



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

*Revised*

**AGENDA**  
**OCTOBER 20, 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: **Delete 2.3.2, 2.3.3**
- 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:
  - Open Session: September 8, 2015, September 15, 2015, September 29, 2015, October 6, 2015, and October 13, 2015
  - Executive Session: September 15, 2015, session 1, September 15, 2015, session 2, September 29, 2015.

**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. Votes may be taken.
  - ~~• 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. Votes may be taken.

**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. Votes may be taken.

**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**  
**SEPTEMBER 8, 2015, 6:00 P.M.**  
**SELECTMEN'S CHAMBERS, TOWN HALL**  
**272 MAIN STREET, TOWNSEND, MA**

**I PRELIMINARIES**

- 1.1 At 6:00PM the Chairman called the meeting to order. Roll call showed Gordon Clark, Chairman, (GC) and Carolyn Smart, Vice-Chairman, (CS), present
- 1.2 Pledge of Allegiance observed.
- 1.3 GC announced that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions: Delete 2.1, 2.3
- 1.5 Town Administrator updates and reports:
  - Town Administrator, Andrew Sheehan (AS), reported there will be a Department of Public Utilities rate hearing to discuss Unitol's intended gas and electric rate increase at the Fitchburg Library on September 7, 2015 at 7:00PM.
  - Last Thursday Lt. Governor Polito came to the Town Hall to sign the Community Compact, joined by Rep. Sheila Harrington. Townsend is the 17<sup>th</sup> community to sign on.
  - Rep. Harrington confirmed that Townsend would be getting \$50,000 for public safety.
- 1.6 Board of Selectmen announcements, updates, and reports:
  - CS announced a Concert on the Common and Craft Fair on Sunday September 20, 2015.
  - CS announced that National POW/MIA recognition day will be observed September 18, 2015.
  - CS offered her condolences Paul Concemi, whose wife Judy recently passed away.
  - CS said a resident came to her about big trucks going down Depot Road, didn't know if there was a way to keep the big trucks off the road.
  - CS emailed Highway Superintendent Ed Kukkula about trash along Route 13 and Main Street and he is going to contact the Sheriff's department to try to set up a clean-up crew.
  - CS asked for an update from GC regarding a working group with Cemetery & Parks, and highway, which has not been scheduled yet. GC said it will be scheduled after the Chief issue is settled.
  - CS asked about meeting with Conservation about cleaning the Squannacook River, and CS offered going to a Conservation Meeting to discuss.
  - GC said that the Community Compact Agreement was a team effort to make the Town better.
  - GC was over at the Senior Center Meeting Room and a new 1800 sq. foot floor has been put in by Sterilite.
- 1.7 Approval of meeting minutes. August 11, 2015 and September 1, 2015. CS moved to approve the meeting minutes. August 11, 2015 and September 1, 2015. GC seconded. Unanimous.
- 3.1 Announce agreements with non-union personnel. CS moved to approve and release the agreement with Mark Mercurio, Facilities Maintenance Coordinator. GC seconded. Unanimous. CS moved to approve and release the Police Chief Erving Marshall's contract amendment. GC seconded. Unanimous.

- 3.2 Review and discuss report from Human Resources Services, Inc. (HRS) regarding the update to the non-union employee compensation and classification plan, including reclassification of the Facilities Manager from Grade 6 to Grade 7 and creation of a Water Technician in Grade 6. CS spoke to the Ethics Commission about removing the Assistant Town Clerk and the Police Chief Confidential Administrative Coordinator from the comp and class plan. CS moved to remove the Assistant Town Clerk and the Police Chief Confidential Administrative Coordinator positions from the comp and class plan and discussion. GC seconded. Unanimous. Town Meeting appropriated the funds to have HRS look at and update the compensation and classification plan as well as the revised job description of the Facilities Manager and the entry level water technician position. HRS. Discussed possibly having HRS come out explain, as well as tabling this discussion until December when there is a third member on the Board. CS suggested talking about the Water Technician position with the Board of Water Commissioners when they come in to discuss Item 2.4, GC agreed.
- 3.3 Review and approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Wedding Reception from 6-11PM on October 9, 2015. CS moved to approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Wedding Reception with serving hours from 6-11PM on October 9, 2015. GC seconded. Unanimous.
- 3.4 Review and approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Family Reunion from 1-5PM on October 11, 2015. CS moved to approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Family Reunion with serving hours from 1-5PM on October 11, 2015. GC seconded. Unanimous
- 3.5 Review and approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Wedding Reception from 1-5PM on October 25, 2015. CS moved to approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Wedding Reception with serving hours from 1-5PM on October 25, 2015. GC seconded.
- 3.6 Review and approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Kidney Transplant Fundraiser from 7PM-12AM on November 7, 2015. CS moved to approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Kidney Transplant Fundraiser with serving hours from 7PM-12AM on November 7, 2015. GC seconded. Unanimous.
- 3.7 Review and approve requests by Unutil to cross, alter, or construct within a public way at the following locations. Votes may be taken:
- 173 Dudley Road, to abandon a gas service
  - 92 Main Street, to abandon a gas service
  - 2 South Street, to abandon a gas service
  - 494 Main Street, to abandon a gas service
  - 11 Old Battery Road, to abandon a gas service
  - 9 Scott Road, to abandon a gas service
  - Main Street at Highland Street near the bridge, to repair gas main
  - Turnpike Road at entrance to farming area, to repair gas main
  - 1 Greeley Road at driveway and across from Gary's Farm Stand, to repair gas main
  - 21 Blood Road at Woodland Drive intersection, to repair gas main.
- CS moved to approve requests by Unutil to cross, alter, or construct within a public way at the following locations:
- 173 Dudley Road, to abandon a gas service
  - 92 Main Street, to abandon a gas service
  - 2 South Street, to abandon a gas service
  - 494 Main Street, to abandon a gas service
  - 11 Old Battery Road, to abandon a gas service
  - 9 Scott Road, to abandon a gas service

