than for the use of the department.

Incurring late charges

CONTROLS:

The credit card(s) is the responsibility of the Department Head and under his/her direct control. The department head shall:

1. Ensure that the credit card is kept in a secure location when not in use.
2. Authorize the use of the credit card(s) by employee (s).
3. Ensure that the credit card(s) is returned after the authorized use
4. Record of any account # user names and/or passwords on file with the Town Accountant to secure and/or report to any appropriate agency information needed for lost or stolen card (s).

ADOPTED BY THE BOARD OF SELECTMEN ON _____, 2015

Gordon Clark, Chairman

Carolyn Smart, Vice-Chair

3.5



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Matthew A. Beaton
Secretary

Karyn E. Polito
Lieutenant Governor

Martin Suuberg
Commissioner

September 30, 2015

Ms. Sue Lisio
Chair, Board of Selectmen
Town of Townsend
272 Main Street
Townsend, MA 01469

Dear Ms. Lisio,

Congratulations! It is my pleasure to inform you that the Massachusetts Department of Environmental Protection (MassDEP) has awarded the Town of Townsend Recycling Dividends funds and Small-Scale Initiative funds under the Sustainable Materials Recovery Program. The Town of Townsend has earned 8 points and will receive \$3,950.

Please note, awards for the following grant categories are being evaluated (Mattress Recycling Initiative, SMART/PAYT, Curbside Recycling/Food Waste Carts, Drop-off Equipment, School Recycling Assistance, Waste Reduction Enforcement Coordinator, Waste Reduction Projects, Organics Capacity Projects) and will be announced separately.

The Sustainable Materials Recovery Program (SMRP) was created under 310 CMR 19.300-303 and the Green Communities Act, which directs a portion of the proceeds from the sale of Waste Energy Certificates to recycling programs approved by MassDEP. The Recycling Dividends Program (RDP) provides payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste reduction. Municipalities receive payments according to the number of criteria points their program earns. Eligibility criteria will ramp up over time, leveraging increasingly greater diversion results and lower solid waste disposal.

The terms and conditions of this award are outlined in the RDP Contract which has been mailed to the Recycling Contact of record for your municipality, copied below. The Recycling Contact will facilitate getting this document signed by an Authorized Signatory and will return it to MassDEP. Once received, the RDP Payment will be remitted to your municipality. Should you have any questions, please call Tina Klein at (617) 292-5704.

Thank you for your commitment to advancing recycling and waste reduction in Massachusetts. Together our efforts will reduce greenhouse gas emissions, conserve natural resources and save energy, while also supporting jobs and reducing disposal costs for waste generators and municipalities.

Sincerely,

Martin Suuberg
Commissioner

cc: Carla Walter, Administrative Assistant, BOH



Checklist for Recycling Dividends Program Grant Award

Instructions:

- Note the following deadlines and requirements for this grant.
- Have the enclosed RDP Contract (sent only to the municipal Recycling Contact copied on the enclosed award letter) signed by an authorized signatory and return the signed original to Tina Klein, MassDEP no later than December 31, 2015.
- Report annual expenditures of RDP funds and RDP balance remaining by February 15th for the previous calendar year

STEP ONE: RDP Contract

The RDP Contract must be signed by one of the individuals listed on page 1 of the Authorized Signatory Listing form, which your municipality filed with MassDEP for this grant program. For reference, a copy of your Authorized Signatory Listing has been sent to the municipal Recycling Contact. If the person(s) listed on the form has changed (for example, a new Mayor has been elected), the municipal official with the same title may sign the RDP Contract. A new Authorized Signatory Listing form IS NOT REQUIRED.

*The signed original RDP Contract must be returned to the address listed below **no later than December 31, 2015 or funds will be forfeited.***

STEP TWO: TRACK EXPENDITURES BY APPROVED EXPENSE CATEGORY

- This is not a reimbursement-based grant. Your payment will be processed as soon as the RDP Contract is returned.
- However, you are required to keep track of approved expenditures, by expense categories. See Section 8 – Use of Funds, for a list of approved expense categories, and Section 9 for record keeping requirements.
- Be prepared to be audited

STEP THREE: REPORT EXPENDITURES AND REMAINING BALANCE

- Funds do not need to be spent in the fiscal year awarded; they may be accumulated across fiscal years in order to make a larger purchase than is possible with one year's award. The municipality is required to report all expenditures from the previous calendar year no later than February 15th.

Contact Tina Klein with any questions: 617-292-5704 or Tina.Klein@state.ma.us

Return completed documents to: Tina Klein, MassDEP, Consumer Programs, One Winter Street, 7th Floor, Boston, MA 02108

**RECYCLING DIVIDEND PROGRAM CONTRACT (“RDP Contract”)
BETWEEN THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION (“MassDEP”)**

AND THE Town of Townsend (“Municipality”)

Pursuant to the Green Communities Act, relevant provisions of which are codified at M.G.L. c. 25A, Section 11F(d) and the regulations promulgated thereunder at 310 CMR 19.300 and in support of the Massachusetts Solid Waste Master Plan developed pursuant to M.G.L. c. 16, Section 21, MassDEP has awarded the Municipality a Sustainable Materials Recovery Program grant under the Recycling Dividends Program (“RDP”) and Small Scale Initiatives grant. The Municipality has earned a payment of \$3,950.

The Recycling Dividends Program provides payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste reduction. Municipalities receive payments according to the number of criteria points their program earns. RDP provides an incentive for municipalities with poor recycling programs to do better by implementing best practices and it rewards communities with model recycling and waste reduction programs.

Duration: The term of this Contract shall be in effect until the municipality has expended all RDP funds and reported to MassDEP on use of funds.

RESPONSIBILITIES OF THE MUNICIPALITY

1. **Authority:** The Signatory of this RDP Contract is authorized by the governing body of the Municipality to enter into this Contract on behalf of the Municipality and apply for and accept funds on behalf of the Municipality.
2. **Commonwealth Terms and Conditions:** The Municipality shall comply with the Commonwealth Terms and Conditions and other requirements set forth in the Municipality’s executed Master Service Agreement #EQEP02C/D/E.
3. **Failure to Comply:** If, in the judgment of MassDEP, the Municipality fails to comply with any of its responsibilities identified in this Contract, then, at the election of MassDEP, (a) the Municipality shall repay the RDP funds to MassDEP within 90 days; and/or (b) title to all materials purchased with the RDP funds immediately and without any further steps shall be transferred to MassDEP; and/or (c) MassDEP may find the Municipality not eligible to seek another Sustainable Materials Recovery Program Grant for up to three years. MassDEP may provide written notice to the Municipality of any such failure to comply. Such notice may provide a time period and manner for the Municipality to cease or remedy the failure. Such notice from MassDEP of any such failure by the Municipality is not a precondition to MassDEP’s right to select options (a), (b), and/or (c) above. The Municipality shall follow the instructions of MassDEP regarding possession of the materials purchased with RDP funds. The Parties hereby agree to execute any and all documents necessary to accomplish said transfer. Furthermore, the Municipality shall transfer or arrange to transfer actual possession of said materials to an authorized representative of the Commonwealth of Massachusetts or its designee.
4. **Recycling in Practice:** The Municipality has established paper, bottle and can recycling in all municipal offices and meeting spaces, excluding schools. The Municipality shall continue such paper, bottle and can recycling during the term of the RDP Contract.
5. **Buying Recycled Products:** The Municipality has established a written policy which promotes a preference for the purchase of recycled products in lieu of non-recycled products and all staff with purchasing authority are aware of and are following the established policy during the term of the RDP Contract.

6. **RDP Payment Calculation:** MassDEP has calculated the RDP Payment using the table below which shows payment brackets based on the number of households served by the municipal solid waste program and the point value for each bracket. *Section 7 – Program Criteria and Appendix A – Criteria Performance Standards* describe in detail the conditions for earning points.

Trash Households Served	Value of Each Point
1 - 1,999	\$300
2,000 - 4,999	\$400
5,000 - 7,499	\$800
7,500 - 9,499	\$1,000
9,500 - 12,499	\$1,500
12,500 - 16,999	\$2,500
17,000 - 24,999	\$3,000
25,000 - 31,999	\$3,500
32,000 - 54,999	\$6,000
55,000 +	\$10,000

7. **Program Criteria:** The Municipality, through its RDP application, certifies that all points earned are for programs that were in place no later than June 10, 2015 and that these programs fully meet the performance standard set forth in *Attachment A – Criteria Performance Standards. Section 13 – RDP Payment Calculation* lists the program criteria for which the Municipality has earned points, and upon which the Municipality’s payment was calculated.
8. **Use of Funds:** RDP Payments shall be expended on approved equipment and activities, listed below, to enhance the performance of the Municipality’s waste reduction programs. Use of a dedicated account or revolving account is recommended but not required. Funds do not have to be spent in the fiscal year received, and may be carried over to future years and accumulated to fund a larger eligible expense or project.