- Main Street at Highland Street near the bridge, to repair gas main
- Turnpike Road at entrance to farming area, to repair gas main
- 1 Greeley Road at driveway and across from Gary's Farm Stand, to repair gas main
- 21 Blood Road at Woodland Drive intersection, to repair gas main.

GC seconded. Unanimous.

- 3.8 Review request of Highway Superintendent Ed Kukkula to transfer a 1999 Ford F250 One-Ton truck to the Cemetery & Parks Department. CS moved to approve the request of .8 Review request of Highway Superintendent Ed Kukkula to transfer a 1999 Ford F250 One-Ton truck to the Cemetery & Parks Department. GC seconded. Unanimous.
- 3.9 Review request of Townsend Emergency Management Agency to occupy a portion of the Municipal Garage upon removal of the Fire-EMS Department's equipment. Tom Whittier of the Townsend Emergency Management Agency (TEMA) discussed the agency's lack of storage space and would like occupy a portion of the Municipal Garage upon removal of the Fire-EMS Department's equipment. AS said that his only concern would be that other departments, such as the Council on Aging and Facilities would also like to use some space in the garage once the Fire-EMS equipment is removed. CS said it may be possible to give TEMA at least one bay, however Mark Mercurio, the Facilities Manager is in charge of that building, and will require the use of the small bay to store facilities equipment. GC asked the Fire Chief if he would give the Board notice as too when the garage would be free, which he agreed to do.

## II APPOINTMENTS AND HEARINGS

~~2.1 6:30 Reserved.~~

- 2.2 6:45 Fire-EMS Building Committee: The Committee will provide an update on the West Townsend Station and discuss forming a committee to memorialize the former girls' school at 458 Main Street. William Elliott, Fire-EMS Building Committee Chairman, (WE), updated the Board on the West Townsend Fire Station. WE recently found out that Massachusetts law had been updated and a design-build procurement is no longer allowed. They discussed a couple options that they are considering, including the traditional design-bid-build. AS suggested asking the Town Counsel if they are aware of the Legislature having approved special legislation allowing for design-build. CS suggested that the Committee look into a modular build. GC recommended purchasing the land and coming back to the Board to find a solution. Discussed forming a committee to memorialize the former girls' school at 458 Main Street. AS will add item to next agenda to form committee to post vacancy. Resident Len Abreu suggested keeping the American Legion and allowing the Fire-EMS department to renovate it and use it. GC said that the decision to demolish the building was decided at Town Meeting.
- 4.1 Appoint members to Department of Public Works (DPW) study committee. Three volunteer response forms were received from Joe Shank, Kevin Smith and John Hussey. Discussed that CS would be the liaison for the study committee. CS moved to appoint Joe Shank, John Hussey and Kevin Smith to the DPW study committee effective September 8, 2015 until such time that a report has been completed. GC seconded. Unanimous.
- 4.2 Review application of Susan Bates to be appointed to the Meeting Hall Gallery Committee with a term from September 8, 2015 to June 30, 2018. CS moved to appoint Susan Bates to the Meeting Hall Gallery Committee for a term from September 8, 2015 to June 30, 2018 . GC seconded. Unanimous.
- 4.3 Review recommendation of the Zoning Board of Appeals for the following.
- to reappoint Darlene Sodano to the Zoning Board of Appeals from July 1, 2015 to June 30, 2020.
  - to reappoint John Giunta as an Associate Member to the Zoning Board of Appeals from July 1, 2015 to June 30, 2016.

CS moved to reappoint Darlene Sodano to the Zoning Board of Appeals from July 1, 2015 to June 30, 2020. GC seconded. Unanimous. CS moved to reappoint John Giunta as an Associate Member to the Zoning Board of Appeals from July 1, 2015 to June 30, 2016. GC seconded. Unanimous.