Approved Equipment and Activities:

- Compost bins and kitchen scrap buckets.
- Carts for curbside collection of organics.
- Containers to support drop-off organics program.
- Collection and disposal costs for a town-wide organics program.
- Program development costs for a new organics diversion program.
- Recycling carts and recycling bins.
- Public space and outdoor event recycling containers.
- Roll-off containers, compactors and balers for the collection of materials to be recycled. This includes replacement of existing equipment.
- Additional household hazardous waste collection event.
- New dedicated Enforcement Coordinator. Must spend a minimum of 19 hours per week on enforcement. Mandatory recycling must be codified in regulation, ordinance or bylaw and must include a fine for non-compliance.
- Equipment to support the collection and recycling of hard to recycle materials.
- Establishing and/or maintaining a municipally operated swap shop.
- Waste reduction and/or recycling outreach and education materials.

- Costs associated with implementing or maintaining a Pay-As-You-Throw (PAYT) program. Examples include bags and stickers, promotion/outreach about the PAYT program, additional staffing needs during start-up phase, and pre-approved transfer station improvements to facilitate PAYT.
- Funds to enhance school recycling and composting programs including:
 - Stipends for school recycling coordinator or teacher who commits to coordinating the school-wide recycling program
 - Funding for district-wide school recycling coordinator
 - Equipment to support source reduction, recycling and organics diversion programs at schools, including dish washing equipment, durable trays and silverware, compostable trays (only if food waste from the cafeteria is composted)
 - Collection and composting costs for a school food waste diversion program
 - Source reduction including reusable trays for cafeterias, small compostable cups, reusable bags, reusable water bottles.
- Environmentally Preferred Products including purchases from state contract FAC85 and rain barrels.
 - For more information on FAC85 visit: <http://www.mass.gov/anf/budget-taxes-and-procurement/procurement-info-and-res/procurement-prog-and-serv/epp-procurement-prog/green-products-and-serv/specific-epp-statewide-contracts/green-cleaning-products.html>.
 - From the Approved Green Products list, the following categories are eligible uses for grant funds: All Purpose Cleaning Products, Carpet Cleaning Products, Dilution Systems, Disinfectants & Other Sanitizers, Floor Cleaner/Stripper/Polish, Glass Cleaners, Hand Soap & Dispensers, Low Impact Innovation Tech, Restroom Cleaner & Products, Degreasers, Enzymatic Cleaning Product, Hand Sanitizers, and Urinal Products.
- School chemical cleanouts.
- Other expenses as approved in writing by MassDEP in advance of the expense.

RDP funds shall *not* be used to pay for hauling, disposal, or administrative costs of an existing solid waste and recycling program.

9. **Record Keeping**: The Municipality shall be responsible for keeping documentation (i.e. proof of purchase in the form of an invoice which lists the vendor name and address, item purchased, item price, number of items purchased and shipping costs if any) by calendar year, of how RDP funds were expended and the remaining balance of RDP funds. MassDEP may conduct record audits each year to ensure compliance with this Contract.
10. **Reporting**: By February 15th of each year, for the duration of the Contract, the Municipality shall submit the Recycling and Solid Waste survey and the Recycling Dividends Program Annual Report through its ReTRAC Connect™ account. Failure to comply with these reporting requirements may jeopardize future grant awards and RDP payments.
11. **Environmental Compliance**: The Municipality understands receipt of RDP funds from MassDEP does not in any way imply that the Municipality is in full compliance with all applicable environmental regulations. This Municipality shall not be construed as, nor operate as, relieving the Municipality or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals. The Municipality's facility(ies) are subject to inspection at any time by MassDEP and noncompliance with applicable environmental regulations may result in formal enforcement actions, including penalties.

12. Addendums: Should MassDEP award additional RDP funds, an addendum to the Contract shall be provided to the Municipality. The same terms and conditions apply to the addendum.

13. RDP Payment Calculation:

The Municipality's payment has been calculated as follows:

(Value of each point) x (Total RDP Points) + (Small Scale payment amount)

a. Solid Waste Program	2
b. Organics	0
c. Bulky Items	2
d. Yard Waste	0
e. Mandatory Recycling	0
f. Household Hazardous Waste	2
g. Center for Hard to Recycle Materials	2
TOTAL RDP POINTS	8
VALUE OF EACH POINT	\$ 400
RDP PAYMENT AMOUNT	\$3,200
SMALL-SCALE PAYMENT AMOUNT	\$ 750
TOTAL GRANT PAYMENT AMOUNT	\$3,950

IN WITNESS WHEREOF, MassDEP and the Municipality hereby execute this Contract.

COMMONWEALTH OF MASSACHUSETTS

By: _____ (Date)
Greg Cooper, Division Director
Bureau of Air and Waste
Department of Environmental Protection

Town of Townsend

By: _____ (Date)
(Signature and Title)

(Print Name)



Attachment A: Criteria Performance Standards Recycling Dividends Program

The Recycling Dividends Program has two categories of criteria: one for communities that operate or contract for operation curbside trash **and** recycling collection ("curbside"), and one for those with a transfer station for residents to drop-off trash **and** recycling ("drop-off"). Municipalities that offer both a curbside option for trash and recycling and a drop-off option for trash and recycling must file as "curbside". Municipalities that do not provide both trash and recycling services to their residents are not eligible for RDP. However, they are eligible for other categories of SMRP (small scale initiatives, technical assistance from Municipal Assistance Coordinators) and would become eligible for RDP should they reinstate solid waste services.

Eligibility criteria will ramp up over time, leveraging increasing diversion results and lower solid waste disposal. Only one option may be selected in each criteria area.

MassDEP will conduct audits of several municipalities each year to insure that program information is accurate. Submittal of an RDP application that contains false or misleading data will be grounds for banning the municipality from the SMRP grant program for a minimum of 4 years.

Earning Points – Curbside Programs

Solid Waste Program

- o SMART/PAYT program is currently in place which requires all trash to be placed in a SMART/PAYT bag [5 points]
- o SMART/PAYT program is currently in place which allows each household to disposed of the "first bag / barrel free;" trash in excess of 35 gallons must be placed in a SMART/PAYT bag. A trash cart (35 gallons or less) collected weekly also qualifies [4 points]
- o SMART/PAYT program is currently in place which requires the use of stickers or tags affixed to each bag of trash [4 points]
- o Trash Limit: Households are limited to one 48-gallon CART of trash capacity each week [3 points]
- o Trash Limit: Households are limited to the equivalent of 64 gallons of trash capacity per week (two 32-gallon barrels or one 64-gallon cart) [2 points]

Eligibility Notes:

- If "free bags" are provided to a subset of the households in excess of 4% of households served, the municipality is NOT eligible for the Full SMART/PAYT points, but does earn points as a "first bag free" program. This scenario occurs when bags are provided based on some criteria such as need or age;
- A 64 or 48-gallon trash cart program where excess trash is not collected would qualify for the trash limit points;
- A 64 or 48-gallon trash cart program where excess trash must be placed in an official town overflow fee-based bag, or in additional cart that carries annual fee, would qualify for the trash limit points;
- A 64 or 48-gallon trash cart program where excess trash can be brought to the transfer station at no cost, does NOT qualify for the trash limit points.

Organics

- o Source separated food waste is collected, for composting, weekly from all households served by the municipal trash program [4 points]
- o Source separated food waste is collected weekly from households currently participating in a pilot program [2 points]

Eligibility Notes:

- The pilot must be a minimum of 400 households to qualify.

Bulky Items

- The municipality or its hauler charges residents a fee of not less than \$5 each for the handling of at least 3 of the following bulky items, either at the curb or at its municipal drop-off: Mattresses, upholstered furniture, wood furniture, toilets, sinks, carpet [2 points]

Eligibility Notes:

- The bulky item fee schedule must be posted on the municipal website;
- Bulky Items collected can be disposed or recycled;
- If your trash hauler is instructed not to collect one or more of these items, and you provide residents with the name of a company that will pick the item(s) up curbside, you can count those items toward the required three. For example, you instruct your trash hauler not to collect mattresses and you provide residents with the name and contract information for a company that, for a fee, will pick up mattresses.