2.5 Appointment of an Interim Police Chief to serve until a permanent chief is hired. AS said that the Town posted two weeks ago for an Interim Police Chief and received two applications from parties interested. AS and GC interviewed both candidates today, concluding that Warren Ryder is the best choice for the interim position. Chief Ryder is currently the Police Chief in Boxboro and would need to work out the details on how this would work with the Boxboro Board of Selectmen. GC spoke to Lt. Mark Giacotti about stepping up and helping out with the new Chief. CS moved to appoint Warren B Ryder as Interim Police Chief subject to negotiation of terms of employment and subject to approval of his Board of Selectmen. GC seconded. Unanimous. GC made a request that Lt Mark Giacotti and Communications Supervisor David Mazza make themselves available to assist with the transition with the Interim Chief which is Warren Ryder and to clear their scheduled as of September 15, 2015.

~~2.3 7:00 Squannacook Rail Trail and Route 119 Sidewalk: Joe Shank requests the opportunity to discuss the project. Votes may be taken.~~

CS moved to recess to 730PM. GC seconded. Unanimous

2.4 7:30 Water Department: Discussion of Superintendent's compensation. The discussion may include an executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. Board of Water Commissioners opened their meeting at 272 Main Street at 7:33PM. Niles Busler, (NB) and Michael MacEachern (MM) were present, as was Water Superintendent Paul Rafuse, (PR). PR said that his on call pay was being withheld. PR referred to the approved FY 16 budget that was approved at Town Meeting. CS said that a legal opinion was received some weeks ago when Building Commissioner Richard Hanks had an issue with his stipend for the new school project. CS said that the comp and class plan included PR's on call pay. NB and MM explained that the on call pay has been effect since 2005 to include PR in the rotation. CS suggested that the Water Commissioners meet and discuss a solution with PR. GC said that the either the Water Commissioners rescind PR's on call pay to be compliant with the law or GC will make a motion to forward it to someone to see what happens next. NB made a motion to remove the Superintendent from rotation pay. MM seconded. MM said that he does not feel comfortable taking a vote being one member short. PR said that his on call pay has been approved by the Board as well as Town Meeting for the last 10 years, as reflected in the budget presented to and approved by Town Meeting. GC said either PR becomes compliant by removing the on call pay or he will move that the issue will go to an authority to decide the next step. Discussed how the members of the Board decided how/when to contact counsel. CS said that she and GC does not need a motion from the Board to contact Town Counsel, they can do so whenever. MM asked to push off this decision until next week so the Water Commission could meet and discuss this issue with a full Board. AS suggested a memorandum of agreement between the Board and the Superintendent that would include the on call pay and resolve the issue, holding PR harmless, keeping in effect the practice that has been in place for 10 years. CS asked AS to run the agreement by Town Counsel and if the agreement was written by Town Counsel she would consider it. MM said again that he would like to hold off voting until the Water Commission had a full Board, especially with the knowledge of a memorandum of agreement for PR. GC said that he doesn't want PR to be in a position where he has run afoul with the law, and he currently may be. GC suggested that the Water Commission cut the on call pay now, and come back to the Board at a later date to discuss the memorandum of agreement. GC said either the Water Commission rescinds the pay to be compliant with the law or he will forward the information to the proper authorities. GC asked the Water Commissioners if they are going to take action or not. MM said that the Water Commission only received this information tonight and would like time to consider it. GC said that they need to decide tonight. AS clarified that it would be in everyone's best interest to temporarily remove PR from the on call list. PR asked to speak, but GC would not allow it at this time until the Water Commission made a decision. Tammy Rafuse asked GC for a clarification on if he would be forwarding the information to the Ethics Commission. GC said that he will forward it wherever the Board voted to send it. Tammy Rafuse asked if they would send it to the Ethics Commission or Town Counsel. CS said that the Board has not discussed where it would be sent, basing

their decision on what Labor Counsel recommended. MM said that the water commission would stop PR's on call pay. GC said that he would welcome the Water Commission back to discuss the memorandum of agreement. AS said that the Town has already spent an extraordinary amount on legal costs and if the Board was not interested in entering into an agreement with PR, then he advised not spending the money on Legal Counsel. CS agreed with AS and said that they could schedule an executive session to negotiate and once an agreement has been decided on, it would go to legal counsel for approval. Discussed PR's salary and that it should reflect all money he is entitled to including on call pay going forward. Discussed CS's email to Town Counsel regarding Richard Hanks' stipend and how PR's on call pay was brought up. Discussed Water Technician position, the Board of Water Commissions funded a water technician trainee, which would be an entry level position. PR explained the need for an entry level water technician. CS asked if PR could wait on this position until DOR came out to assess the Town's need for a DPW and said the new DPW Exploratory Committee should decide whether the new position is needed. PR said regardless of what DOR recommends, the Water Department needs another technician. GC said that he would like to wait to see DOR's assessment. AS said that he doesn't not think DOR will be making a per position analysis, more at an organizational level. GC asked the Board of Water Commissioners to step up and use the jackhammer to tear up the ramp at the Annex to benefit the Recreation Commission, and to direct PR to work with AS and Facilities Manager Mark Mercurio. MM adjourned the Water Commissioners meeting at 8:41PM. NB seconded. Unanimous.

### **III MEETING BUSINESS**

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

#### **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 8:40PM. GC seconded. Unanimous.

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



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

**MINUTES**  
**SEPTEMBER 15, 2015, 6:00 P.M.**  
**SELECTMEN'S CHAMBERS, TOWN HALL**  
**272 MAIN STREET, TOWNSEND, MA**

**I PRELIMINARIES**

- 1.1 At 6:00PM the Chairman called the meeting to order. Roll call showed Gordon Clark, Chairman (GC), and Carolyn Smart Vice Chairman, (CS) present.
- 1.2 Pledge of Allegiance observed.
- 1.3 Chairman announced that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions: Amend 2.1 and 4.2, delete 2.3
- 1.5 Town Administrator updates and reports:
  - Town Administrator, Andrew Sheehan (AS), reported that the Department of Revenue was at Town Hall today as part of the DPW study. DOR met with some department heads and Board of Selectmen members.
  - Route 13N section from Dudley Road up to the state line, Ed Kukkula, the Highway Superintendent, has been working with Weston & Sampson to prepare plans to reconstruct the road. Due to changes in MassDOT rules the project has been delayed.
  - Filing with Finance Committee for a reserve fund transfer for insurance, saying it cannot wait until Town Meeting. AS will ask for \$2,000 for costs related to Treasurer-Collector bond and new equipment.
- 1.6 Board of Selectmen announcements, updates, and reports:
  - CS announced the Townsend Historical Society Arts and Crafts Fair on the Common on September 19 and 20, 2015.
- 2.1 6:10 Review and sign contract with Interim Chief of Police Robert A. DeMoura. The Board may enter Executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. CS moved to enter in to Executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel and to reconvene in open session. GC seconded. GC aye, CS aye. Returned to open session at 6:20PM GC recognized Chief Erving Marshall's 38 years of service. CS moved to appoint Robert DeMoura as the Interim Police Chief of the town of Townsend. GC seconded. Unanimous. CS moved to approve, sign, and release the employment contract with Robert DeMoura. GC seconded. Unanimous. Chief Robert DeMoura gave a brief overview of his career. GC recognized Lt. Mark Giancotti as being a key part of the Police Department and this transition.
- 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  
Chief Boynton discussed the ambulance write off policy and the Backup Paramedic Intercept Agreements with the towns of Groton and Lunenburg. Discussed the Chief being able to approve the

write off policy. CS moved to approve the draft policy for EMS billing hardship and to amend it to reflect the Fire-EMS Chief will have the authority to waive any hardship and to sign it outside of the meeting. GC seconded. Unanimous. CS moved to approve the agreements for Backup Paramedic Intercept Services with the town of Groton and the town of Lunenburg. GC seconded. Unanimous.

- 1.7 Approval of meeting minutes. August 18, 2015. CS moved to approve the meeting minutes of August 18, 2015. GC seconded. Unanimous.
- 1.6 Board of Selectmen announcements, updates, and reports: (continued)
- CS asked if GC was available October 1 for a meeting with Cemetery and Parks and Facilities Management, library and Senior Center working group.
  - CS requested that a discussion of department head meetings and employee meetings be added to the next agenda.
  - GC commended everyone who has been involved with the annex for the Recreation Department.

## II APPOINTMENTS AND HEARINGS

- ~~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. Treasurer-Collector Deborah Kristoff, (DK) reported that accounts are balanced, currently transferring information in to the Vadar system. CS asked what the time frame would be to reconcile accounts, DK said she is hoping this week, but day to day tasks often get in the way of the reconciliation. She added she is still training staff. GC thanked DK for coming to the meeting and keeping employees informed. GC suggested having a representative from Great West to come out and discuss issues. Requested that Great West be contacted and request a meeting. AS said that in terms of the cash reconciliation, nothing is being held up. Still have time to get free cash in time for the December Town Meeting.

## III MEETING BUSINESS

- 3.1 Review and sign proclamation recognizing Chief of Police Erving M. Marshall, Jr. CS read proclamation recognizing Chief of Police Erving M. Marshall, Jr. CS moved to sign proclamation for Chief Marshall. GC seconded. Unanimous.
- 3.2 Review and sign proclamation recognizing Donna Miller for receiving the William E. May Endowment Award. CS read the proclamation recognizing Donna Miller for receiving the William E. May Endowment Award. CS moved to sign proclamation recognizing Donna Miller for receiving the William E. May Endowment Award. GC seconded. Unanimous.
- 3.3 Review request of Kelly McTighe proclaiming October as Dysautonomia Awareness Month. AS read the proclaiming October as Dysautonomia Awareness Month. CS moved to approve the proclamation for Dysautonomia Month. GC seconded. Unanimous.
- 3.4 Review posting for a committee to memorialize the former girls' school at 458 Main Street. AS said that West Townsend Fire-EMS Building Committee suggested that a committee be created to memorialize the former girls' school at 458 Main Street. AS put together a description of the posting for the committee. Board needs to decide how many members would be a part of the committee. GC suggested a 5 member committee. CS moved to approve the posting for the vacancies. GC seconded. Unanimous.
- 3.5 Review Open Meeting Law complaint against the Board of Selectmen. AS reported that this was a different Open Meeting Law complaint, but it was about the same thing as the previous complaint; appointing Mike Turgeon to the Conservation Commission without providing 48 hour notice. AS said that the response from the Board will be essentially the same as the response from the previous complaint, siting steps that have already been done. AS will revise the letter and the Board can sign it out of session or review it at the next meeting. CS read the former response in to the record. The response will include that the requested correction action is beyond the scope of the open meeting law complaint.