Yard Waste

- Yard waste is collected curbside a minimum of 20 weeks per year [2 points]
- Residents can take yard waste to a drop-off location that is open a minimum of 30 weeks per year [1 point]

Eligibility Note:

- Yard waste means: leaves, grass clippings, and brush;
- Criteria are silent on the number of days or hours per week that the drop-off must be open to earn points. This may change in future years.

Mandatory Recycling Enforcement

- A dedicated Enforcement Coordinator spends a minimum of 19 hours per week on the street verifying compliance with the municipality's mandatory recycling program and issuing fines for non-compliance [3 points]

Eligibility Notes:

- The municipality must have, in effect as of June 10, 2015, a mandatory recycling regulation, ordinance or bylaw that provides for the issuing of fines for non-compliance. The enforcement coordinator must be actively enforcing the rules on or before June 10, 2015;
- In addition to enforcing mandatory recycling, the enforcement coordinator may also enforce other components of the solid waste program including trash limits and contaminants in recycling.

Household Hazardous Waste (HHW) Collection

- Host a permanent HHW collection center – minimum 6 x year [2 points]
- Participate in regional HHW collection center – min 6 x year [2 points]
- Participate in reciprocal arrangement – min 6 x year [2 points]
- Host comprehensive HHW collection events twice per year [1 point]
- Fund two comprehensive HHW collection events each year [1 point]

Eligibility Notes:

- Only comprehensive HHW collection events can be counted under this criterion. A comprehensive HHW collection event accepts a broad range of household hazardous products from residents, including but not limited to: pesticides, pool chemicals, oil based paint and other flammables, automotive products, elemental mercury, cleaning products and other chemicals;
- Collection events for only a subset of materials (ex., paint collection, motor oil collection) do not count toward the required minimum for the option selected;
- Assessing a user fee is allowable under the first four options;
- To earn points for participating in "regional" HHW collection center a municipality must have an agreement with a regional collection center that is open a minimum of six times per year. This agreement may be in the form of a contract or memorandum of understanding. A membership fee is paid by participating municipalities to be part of the group. Alternatively, a municipality will qualify under this option if it signs a contract with a privately operated HHW facility and places on account (i.e., pays up front) with the HHW facility a sum of money sufficient to cover 1% of the town's TOTAL HOUSEHOLDS multiplied by \$50 per household. The HHW facility must be within 20 mile of the municipality. Residents must be allowed to drop-off HHW at the facility at least once per month, eight months of the year. The hours of operation of the regional HHW collection

- center must be posted on the municipal website AND be promoted through all other channels used for educating residents about HHW disposal options;
- To earn points for participating in a "reciprocal" arrangement for HHW collection events a municipality must have an agreement with a group of municipalities that allows for unrestricted access to a minimum of six events hosted by the municipalities of the group. Requiring pre-registration is allowable but not a requirement. Asking out-of-town residents to arrive during a specified timeframe is allowable. The list of event locations, dates and times must be posted to the municipal website and be promoted through all other channels used for educating residents about HHW disposal options;
- To earn the point for hosting two comprehensive events per year, both events must be in your municipality;
- NO POINTS are earned by municipalities who are essentially "hands-off" or "washed hands" when it comes to HHW, merely directing residents to open events in other municipalities;
- Directing residents to privately owned HW facilities does not count.

Center for Hard to Recycle Materials (CHARM) [2 points]

To qualify for the CHARM points the municipality must meet all of the following criteria:

1. Items collected for **recycling** at a **single permanent location**
2. The Center must be open a minimum of once per month
3. The Center must be in your municipality or a contiguous community (i.e., shares a border)
4. Residents must be able to drop-off a minimum of 5 items listed below:
 - Automotive wastes – must collect all of the following: antifreeze, waste oil, tires, auto batteries
 - Books/media
 - Bulky rigid plastics
 - Carpet
 - Electronic wastes – all computer and TV related electronics
 - Expanded polystyrene (ex., Styrofoam)
 - Large appliances
 - Mattresses
 - Mercury bearing products – must collect all of the following: fluorescent lamps/CFLs, button batteries, thermostats, thermometers, other mercury containing products
 - Paint
 - Textiles
 - Construction and demolition (C&D) wood

Eligibility Notes:

- All materials must be source separated and recycled. Combustion, even with energy recovery, is NOT recycling.
- Carpet collected with mixed C&D sent to a C&D processor does not count. This material must be source separated and sent to a recycler.
- Tires – the municipality's contracted tire recycler may sell a portion of its shredded tires for fuel;
- Paint – may be sent for recycling, fuels blending, or hazardous waste disposal;
- Mattresses – deconstructing a mattress and recycling the wood and metal, and disposing of the foam, batting and fabric will count as recycling for this criterion. Next year your recycler may be required to recycle 85%, by weight, of all mattress components.
- Wood – Collecting mixed C&D and sending it to a C&D processor does not count. This must be source separated C&D wood. MassDEP is trying to drive better and higher uses of materials sent to C&D processors.

Earning Points – Drop-off Programs

Solid Waste Program

- SMART/PAYT program is currently in place which requires all trash to be placed in a SMART/PAYT bag [4 points]
- A SMART/PAYT program is currently in place where the municipality provides households with no more than 52 SMART/PAYT bags (35 gallons or less) per year. Residents must purchase PAYT bags for trash in excess of 52 bags [3 points]

Eligibility Notes:

- A "first bag free" program applies to municipalities that give their residents no more than 52 bags per year, usually as part of the transfer station sticker renewal process;
- If "free bags" are provided to a subset of the households in excess of 4% of households served, the municipality is NOT eligible for the Full SMART/PAYT points, but does earn points as a "first bag free" program. This scenario occurs when bags are provided based on some criteria such as need or age.

Swap Shop

- Municipally operated drop-off for reusable home goods and furnishings for others to take [2 points]

Eligibility Notes:

- The swap shop must be sufficiently enclosed to protect swap shop items from the weather and preserve reuse value.
- A 'swap area', or 'swap table' that is cleared into the trash (solid waste) at the end of each day does not qualify for these points.

Organics

- Source separated food waste collected at a municipally owned collection center [2 points]

Bulky Items

- The municipality charges a minimum fee of \$5 for at least 3 of these items: Mattresses, upholstered furniture, wood furniture, toilets, sinks, carpet [1 point]

Eligibility Notes:

- The bulky item fee schedule must be posted on the municipal website;
- Bulky Items collected can be disposed or recycled;
- If you do not accept one of these items for disposal or recycling, and instead you provide residents with the name of a company that will pick the item(s) up curbside for a fee, you can count this item toward the required three. For example, if you do not accept mattresses at your transfer station for recycling or disposal and instead you provide residents with the name and contact information of a company that, for a fee, will pick up a mattress curbside, this counts.

Yard Waste

- Drop-off location open minimum of 30 weeks per year [2 points]

Eligibility Note:

- Yard waste means: leaves, grass clippings, and brush;
- Criteria are silent on the number of days or hours per week that the drop-off must be open to earn points. This may change in future years.

Household Hazardous Waste (HHW) Collection

- Host a permanent HHW collection center – minimum 6 x year [2 points]
- Participate in regional HHW collection center – min 6 x year [2 points]
- Participate in reciprocal arrangement – min 6 x year [2 points]
- Host comprehensive HHW collection events twice per year [1 point]
- Fund two comprehensive HHW collection events each year [1 point]

Eligibility Notes:

- Only comprehensive HHW collection events can be counted under this criterion. A comprehensive HHW collection event accepts a broad range of household hazardous products from residents, including but not limited to: pesticides, pool chemicals, oil based paint and other flammables, automotive products, elemental mercury, cleaning products and other chemicals;
- Collection events for only a subset of materials (ex., paint collection, motor oil collection) do not count toward the required minimum for the option selected;
- Assessing a user fee is allowable under the first four options;

- To earn points for participating in “regional” HHW collection center a municipality must have an agreement with a regional collection center that is open a minimum of six times per year. This agreement may be in the form of a contract or memorandum of understanding. A membership fee is paid by participating municipalities to be part of the group. Alternatively, a municipality will qualify under this option if it signs a contract with a privately operated HHW facility and places on account (i.e., pays up front) with the HHW facility a sum of money sufficient to cover 1% of the town’s TOTAL HOUSEHOLDS multiplied by \$50 per household. The HHW facility must be within 20 mile of the municipality. Residents must be allowed to drop-off HHW at the facility at least once per month, eight months of the year. The hours of operation of the regional HHW collection center must be posted on the municipal website AND be promoted through all other channels used for educating residents about HHW disposal options;
- To earn points for participating in a “reciprocal” arrangement for HHW collection events a municipality must have an agreement with a group of municipalities that allows for unrestricted access to a minimum of six events hosted by the municipalities of the group. Requiring pre-registration is allowable but not a requirement. Asking out-of-town residents to arrive during a specified timeframe is allowable. The list of event locations, dates and times must posted to the municipal website and be promoted through all other channels used for educating residents about HHW disposal options;
- To earn the point for hosting two comprehensive events per year, both events must be in your municipality;
- NO POINTS are earned by municipalities who are essentially “hands-off” or “washed hands” when it comes to HHW, merely directing residents to open events in other municipalities;
- Directing residents to privately owned HW facilities does not count.