- 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. Carolyn Sellars explained the letter she previously wrote to FERC requesting the Board of Selectmen to approve the letter, as well as asking Lt. Governor and Representative Harrington to sign. AS will draft a letter for next week.

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

- 4.1 Review request of John Francis Hughes to be appointed to the West Townsend Reading Room Committee. CS moved appoint John Francis Hughes to the West Townsend Reading Room Committee effective September 15, 2015 to June 30, 2016. GC seconded. Unanimous.
- 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.
- Nicholas Newell, On-Call Firefighter
  - Tabata Costanzo, On-Call and Per Diem EMT
  - Brian Harking, Per Diem Paramedic
  - Robert Hayes, Per Diem Paramedic
  - Ashley Cotter, On-Call and Per Diem EMT
- CS moved to appoint the following to the Fire-EMS Department for a term from September 15, 2015 to June 30, 2016 and subject to successful completion of pre-employment physical, CORI check and with a 6 month probationary period:
- Nicholas Newell, On-Call Firefighter
  - Tabata Costanzo, On-Call and Per Diem EMT
  - Brian Harking, Per Diem Paramedic
  - Robert Hayes, Per Diem Paramedic
  - Ashley Cotter, On-Call and Per Diem EMT
- GC seconded. Unanimous.

#### **V WORK SESSION**

- 5.1 Review and sign payroll and bills payable warrants. CS moved to sign bills payable warrant out of session. GC seconded. Unanimous. CS invoked the rule of necessity to sign payroll as CS is an employee and GC's wife is also an employee. CS moved to review and sign the payroll warrant outside of session invoking the rule of necessity. GC seconded. Unanimous.

#### **VI EXECUTIVE SESSION**

- 6.1 Executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel.
- 6.2 Executive session pursuant to GL c. 30A, s. 21(a)(1) to discuss complaints or charges against individuals.
- CS moved to enter in to Executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel and Executive session pursuant to GL c. 30A, s. 21(a)(1) to discuss complaints or charges against individuals and to adjourn directly from executive session. GC seconded. GC aye, CS aye.

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



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

**MINUTES**  
**SEPTEMBER 29, 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 Chairman announced that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions: None
- 1.5 Town Administrator updates and reports:
  - Town Administrator, Andrew Sheehan (AS), announced that Devens Regional Center for Household Hazardous waste would be open October 7 and October 10 from 9AM-12PM. The Center continues to be a success for all communities involved.
  - AS was at a meeting at Devens to discuss ways to collaborate on public works issues such as joint training.
  - The Department of Local Services has reached out regarding the three projects; the budget documents, the forecast and IT. Will be working on getting these projects underway. Some of these projects will be grants.
  - Cash reconciliation project is moving ahead.
- 1.6 Board of Selectmen announcements, updates, and reports:
  - CS reported that the first DPW exploratory meeting was last week and the committee is formulating a mission statement and have been talking to area DPW's for guidance.
  - CS went to Conservation Commission meeting and reported that there is a permit to start the Squannacook River clean up. CS wrote to Brian Riley to check on liability.
  - CS asked to schedule a meeting with Highway Superintendent Ed Kukkula to discuss getting on the Mass Highway tip list for a sidewalk on Route 119.
  - CS has started drafting policies for GC and AS to review.
  - CS asked AS about training, AS said no training has been scheduled as of yet. AS will send out a memo to department heads to follow up on availability regarding Saturday or evening training.
  - CS asked when the Charter Review will occur. GC suggested waiting until the Board has a third member.
  - GC said that there was a meeting regarding the use of salt as opposed to sand for winter operations. AS suggested having Ed Kukkula come in and speak to the Board about using salt.
- 1.7 Approval of meeting minutes: July 28, 2015 and August 25, 2015. CS moved to approve meeting minutes: July 28, 2015 and August 25, 2015. GC seconded. Unanimous