Center for Hard to Recycle Materials (CHARM) [2 points]

To qualify for the CHARM points the municipality must meet all of the following criteria:

1. Items collected for **recycling at a single permanent location**
2. The Center must be open a minimum of once per month
3. The Center must be in your municipality or a contiguous community (i.e., shares a border)
4. Residents must be able to drop-off a minimum of 7 items listed below:
 - Automotive wastes – must collect all of the following: antifreeze, waste oil, tires, auto batteries
 - Books/media
 - Bulky rigid plastics
 - Carpet
 - Electronic wastes – all computer and TV related electronics
 - Expanded polystyrene (ex., Styrofoam)
 - Large appliances
 - Mattresses
 - Mercury bearing products – must collect all of the following: fluorescent lamps/CFLs, button batteries, thermostats, thermometers, other mercury containing products
 - Paint
 - Textiles
 - Construction and demolition wood

Eligibility Notes:

- All materials must be source separated and recycled. Combustion, even with energy recovery, is NOT recycling.
- Carpet collected with mixed C&D sent to a C&D processor does not count. This material must be source separated and sent to a recycler.
- Tires – the municipality’s contracted tire recycler may sell a portion of its shredded tires for fuel;
- Paint – may be sent for recycling, fuels blending, or hazardous waste disposal;
- Mattresses – deconstructing a mattress and recycling the wood and metal, and disposing of the foam, batting and fabric will count as recycling for this criterion. Next year your recycler may be required to recycle 85%, by weight, of all mattress components;
- Wood – Collecting mixed C&D and sending it to a C&D processor does not count. This must be source separated C&D wood. MassDEP is trying to drive better and higher uses of materials sent to C&D processors.

Hauler Regulation

The municipality has a hauler regulation, ordinance or bylaw that is actively enforced, which requires private haulers providing trash collection service to residents to also provide recycling collection at one integrated price [3 points]

Eligibility Notes:

- A copy of the regulation, ordinance or bylaw which demonstrates the integrated pricing requirement must be on file with MassDEP;
- Documentation demonstrating **active enforcement** is taking place must be on file with MassDEP including but is not limited to: description of the enforcement protocol or procedure, identification by title of the person(s) responsible for enforcement, documentation of warnings given, fines levied and permits revoked as a result of this enforcement activity.

Hauler and Business Recycling Access

- Haulers collecting from residential customers are encouraged to tip recyclables at the municipal facility; annual mailing reminding them of this access is required [2 points]
- Businesses are encouraged to bring recyclables to the municipal drop-off; annual mailing reminding them of the access is required [1 point]

Eligibility Notes for hauler access:

- Private haulers serving your residents may plan their collection routes such that they are also collecting from residents in another municipality in the same load. To earn these points, the hauler must be able to tip recyclables even if all of the material is not generated by your residents;
- Must be able to accommodate small packer trucks;
- Must be able to take loads greater than 5 cubic yards, which may require a permit change;
- This may not be feasible for some transfer stations due to facility size and capability to handle increased volume;
- May meet outreach requirement by doing outreach to permitted haulers;
- May charge a fee for haulers to tip recyclables;
- If local regulation, ordinance or bylaw prohibits private haulers from tipping recyclables generated and collected in another municipality, then you are NOT eligible for these points.

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING



CONTRACTOR LEGAL NAME : Townsend
CONTRACTOR VENDOR/CUSTOMER CODE:

INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
<u>ANDREW J. SHEEHAN</u>	<u>TOWN ADMINISTRATOR</u>

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.

Signature

Date: 6/13/12

Title: TOWN ADMINISTRATOR Telephone: 978-597-1700 x1701

Fax: 978-597-1719 Email: asheehan@townsend.ma.us

[Listing can not be accepted without all of this information completed.]
A copy of this listing must be attached to the "record copy" of a contract filed with the department.

COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING

Issued May
2004



CONTRACTOR LEGAL NAME :
CONTRACTOR VENDOR/CUSTOMER CODE:

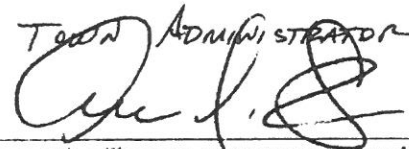
PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures.
It is recommended that Departments obtain authentication of signature for the signatory
who submits the Contractor Authorized Listing.

This Section MUST be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type): ANDREW J. SHEEHAN

Title: TOWN ADMINISTRATOR

X 
Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, Kathleen M. Spafford Kathleen M. Spafford (NOTARY) as a notary public certify that I witnessed
the signature of the aforementioned signatory above and I verified the individual's identity on this date:

June 13, 2012

My commission expires on: Oct 22, 2015

AFFIX NOTARY SEAL

I, _____ (CORPORATE CLERK) certify that I witnessed the
signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's
authority as an authorized signatory for the Contractor on this date:

_____, 20____.

AFFIX CORPORATE SEAL

3.6

**TOWN OF TOWNSEND
272 MAIN STREET, TOWNSEND, MA 01469**

NOTICE OF APPROVAL OF SPECIAL PERMIT

This is to certify that: **MICHAEL VIROSTKO**

St John the Evangelist Parish 1 School Street Townsend, MA

**THE ABOVE NAMED NON PROFIT ORGANIZATION IS HEREBY
GRANTED A SPECIAL LICENSE FOR THE SALE OF ALL ALCOHOLIC
BEVERAGES, TO BE DRUNK ON THE PREMISES**
Under Chapter 138, Section 14, of the Liquor Control Act.

In conjunction with a "Knights of Columbus Dinner" to be held on **November 14, 2015** with sale hours from **6:00P.M. to 9:00P.M.**

The license is granted in conformity with the Statutes and ordinances relating thereto, and expires **11/14/2015** unless sooner suspended or revoked.

Date:

THE LOCAL LICENSING AUTHORITIES

SEE ATTACHED CONDITIONS OF LICENSE



The Commonwealth of Massachusetts
The Alcoholic Beverages Control Commission
238 Causeway Street, Suite 200
Boston, MA 02114

Telephone (617) 727-3040
Fax (617) 727-1258

NOTICE OF APPROVAL OF SPECIAL LICENSE

The Local Licensing Authorities of the within named City or Town have approved, pursuant to the provisions of Chapter 138 Section 14, issuance of a Special License as described herein.

City/Town: Townsend
Date of Local Authority Approval:
Name of Licensee: Michael Virostko
Address of Licensee: 1 School Street Townsend MA
Effective Date or Dates of License: November 14, 2015
Authorized Hours of Sales: 6:00P.M. to 9:00P.M.
Description of the Licensed Premises: St John the Evangelist Parish, 1 School Street Townsend MA in conjunction with a "The Knights of Columbus Dinner"

License is for sale of:
All Alcoholic Beverages:
Wines and Malt Beverages Only: X
Wines Only:
Malt Beverages Only:

The Licensed Activity or Enterprise is:
For profit:
Non-profit: X

Is the license for a dining hall maintained by an incorporated educational institution authorized to grant degrees? _____.

Restrictions attached to the license by the local authority: SEE ATTACHED

THE LOCAL LICENSING AUTHORITY

By: _____

3.7

TOWN OF TOWNSEND
272 MAIN STREET, TOWNSEND, MA 01469

NOTICE OF APPROVAL OF LICENSE

This is to certify that: **FRANK FARESE**

On behalf of the Lion's Club in Townsend, MA

IS HEREBY GRANTED A LICENSE

**For selling Christmas Trees at the rear of the Townsend Common from
November 27, 2015 to December 24, 2015.**

The license is granted in conformity with the Statues and ordinances
relating thereto, and expires **12/24/15** unless sooner suspended or revoked.