**II APPOINTMENTS AND HEARINGS**

- 2.1 6:00 Interim Chief of Police Robert A. DeMoura, to provide an update to the Board. The Board may enter Executive session pursuant to GL c. 30A, s. 21(a)(4) to discuss strategy or deployment of security personnel or devices. GC reported that the Chief and the Lieutenant have been busy with the transition. Chief DeMoura gave a brief update as to what he has been doing. CS moved to enter in to Executive session pursuant to GL c. 30A, s. 21(a)(4) to discuss strategy or deployment of security personnel or devices. GC seconded. GC aye, CS aye.
- 2.2 6:15 Board of Health chairman Jim Le'Cuyer, to address the Board. Board of Health (BOH) chairman Jim Le'Cuyer, (JL), asked who was in charge, the Selectmen or the Town Administrator, and the answer is always the Board of Selectmen. JL said the BOH has always had a key to the BOH office. JL said when he asked AS for a key AS told JL to speak to the Building Commissioner, Rich Hanks, (RH) as the key would be used to go through the Building Commissioners office. RH gave JL his permission to have a key to the office. AS said that RH recently changed the locks to the Building Department office due issues with lost files and concerns about confidentiality. AS said that the issuance of keys is a day to day administrative issue that should be left to the Town Administrator. Discussed who the Board of Health administrative assistant, Carla Walters, answered to; the entire Board of Health, not just the Chairman. AS pointed out that Carla reports to the entire BOH, not just the chairman. AS pointed out that there was another member of the BOH present, but JL said the issue had nothing to do with that member. BOH member Nancy Rapoza was not acknowledged. Discussed other Board chairs having keys and necessity of being issues a key. Kathleen Spofford, current Town Clerk, spoke on behalf of JL. She said she was the previous administrative assistant for the BOH. She said the BOH is a powerful Board and needs access to files day or night. AS said that on a matter of personal privilege that he does not appreciate the Board violating his personal rights by inviting an individual in open meeting to make complaints about AS without being given the statutory 48 hour written notice. GC and CS said that they did not hear any complaints against AS and if AS felt that there were complaints against AS then they would stop discussing the issue. AS said that it was too late and complaints had already been made in open session without the benefit of him receiving 48 hours' notice. GC asked JL if he was at the meeting asking for a key or complaint against AS. JL said his intent was to be issued a key and not a complaint against AS. GC asked AS if he was satisfied that JL was at the meeting only to ask for a key. AS said he was not satisfied. GC said he did not hear a complaint against AS. AS said this was the first key he has ever issued to a Board member. CS moved the Chairman of the Board of Health be issued a key to the door leading in to the Building Commissioners office. GC seconded. Unanimous. CS added for the record that any issues with the issuances of the key issued to the Chairman of the Board of Health be brought back to the Board of Selectmen. GC agreed.
- 2.3 6:30 AFSCME representative Jan-Michael DeMaio, (JMD) to discuss a request for voluntary recognition of a collective bargaining unit. The Board may enter Executive Session pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining. AFSCME representative Jan-Michael DeMaio requested the Board enter to Executive Session. GC said that he will be seeking guidance from labor counsel. CS said she is not clear why Executive Session is necessary as they will be seeking guidance first. JMD will be in touch with AS to schedule another meeting after legal opinion is sought.

### **III MEETING BUSINESS**

- 3.1 Discuss the process of recruiting a permanent Police Chief. AS said that the Town solicited proposals from different recruitment/assessment centers and three have been received. GC said he has been doing some work talking to communities that have been through the process. CS suggested having a work session next week and inviting the top two firms out to discuss the Police Chief recruitment process. Work session scheduled for October 6, 2015. Steve Spofford asked if Lt. Mark Giancotti was being considered for Chief of Police and GC said that he was not being considered. GC said the Board will be going outside of the department and will not decide on a Chief until there is a full Board of Selectmen.

- 3.2 Review and approve request of the Cemetery & Parks Commission to declare surplus a 1997 Green Ford Pickup truck. CS moved to approve the request of the Cemetery & parks Department to declare a 1997 Green Ford Pickup truck as surplus with value to be determined by Kelly Blue Book. Leslie Gabrilka, Conservation Agent asked of the truck could be used by the Accessors office and Conservation. CS said that the Board can declare it surplus and AS can look in to a department transfer, depending on whether or not it is financially worth it. GC seconded motion. Unanimous.
- 3.3 Review and approve request of Fire-EMS Chief Mark Boynton to accept a 1996 Steward & Stevenson military truck through the Federal Excess Property program, said truck to be used for forest fire fighting. AS said that the Fire-EMS Department would be getting rid of a truck and replacing it with this vehicle. CS moved to approve request of Fire-EMS Chief Mark Boynton to accept a 1996 Steward & Stevenson military truck through the Federal Excess Property program, said truck to be used for forest fire fighting. GC seconded. Unanimous.
- 3.4 Review and approve requests by Unitil to cross, alter, or construct within a public way at the following locations.
- 8 Elm Street, to abandon a gas service
  - 178 Fitchburg Road, Lot 1, to install a new gas service
  - 164 South Row Road, to install a new gas service.
- GC asked AS to review permit fees. CS moved to a approve requests by Unitil to cross, alter, or construct within a public way at the following locations.
- 8 Elm Street, to abandon a gas service
  - 178 Fitchburg Road, Lot 1, to install a new gas service
  - 164 South Row Road, to install a new gas service.
- GC seconded. Unanimous.
- 3.5 Review and sign response to the Open Meeting Law complaint filed against the Board of Selectmen. AS prepared response to Attorney General which is very similar to the response to the previous complaint. CS moved to have Chairman Gordon Clark sign the response to the open meeting law complaint Laura Dole versus the Board of Selectmen and forward to the office to the Attorney General. GC seconded. Unanimous
- 3.6 Vote to sign the Acceptance of the Franz Waldo Miller Post 199, American Legion located on Main Street, West Townsend. AS said this for the conveyance of the property from the legion to the town, the Fire Chief will bring it to Kopelman & Paige tomorrow and the Town will then own that land. Discussed demolition options. CS moved to sign the Acceptance of the Franz Waldo Miller Post 199, American Legion located on Main Street, West Townsend. GC seconded. Unanimous.
- 3.7 Review and sign letter to Secretary Kimberly Bose of the Federal Energy Regulatory Commission regarding the Kinder Morgan pipeline project. CS moved to approve and sign letter to Secretary Kimberly Bose of the Federal Energy Regulatory Commission regarding the Kinder Morgan pipeline project. GC seconded. Unanimous. CS suggested putting the letter on the website for residents to read.