Date:

**THE LOCAL LICENSING
AUTHORITY**



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

3.8

Gordon Clark, *Chairman*

Andrew J. Sheehan,
Town Administrator

Carolyn Smart, *Vice-Chairman*

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

October 27, 2015

Ms. Amy Nable
Assistant Attorney General
Director, Division of Open Government
Office of Attorney
One Ashburton Place
Boston, MA 02108

RE: Response to Open Meeting Law Complaints -
Complaints of Sue Lisio re: Townsend Board of Selectmen

Dear Ms. Nable:

On October 13, 2015, the Townsend Board of Selectmen ("Board") received two (2) Open Meeting Law complaint forms filed by Ms. Sue Lisio, copies of which are enclosed. Since the two complaints raise the same issue, we are responding to both with this response, which was approved by the Board at an open session on October 20, 2015. In the first complaint, Ms. Lisio alleges that the Board violated the Law on September 15, 2015 in that the meeting notice contained notice of a planned executive session to discuss "contract negotiations with non-union personnel" but that such notice did not contain sufficient information to inform the public. The second complaint alleges the same violation on the Board's October 13, 2015 meeting notice. Please note that the second complaint concerns a meeting scheduled for the evening on the same day that the complaint was filed. When the meeting was held that evening, the executive session referred to in the notice was in fact passed over and not held.

The Board denies that the notice was intentionally drafted to mislead or misinform the public, and furthermore the notice did correctly identify the purpose(s) for which the executive session was held on September 15 and for which the October 13 session was planned before being cancelled. The Board further acknowledges, however, that as cited in the two Determinations of the Division of Open Government included with the complaints, the Division advises that the notice and the motion to enter an executive session for purpose (2) should identify the collective bargaining unit and/or nonunion personnel that will be the subject of the session. In addition, executive sessions for contract or litigation strategy purposes, in accordance with §21(a)(3), also require naming the union, non-union employee or litigant, unless to do so would be detrimental to the Town's bargaining or litigating position. Town Counsel has further advised that an executive session pursuant to §21(a)(1), to hear complaints or discuss disciplinary matters, does not need to identify the other party in order to respect privacy interests.

The Board submits that it was an oversight to not identify the nonunion personnel that would be the subject of the September 15 and October 13 executive sessions, and that the substance of these two complaints was discussed at the Board's October 20, 2015 open session. The Board, through its chairman and the Town Administrator's office, shall strive to comply with all requirements of the Open Meeting Law regarding the posting of meeting notices. Finally, please be advised that the Board was already, prior to October 13, in contact with Town Counsel in order to schedule an Open Meeting Law seminar at Town Hall for all boards and employees that need to deal with the Law, and this seminar will be held as soon as practicable. The Board submits that these actions will address the allegations of the two complaints and the complainant's requested action in each.

Very truly yours,

TOWNSEND BOARD OF SELECTMEN

Gordon Clark, Chairman

cc: Ms. Sue Lisio



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

OCT 13 2015

SELECTMEN'S OFFICE

Please note that all fields are required unless otherwise noted.

Your Contact Information:

First Name: Sue Last Name: Lisio

Address: 28 Ash Street

City: Townsend State: MA Zip Code: 01469

Phone Number: +1 (978) 597-6473 Ext. _____

Email: smlisio@comcast.net

Organization or Media Affiliation (if any): _____

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, Townsend, Middlesex County, MA

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

Date of alleged violation: 09/15/2015

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.

Board of Selectman Agenda Posting for 09/15/2015.
As posted, Item 6.1 Read
"Executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. Votes may be taken."
The posting for this agenda item fails to be specific enough for the public to understand fully the topic of the executive session.
This item should also have stated the name of the name of the person or entity with whom the Board is negotiating a contract.

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.

Public acknowledgment and disclosure of the Board's written response to this complaint and the Board's assurance that more specific disclosure of the subjects of negotiations will be posted and made known in the future.

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.

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: Sue Lisio

Date: 10/13/15
For Use By Public Body For Use By AGO
Date Received by Public Body: Date Received by AGO:



Office of the
BOARD OF SELECTMEN

272 Main Street
Townsend, Massachusetts 01469

Gordon Clark, *Chairman*

Andrew J. Sheehan,
Town Administrator

Carolyn Smart, *Vice-Chairman*

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

AGENDA

SEPTEMBER 15, 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. August 18, 2015. Votes may be taken.

II APPOINTMENTS AND HEARINGS

- 2.1 6:10 Review and sign contract with Interim Chief of Police Warren B. Ryder. The Board may enter Executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. Votes may be taken.
- 2.2 6:15 Fire-EMS Chief Mark Boynton to discuss the following. Votes may be taken:
 - Ambulance write-off policy
 - Agreements for Backup Paramedic Intercept Services with the towns of Groton and Lunenburg
- 2.3 6:30 Squannacook Rail Trail and Route 119 Sidewalk: Joe Shank requests the opportunity to discuss the project. Votes may be taken.
- 2.4 6:45 Treasurer-Collector Deborah Kristoff to provide an update. Votes may be taken.

III MEETING BUSINESS

- 3.1 Review and sign proclamation recognizing Chief of Police Erving M. Marshall, Jr. Votes may be taken.
- 3.2 Review and sign proclamation recognizing Donna Miller for receiving the William E. May Endowment Award. Votes may be taken.
- 3.3 Review request of Kelly McTighe proclaiming October as Dysautonomia Awareness Month. Votes may be taken.
- 3.4 Review posting for a committee to memorialize the former girls' school at 458 Main Street. Votes may be taken.
- 3.5 Review Open Meeting Law complaint against the Board of Selectmen. Votes may be taken.
- 3.6 Review correspondence from Carolyn Sellars requesting that the Board of Selectmen ask the Federal Energy Regulatory Committee (FERC) to look at all gas pipeline projects to identify the project(s) providing gas at the least economic and environmental cost. Votes may be taken.

IV APPOINTMENTS OF PERSONNEL/OFFICIALS

- 4.1 Review request of John Francis Hughes to be appointed to the West Townsend Reading Room Committee. Votes may be taken.
- 4.2 Review request of Fire-EMS Chief Mark Boynton to appoint the following to the Fire-EMS Department for terms from September 15, 2015 to June 30, 2016, and subject to successful completion of pre-employment physical, CORI check, and probationary period. Votes may be taken.
 - Nicholas Newell, On-Call Firefighter
 - Tabata Costanza, On-Call and Per Diem EMT
 - Brian Harking, Per Diem Paramedic
 - Robert Hayes, Per Diem Paramedic
 - Amy Cotter, On-Call and Per Diem EMT

V WORK SESSION

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

VI EXECUTIVE SESSION

- 6.1 Executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. Votes may be taken.
- 6.2 Executive session pursuant to GL c. 30A, s. 21(a)(1) to discuss complaints or charges against individuals. Votes may be taken.



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

TEL: (617) 727-2200
www.mass.gov/ago

September 17, 2015

OML 2015 – 136

Bruce P. Gilmore, Esq.
Town Counsel
Town of Yarmouth
99 Willow Street
Yarmouthport, MA 02675

RE: Open Meeting Law Complaint

Dear Attorney Gilmore:

This office received a complaint from Ronald Beaty, dated May 14, alleging that the Yarmouth Board of Selectmen (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.¹ The complaint was originally filed with the Board on April 28, and the Board responded by letter dated May 12. In his complaint, Mr. Beaty alleges that, on two occasions, the Board posted insufficiently specific meeting notices.

Following our review, we find that the Board violated the Open Meeting Law with regard to one of the meeting notices referenced in the complaint. However, we find that the Board did not violate the law with respect to the other meeting notice. In reaching a determination, we reviewed the original complaint; the Board’s response; and the request for further review filed with our office. We also reviewed minutes of open session meetings held by the Board on April 14 and April 28. Finally, we reviewed, *in camera*, draft minutes of executive session meetings held by the Board on these same dates.

FACTS

We find the facts as follows. The Board is a five-member public body that meets at regular intervals to discuss and act on matters of relevance to the Town of Yarmouth (the “Town”). The Board held a meeting on April 14. The notice listed an anticipated executive session as follows: “Discuss strategy with respect to potential litigation.” During the April 14 meeting, the Board entered executive session “to discuss potential litigation.” The minutes of the April 14 executive session have not yet been approved and released, and we therefore do not

¹ Unless otherwise indicated, all dates in this letter refer to the year 2015.



recount their contents in detail.² However, we note that the Board discussed two litigation matters: (i) a potential settlement of a pending suit against the Town; and (ii) potentially filing a lawsuit against another municipality.

The Board met on April 28. The notice for this meeting listed the purpose for an anticipated executive session simply as, "Negotiations Update." During the April 28 meeting, the Board entered executive session "to discuss collective bargaining strategy with respect to contract renewal for our two police unions." Again, the minutes of this executive session have not been approved and released. However, we note that during the executive session the Board discussed strategy relating to ongoing negotiations with two police unions.

DISCUSSION

Except in an emergency, a public body must post notice of every meeting at least 48 hours prior to the meeting, excluding Saturdays, Sundays and legal holidays. G.L. c. 30A, § 20(b). The notice must be printed in a legible, easily understandable format and must contain the date, time and place of the meeting and a listing of topics that the chair reasonably anticipates will be discussed. *Id.* The listing of topics "shall have sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting." 940 CMR 29.03(1)(b); OML 2013-122; OML 2011-15.³

The law also requires that meetings of a public body be conducted in an open session, with some exceptions. G.L. c. 30A, §§ 20(a), 21(a). Public bodies may enter a closed, executive session for any of ten enumerated purposes, provided that the chair of the public body first announces in open session the purpose for the executive session, "stating all subjects that may be revealed without compromising the purpose for which the executive session was called." G.L. c. 30A, §§ 21(a), 21(b)(3). One permissible reason to convene in executive session is, "[t]o discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares." G.L. c. 30A, § 21(a)(3) ("Purpose 3").

Public bodies must identify in the notice for a meeting the specific executive session purpose they intend to invoke to justify an executive session, and must provide as much detail as possible to inform the public of the nature of the executive session discussion without compromising the purpose for the executive session. *See* OML 2015-63; OML 2011-9. Thus, with respect to Purpose 3, we have said that unless disclosure will defeat the purpose for the executive session, public bodies should state in their notice the name of the specific collective bargaining unit with whom they will be negotiating, or the name of the litigation matter that will be discussed. *See* OML 2014-145; OML 2013-97. While we generally defer to a public body's assessment of whether the inclusion of such information would compromise the purpose for an executive session, a public body must be able to demonstrate a reasonable basis for that claim if challenged. *See* OML 2015-44; OML 2015-14.

² We take this opportunity to remind the Board that all open and executive session minutes must be created and approved by the public body in a timely manner. G.L. c. 30A, § 22(c). The Open Meeting Law does not provide a definition of "timely manner," but we recommend that minutes be approved at the next meeting, whenever possible. *See* OML 2012-91.

³ Open Meeting Law determinations may be found at the Attorney General's website: www.mass.gov/ago/openmeeting.

cc: Ronald Beaty
Yarmouth Board of Selectmen

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

OCT 13 2015

Please note that all fields are required unless otherwise noted.

SELECTMEN'S OFFICE

Your Contact Information:

First Name: Sue Last Name: Lisio

Address: 28 Ash Street

City: Townsend State: MA Zip Code: 01469

Phone Number: +1 (978) 597-6473 Ext. _____

Email: smlisio@comcast.net

Organization or Media Affiliation (if any): _____

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, Townsend, Middlesex County, MA

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

Date of alleged violation: 10/13/2015

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.

oard of Selectman Agenda Posting for 10/13/2015.
As posted, Item 2.3.2 Read
"Executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. Votes may be taken."
The posting for this agenda item fails to be specific enough for the public to understand fully the topic of the executive session.
This item should also have stated the name of the name of the person or entity with whom the Board is negotiating a contract.

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.

Public acknowledgment and disclosure of the Board's written response to this complaint and the Board's assurance that more specific disclosure of the subjects of negotiations will be posted and made known in the future.

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.

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: Jul Lisi

Date: 10/13/15

For Use By Public Body For Use By AGO
Date Received by Public Body: Date Received by AGO:



Office of the
BOARD OF SELECTMEN

272 Main Street
Townsend, Massachusetts 01469

Gordon Clark, *Chairman*

Andrew J. Sheehan,
Town Administrator

Carolyn Smart, *Vice-Chairman*

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

AGENDA
OCTOBER 13, 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: None

II APPOINTMENTS AND HEARINGS

- 2.1 6:10 Steve Boczenowski of Teenage Anxiety & Depression Solutions (TADS), to discuss a free mental health and wellness referral service available to the member communities of the North Middlesex Regional School District. Votes may be taken.
- 2.2 6:20 Karen Hill, to address the Board regarding her public records requests. Votes may be taken.
- 2.3 7:00 Executive Session
 - 2.3.1 Executive session pursuant to GL c. 30A, s. 21(a)(1) to discuss complaints or charges against individuals. Votes may be taken.
 - 2.3.2 Executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. Votes may be taken.
 - 2.3.3 Executive Session pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining associated with the request for voluntary recognition of a new collective bargaining unit. Votes may be taken.

III MEETING BUSINESS

- 3.1 Review and approve request of Town Clerk Kathy Spofford to declare surplus the following office equipment: 1 Brother 6750 typewriter, 1 Smith Corona typewriter, several miscellaneous file boxes, miscellaneous old office supplies, and a laminator and accessories. Votes may be taken.
- 3.2 Review request of Gail DerBeghosian to rename the first bridge on West Meadow Road that spans Willard Brook in memory of her son, Jesse Todd Newcombe. Votes may be taken.
- 3.3 Discuss selection of a consultant to recruit a new Police Chief. Votes may be taken.
- 3.4 Review and approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Birthday Party from 7-11PM on October 17, 2015. Votes may be taken.
- 3.5 Review and approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Christmas Fundraiser from 6-11PM on December 15, 2015. Votes may be taken.

- 3.6 Review mission and positing for Girls' School Commemoration Committee to recognize the former girls school at 458 Main Street. Votes may be taken.
- 3.7 Proclaim November 13, 2015 Pancreatic Cancer Awareness Day. Votes may be taken.
- 3.8 Discuss draft Selectmen's Policy on Use of Credit Cards. Votes may be taken.
- 3.9 Discuss draft Selectmen's Policy on Media Relations. Votes may be taken.

IV APPOINTMENTS OF PERSONNEL/OFFICIALS

None

V WORK SESSION

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



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

MAURA HEALEY
ATTORNEY GENERAL

TEL: (617) 727-2200
www.mass.gov/ago

July 28, 2015

OML 2015 – 106

Gregg Corbo, Esq.
Kopelman & Paige, P.C.
101 Arch Street
Boston, MA 02110

RE: Open Meeting Law Complaint

Dear Attorney Corbo:

This office received a complaint from Claire Stidsen dated March 10,¹ alleging that the Sterling Board of Selectmen (the Board) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on or about February 6, and you responded to the complaint by letter dated February 27.² The complaint alleges that, relative to the Board meeting held on January 7, the Board failed to list an executive session topic with sufficient specificity in its meeting notice;³ failed to comply with certain procedures for convening an executive session; and failed to create accurate meeting minutes.

We appreciate the patience and cooperation of the parties while we reviewed this matter. Following our review, we find that the Board violated the Open Meeting Law by failing to include sufficient and accurate detail both in its meeting notice and in its open session minutes. In reaching this determination, we reviewed the original complaint; your response; and the complaint filed with our office requesting further review. We also reviewed the recording, notice, open and executive session minutes from the Board meeting held on January 7.

¹ All dates in this letter refer to the year 2015.

² For purposes of clarity, we will refer to you in the third person hereafter.

³ In its response, the Board contends that this allegation is untimely because it was filed more than 30 days after the notice was posted on January 5. We disagree. When reviewing a meeting notice for sufficiency, unless it is clearly insufficient on its face, we do not review a meeting notice standing alone. See OML 2015-21; OML 2014-155. Rather, we review what was actually discussed at the meeting to determine if the notice was sufficiently detailed to make the public aware of the discussion topics. Id. It follows, therefore, that such allegations are not reasonably discoverable until the meeting at issue occurs. Accordingly, we find that this allegation was timely filed with the Board.