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

- 4.1 Review and approve recommendation of Alice Struthers of the Meeting Hall Gallery Committee to appoint Joan Blanchard to the Gallery Committee for a term from September 29, 2015 to June 30, 2016. CS moved to approve recommendation of Alice Struthers of the Meeting Hall Gallery Committee to appoint Joan Blanchard to the Gallery Committee for a term from September 29, 2015 to June 30, 2016. GC seconded. Unanimous.

#### **V WORK SESSION**

- 5.1 Review and sign payroll and bills payable warrants. CS moved to sign the bills payable warrant outside of session. GC seconded. Unanimous. CS moved to inject the rule of necessity and sign the payroll

warrant outside of session. GC seconded. Unanimous. CS said that was to dispel any conflict because CS is an employee and GC's spouse is too.

CS moved to adjourn the meeting of September 29, 2015 at 7:30PM. GC seconded. Unanimous.

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



*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

**MINUTES**  
**OCTOBER 6, 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 Chairman's Additions or Deletions: None

**II APPOINTMENTS AND HEARINGS**

- 2.1 Interviews with firms that provide Police Chief recruitment and assessment centers.
  - 6:00 BadgeQuest, Inc., Robert Pomeroy: Robert Pomeroy (RP) went over the BadgeQuest, Inc. proposal. They will start with job analysis to assess what condition the town is in and properly tailor job description to find candidates to meet the Town's needs. Discussed evaluation process and written exercises. All resumes will go directly to BadgeQuest for preliminary review. Discussed screening committee. Applicants will be narrowed down to 5-6 highly qualified candidates that will be put through the assessment center, as well as assessed on their level of commitment.
  - 7:00 Integrity Testing, LLC, Alfred Donovan and Rick Stanley discussed Integrity Testing's candidate recruitment process. Review town and community to see what talents are needed to compliment the town. Then take preliminary information and create a job description, build questionnaires, and meet with screening committee. Approximately 30 day for applications to be received, go over all qualified candidates with screening committee, and potentially getting qualified group of about 6 candidates to the assessment center.

CS, GC and AS discussed pros and cons of both firms. Will discuss further at October 13, 2015 meeting.
- 2.2 Vote to post for a Police Chief Screening Committee. CS moved to form a Police Chief Screening Committee as attached. GC seconded. Unanimous.
- 2.4 Review and sign payroll and bills payable warrants. CS moved to review and sign bills payable warrants outside of session. GC seconded. Unanimous.
- 2.3 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. CS moved to enter in to 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 and to adjourn from executive session at 7:45PM. GC seconded. GC aye, CS aye.

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



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

**MINUTES**  
**OCTOBER 13, 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 call showed Carolyn Smart, CS and Gordon Clark GC, present.
- 1.2 Pledge of Allegiance observed
- 1.3 Chairman announced that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions: Items 2.1, 2.3.1, and 2.3.3 were postponed. AS asked if the executive session concerning CS's insubordination complaint against him would be next week. CS said yes. He read the following statement on a point of personal privilege: "On Thursday, October 8, 2015, Selectmen Smart instructed me to add an executive session item to tonight's agenda. She informed me that the purpose was to discuss a complaint of insubordination against an employee, namely me. She said she would provide notification that day. I have not received the required notice in writing. By my count this is at least the 7<sup>th</sup> claim Ms. Smart has made against me. All have been either withdrawn or investigated and found to be without merit. I object to Ms. Smart filing repeated false claims against me and other employees and ask that that practice cease.  
I pray that the Board will not again violate my individual rights as it did two weeks ago by allowing complaints to be aired without providing me with the required notice. Thank you."
- 1.5 Town Administrator updates and reports.
  - AS reported that the American Legion is now owned by the Town;
  - AS reported that he received a petition today seeking additional funding at the Special Town Meeting for the Council on Aging. He referred it to the Town Clerk for certification of signatures. He also expects one or more street acceptance petitions in the coming weeks;
  - AS mentioned the day after Thanksgiving. The Board usually votes to close non-continuous operations offices and allow employees to use vacation or personal time. He was unsure if the Board could vote on this since both members are Town employees or spouses of a Town employee and may be deemed to have a financial interest. CS will contact Labor Counsel.
- 1.6 Board of Selectmen announcements, updates, and reports.
  - CS announced a forum to discuss changes to zoning to facilitate construction of more diverse housing;
  - CS reported she met recently with the Conservation Commission about cleaning up the Squannacook River; she received waiver forms from Town Counsel that she will forward to the Commission;
  - CS asked about the West Townsend Reading Room. AS said he did not have a time frame for when the invitation for quotes would be ready and advertised in the Central Register. He will update the Board on 10/27/15;