FACTS

We find the facts to be as follows. On January 7, the Board convened in executive session to discuss the discipline or dismissal of, or complaints or charges brought against, an individual, pursuant to G.L. c. 30A, § 21(a)(1) (“Purpose 1”). The executive session topic listed on the notice was described as, “Executive Session (MGL C30A Sec. 21 (a) Ex. Ass.” Prior to the executive session, the Board approved a vote by roll call to enter into executive session to discuss the “reputation, character, physical condition, mental health, etc., discipline, predisciplinary hearing, complaints or charges brought against a public officer, employee staff member or individual.” Although the Board did not intend to identify the individual to be discussed in its meeting notice, the notice inadvertently included the job title of that individual, listed as “Ex. Ass.” However, the Board decided not to repeat its mistake by identifying the individual in the verbal announcement prior to convening in executive session at the meeting.

The original minutes of the Board’s January 7 meeting stated that the Board approved a motion by roll call to, “enter into Executive session Pursuant to Massachusetts General Law Chapter 30A Section 21.” In response to this complaint, the Board amended the minutes on February 25 to add the language of Purpose 1 to this description, since the Chair did, in fact, recite that language during the meeting.

DISCUSSION

The Open Meeting Law requires a public body to post notice 48 hours in advance of a meeting and include a “listing of topics that the chair reasonably anticipates will be discussed at the meeting.” G.L. c. 30A, § 20(b). Public bodies are required to list topics in a meeting notice with “sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting.” 940 CMR 29.03(1)(b). We generally consider a topic to include sufficient specificity when a reasonable member of the public could read the topic and understand the anticipated nature of the public body’s discussion. See OML 2011-44.⁴ Executive session topics must be described, both in the meeting notice and in the announcement during open session, in as much detail as possible without compromising the purpose for which the executive session was called. See District Attorney for N. Dist. v. Sch. Comm. Of Wayland, 455 Mass. 561, 567 (“[a] precise statement of the reason for convening in executive session is necessary under the open meeting law because that is the only notification given to the public that the school committee would conduct business in private, and the only way the public would know if the reason for doing so was proper or improper.”); G.L. c. 30A, §§ 20(b), 21(b)(3); 940 CMR 29.03(1)(b).

I. The Executive Session Topic Listed on the January 7 Meeting Notice Lacked Sufficient Detail.

A public body may enter executive session under Purpose 1 to “discuss the... discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual.” G.L. c. 30A, § 21(a)(1). The notice for the Board’s meeting on January 7 listed as a topic for discussion, “Executive Session (MGL C30A Sec. 21 (a) Ex. Ass.” We find that

⁴ Open Meeting Law determinations may be found at the Attorney General's website: www.mass.gov/ago/openmeeting.

this executive session topic was insufficiently detailed because it did not state under which specific purpose the Board intended to convene. At a minimum, the notice should have identified the specific statutory executive session purpose (i.e. G.L. c. 30A, § 21(a)(1)), rather than the general section of the law authorizing executive sessions. OML 2014-97.

In a prior determination, OML 2013-195, we similarly found that the Board violated the Open Meeting Law by failing to list an executive session topic with sufficient specificity in its meeting notice. See OML 2013-195, at 9. The Board's makeup has changed since that determination was issued, however, and only one of the Board's three members (which is less than a quorum) was involved in both violations of the Open Meeting Law. We therefore do not find that this most recent violation of the Open Meeting Law is an intentional violation, but we caution the Board that future similar conduct may be considered evidence of intent to violate the Law.

II. The Board Properly Convened in Executive Session on January 7.

We find that the Board properly followed the procedural requirements for convening in executive session during its January 7 meeting, including the requirement that a roll call vote approve the closed door session. See G.L. c. 30A, § 21(b). The chair's verbal statement prior to convening in executive session- a recitation of the statutory language- provided as much detail about the topic as possible without compromising the purpose for which the executive session was called. Id. Although the Board did identify in its notice the job title of the individual to be discussed, it did so inadvertently, and therefore did not need to repeat its mistake by disclosing the identity of the individual in the announcement during the meeting. See OML 2013-141; OML 2013-20 (the description of a topic under Purpose 1 does not have to identify the individual to be discussed if the public body believes that such disclosure would defeat the purpose for confidentiality, namely to protect the privacy of that individual).

III. The Minutes From the Board's January 7 Meeting Were Inaccurate, however the Board Took Appropriate Remedial Action in Response to this Complaint by Revising those Minutes.

As the Board has conceded, the original minutes of its January 7 meeting did not accurately reflect the language of the vote taken by the Board to enter into executive session. The Open Meeting Law requires that a public body, "create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes." G.L. c. 30A, § 22(a). Although the original minutes did not comply with these requirements, following its receipt of this Open Meeting Law complaint the Board revised the minutes to reflect the language of the actual vote taken by the Board. We find this was appropriate remedial action.

CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law by failing to include sufficient detail in the notice for its January 7 meeting and by failing to include accurate detail in the open session minutes of that same meeting. We order immediate and future compliance with the Open Meeting Law and caution that future similar violations may be considered evidence of intent to violate the Law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with our office or the Board. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

Sincerely,



Hanne Rush
Assistant Attorney General
Division of Open Government

cc: Claire Stidsen
Sterling Board of Selectmen

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.



OPEN MEETING LAW COMPLAINT FORM

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

RECEIVED

OCT 20 2015

Please note that all fields are required unless otherwise noted.

SELECT

3.9

Your Contact Information:

First Name: Sue Last Name: Lisio

Address: 28 Ash Street

City: Townsend State: MA Zip Code: 01469

Phone Number: +1 (978) 597-6473 Ext. _____

Email: smlisio@comcast.net

Organization or Media Affiliation (if any): _____

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, Townsend MA, Middlesex County

Specific person(s), if any, you allege committed the violation: Board Violation

Date of alleged violation: Oct 13, 2015

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.

Item 1.6 on the 10/13/15 Board of Selectmen Meeting agenda as posted states "Board of Selectmen announcements, updates, and reports".

During discussions for this item, the Chairman brought up the question of whether or not the board members should all have keys to the Selectmen offices and asked for Ms. Smart's opinion. They discussed the subject. They made and seconded a motion to direct the Town Administrator to give them keys to the office. They voted on the motion.

This topic was not listed on the agenda and the public had no prior knowledge that this subject would be discussed.

It is acknowledged that the topic of updates and reports may bring up miscellaneous subjects that could or should be discussed and voted upon, however the public should receive notice via a posted agenda before board discussion and/or voting occurs.

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.

Acknowledge the error, rescind the vote, repost the item for a future agenda for discussion and vote, if any, and explain to the public how such announcements and updates will be handled going forward, for example "if items brought up by a board member during "Updates and Reports" indicate or require board discussion and/or voting, said item will be placed on a future agenda and posted accordingly."

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.

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: Sue Lesio

Date: 10/20/15
For Use By Public Body For Use By AGO
Date Received by Public Body: Date Received by AGO:



MASSACHUSETTS CULTURAL COUNCIL

10 St. James Avenue, 3rd floor
Boston, MA 02116-3803

617.858.2700

800.232.0960 Toll Free

617.727.0044 Fax

mcc@art.state.ma.us E-mail

www.massculturalcouncil.org Web

October 14, 2015

Andrew J. Sheehan, Town Administrator
Town of Townsend
Town Hall
272 Main Street
Townsend MA 01469-1519

3.11

Dear Mr. Sheehan:

Enclosed is a contract and scope of services for the Town of Townsend that covers the transfer of FY 2016 Local Cultural Council funds from the Massachusetts Cultural Council to your local cultural council account for the Townsend Cultural Council.

State Comptroller regulations require State Agencies to have a signed contract and signature authorization form on file for all transfers of funds from state to local accounts unless the agency is statutorily released from this mandate, which the Massachusetts Cultural Council is not.

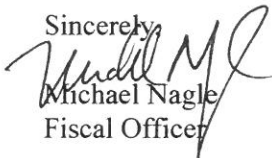
The contract includes: a signature page with the amount of the allocation (\$4,800), dates of service (July 1, 2015 to June 30, 2016), and a place to sign. You only need to sign it, include an email address if possible and make any corrections if needed. The second page is the scope of services which defines how the funds are to be expended following Massachusetts Cultural Council regulations. Lastly, the Signature Authorization page is a required form for all contracts with state agencies that clearly identifies the person or persons authorized to sign contracts for a vendor, in this case your municipality.

The contract should be signed with a completed Signature Authorization form and returned to me by November 27, 2015.

I will not be able to transfer the Local Cultural Council allocation until I have a completed contract package from your municipality. If you or any of your staff have any questions, please feel free to contact me at 617/858-2722 or by email at michael.nagle@state.ma.us.

Thank you very much.

Sincerely,


Michael Nagle
Fiscal Officer

Attachments



COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. Any changes to the official printed language of this form shall be void. Additional non-conflicting terms may be added by Attachment. Contractors may not require any additional agreements, engagement letters, contract forms or other additional terms as part of this Contract without prior Department approval. Click on hyperlinks for definitions, instructions and legal requirements that are incorporated by reference into this Contract. An electronic copy of this form is available at www.mass.gov/osc under Guidance For Vendors - Forms or www.mass.gov/osd under OSD Forms.

CONTRACTOR LEGAL NAME: Town of Townsend (and d/b/a): Town Hall 272 Main Street Legal Address: (W-9, W-4, T&C): Townsend MA 01469-1519 Contract Manager: Andrew J. Sheehan, Town Administrator E-Mail: asheehan@townsend.ma.us Phone: 978/597-1708 Fax: 978/597-8135 Contractor Vendor Code: VC6000192009 Vendor Code Address ID (e.g. "AD001"): AD ____ (Note: The Address ID Must be set up for EFT payments.)	COMMONWEALTH DEPARTMENT NAME: Massachusetts Cultural Council MMARS Department Code: ART Business Mailing Address: 10 St. James Ave. 3rd Fl., Boston MA 02116 Billing Address (if different): Contract Manager: Michael Nagle E-Mail: Michael.Nagle@state.ma.us Phone: 617/858-2722 Fax: 617/727-0044 MMARS Doc ID(s): RFR/Procurement or Other ID Number:
<p style="text-align: center;"><u>NEW CONTRACT</u></p> PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes State or Federal grants 815 CMR 2.00) (Attach RFR and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)	<p style="text-align: center;"><u>CONTRACT AMENDMENT</u></p> Enter Current Contract End Date <u>Prior</u> to Amendment: ____, 20__. Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.) <input type="checkbox"/> Amendment to Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)
The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract. <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services	
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00. <input type="checkbox"/> Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or <i>new</i> Total if Contract is being amended). \$ <u>\$4,800</u> .	
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days __% PPD; Payment issued within 15 days __% PPD; Payment issued within 20 days __% PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: __agree to standard 45 day cycle __ statutory/legal or Ready Payments (G.L. c. 29, § 23A); __ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)	
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) <p style="text-align: center;">Local Cultural Allocation for the Townsend Cultural Council</p>	
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input type="checkbox"/> 1. may be incurred as of the <u>Effective Date</u> (latest signature date below) and no obligations have been incurred prior to the <u>Effective Date</u> . <input type="checkbox"/> 2. may be incurred as of ____, 20__, a date LATER than the <u>Effective Date</u> below and no obligations have been incurred prior to the <u>Effective Date</u> . <input checked="" type="checkbox"/> 3. were incurred as of July 1, 2015 , a date PRIOR to the <u>Effective Date</u> below, and the parties agree that payments for any obligations incurred prior to the <u>Effective Date</u> are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.	
CONTRACT END DATE: Contract performance shall terminate as of <u>June 30, 2016</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.	
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the " Effective Date " of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached <u>Contractor Certifications</u> (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable <u>Commonwealth Terms and Conditions</u> , this Standard Contract Form including the <u>Instructions and Contractor Certifications</u> , the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <u>801 CMR 21.07</u> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.	
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: _____ Print Title: _____	AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: _____ Date: _____ (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>David T. Slatery</u> Print Title: <u>Deputy Director</u>



MASSACHUSETTS CULTURAL COUNCIL

10 St. James Avenue
Boston, MA 02116-3803

617.858.2700

800.232.0960 Toll Free

617.727.0044 Fax

mcc@art.state.ma.us E-mail

www.massculturalcouncil.org Web

Scope of Services/Budget

The allocated amount or maximum obligation for the contracted city or town will be deposited in the local account for the local or regional cultural council, provided that the city or town:

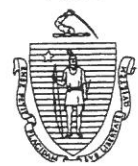
- Maintain a revolving account for the local or regional cultural council as required by Massachusetts General Law, Chapter 10, Section 58
- Report on said fund annually by completing the Massachusetts Cultural Council's Local Cultural Council Account Form

The local or regional cultural council will expend the funds following the procedures outlined in Massachusetts Cultural Council guidelines and regulations (962 CMR 2.00 – 3.00)



COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING

Issued May
2004



CONTRACTOR LEGAL NAME :
CONTRACTOR VENDOR/CUSTOMER CODE:

INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense of the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE

I certify that I am the President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.

Signature

Date:

Title: Telephone:

Fax: Email:

[Listing can not be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department.

3.12

COMMONWEALTH OF MASSACHUSETTS

Middlesex ss.

To either of the constables of the Town of Townsend in the County of Middlesex.

Greetings:

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to Notify and warn the inhabitants of said Town, qualified to vote in elections and in Town affairs, to vote at

Precincts I, II, and III at Memorial Hall Auditorium, 272 Main Street

Tuesday, November 17, 2015

From 8:00 in the morning to 8:00 in the evening

for the Special Town Election in said Townsend for the following purpose:

To cast their votes to elect the following by ballot:

Board of Selectmen.....Vote for One.....To complete term ending April 25, 2016.

And, you are directed to serve this Warrant, by posting up attested copies thereof at MEMORIAL HALL, 272 MAIN STREET at the Center, THE WEST TOWNSEND FIRE STATION, 460 MAIN STREET in West Townsend, THE NORTH MIDDLESEX REGIONAL HIGH SCHOOL, 19 MAIN STREET, in the harbor and THE POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD and the HARBOR CHURCH, 80 MAIN STREET in said Town, SEVEN (7) days at least before the time of the holding said election.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of election, as aforesaid.

Given under our hands this ___ day of _____ in the year Two Thousand Fifteen.

SELECTMEN OF TOWNSEND

Gordon Clark, Chairman

Carolyn Smart, Vice Chairman

On the date above written, I have served this warrant by posting attested printed copies thereof at MEMORIAL HALL, 272 MAIN STREET at the Center, THE WEST TOWNSEND FIRE STATION, 460 MAIN STREET in West Townsend, THE NORTH MIDDLESEX REGIONAL HIGH SCHOOL, 19 MAIN STREET in the harbor and THE POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD and the HARBOR CHURCH, 80 MAIN STREET in said Townsend.

A true copy. ATTEST:

_____, CONSTABLE

MIDDLESEX, ss.

Pursuant to the within warrant, I have notified and warned the inhabitants of the Town of Townsend by posting up attested copies of the same at: MEMORIAL HALL, 272 MAIN STREET at the center, WEST TOWNSEND FIRE STATION, 460 MAIN STREET in West Townsend, POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD, NORTH MIDDLESEX REGIONAL HIGH SCHOOL 29 MAIN STREET AND HARBOR CHURCH, 80 MAIN STREET, at least **SEVEN (7) DAYS** before the date of the meeting, as within directed.

Constable of TOWNSEND

SIGNATURE

LOCATION	TIME	MONTH	DAY	YEAR
MEMORIAL HALL	_____	_____	_____	_____
WEST TOWNSEND FIRE STATION	_____	_____	_____	_____
NORTH MIDDLESEX REGIONAL HIGH SCHOOL	_____	_____	_____	_____
POLICE/COMMUNICATIONS CENTER	_____	_____	_____	_____
HARBOR CHURCH	_____	_____	_____	_____

DEPARTMENT & COMMITTEE LIST 2015

3.13

CAROLYN SMART

General Government

Board of Selectmen/Town Administrator
Town Accountant
Board of Assessors
Treasurer-Collector

Land Use:

- Conservation Commission
- Montachusett Regional Planning Commission (MRPC)
- Planning Board
- Zoning Board of Appeals
- Land Use
- Housing Authority

Town Clerk/Registrars
Management Information Systems
Memorial Day/Band Concerts
Amanda Dwight Ent. Fund Committee
Library Trustees
Trust Fund Commissioners
Trustees of Soldiers Memorials

Public Safety

Solid Waste/Landfill
Water Department
Board of Water Commissioners
Board of Health

GORDON CLARK

Public Safety

Police/Communications Department
Fire-EMS Department
Inspectional Services

- Building Department
- Gas/Plumbing
- Sealer of Weights & Measures
- Electrical Inspector

Inspector of Animals
Emergency Management (TEMA)
Animal Control Officer
Tree Warden

General Government

Council on Aging/Senior Center
Library
Veterans' Agent
Recreation Commission

Public Works

Highway Department
Cemetery & Parks Department
Facility Maintenance/Memorial Hall
Cemetery & Parks Commissioners