- CS asked about municipal aggregation. AS said he referred it to the Energy Committee for evaluation and input, as he does with most energy-related items. He will get an update from Karen Chapman;
- CS asked about the Red Flag Reporting fraud service. AS said it is live and the Town Accountant and he are the ones who will be notified if there is an issue. CS was concerned about that and said she would reach out to Eric Demas;
- GC provided an update on the recruitment of a new Police Chief. He said now that the recruitment is under way he would like CS to be the liaison to the Police Department and he will be the liaison to the Water Department. GC moved that the Board delegate Selectman Carolyn Smart to act on the Board's behalf on matters concerning the Police Department. CS seconded. Unanimous.
- GC said there should be a work session on 10/20/15 and a regular televised meeting on 10/27/15;
- GC said he wants a key to the Selectmen's Office. CS moved to have the Town Administrator issue a master key and BOS Office key to each member of the BOS. GC seconded. Unanimous.
- GC said he received numerous calls about the Police Department acquiring a \$25,000 motorcycle. He was concerned about the cost and the training that would be required for the officers. He asked CS to look into it;
- GC reported that there was a Facilities meeting a couple of weeks ago. He said it was very productive and the plan is to meet four times a year.

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.  
 Gardner resident Karen Hill (KH) was present. KH said her request for records has been going on since July 2014 and says it is time to resolve it. She said she is concerned that some of the emails she seeks may disappear if the subject employees, Land Use Coordinator Karen Chapman and Conservation Agent Leslie Gabrielska, are allowed to do the reviewing and redacting. CS gave a history of KH's request. CS said the question is who reviews the thousands of emails and redacts the exempt material. She said John Hussey (JH) has volunteered to review the records, said he is a special municipal employee, knows the conservation laws, and knows the Open Meeting Law. Conservation Agent Leslie Gabrielska (LG) said the Board can trust her integrity and the information will not disappear. Resident Sue Lisio (SL) expressed concern about access to protected records. AS read highlights from a letter from Supervisor of Records Shaun Williams in which he said the two employees are the most appropriate individuals to review and redact the emails. AS reminded the BOS that there are more than 10,000 emails in total and said the records will be provided when KH pays the fee. KH said she is willing to pay the fee, but wants JH to review them. CS said Town Clerk Kathy Spofford (KS) is willing to help JH. SL said she was concerned about the Town's liability and said by its actions the BOS is saying to the employees: "We don't trust you." GC cut off SL and said that is not true. SL continued that the Secretary of State has stated that the two employees are best suited to do the work, stated it would be faster for them to do it, the BOS is increasing the Town's liability by not allowing those best suited to do the work, and said if it is not a lack of trust it must be something else. Steve Spofford (SF) reminded everyone that a statement about a witch hunt was made and the person who made that statement is the last person who should be involved in the review of records. JH offered to work with KS on the request. AS repeated that KC and LG are the most appropriate individuals to do the review and said the Town remains ready to perform the work as soon as KH pays the fee. CS said she is looking for a compromise. GC said it has gone on too long and agreed with CS's suggestion that JH perform the work. CS moved for a fee of \$1,083.60 to



ask Steve Cloutier to print the emails. On a point of information AS pointed out that printing was not included in the estimate. It was KH's request that the emails be provided electronically; KH agreed that she provided digital media storage. GC asked how much it would cost to print the emails and AS said he could not even guess. AS reminded that there are over 10,000 emails and he has no idea how many pages it would be. CS said she was sure that \$1,083 would be enough to cover the printing costs. CS suggested tabling the discussion until next week and asking Steve Cloutier to come to the meeting to discuss it. CS moved to table until 10/20/15. GC seconded. Unanimous.

~~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**

3.2 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.

Gail DerBeghosian (GD) and her daughter Nicole Newcombe were present. GC said he knew GD's son, Jesse. He said he will direct the next chief to establish an opiate task force; he said people addicted to opiates are not bad people; the dealers are the bad people. GD thanked the Board and said she wants to place a plaque at the bridge to memorialize Jesse, who was only 20 when he passed away; she said it was one of his favorite spots when he was younger. She said it will be a place of peace for friends and family to speak to Jesse. GC offered to work with GD to get a plaque. CS moved that GC work with GD to develop a plaque for the bridge. GC seconded. Unanimous.

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.

Town Clerk Kathy Spofford (KS) requested the named items be declared surplus. CS moved to declare surplus the named items. GC seconded. Unanimous.

3.3 Discuss selection of a consultant to recruit a new Police Chief.

GC summarized the process to date. He said he has recently spoken with chiefs, selectmen, and other personnel in Sharon, Westford, Littleton, and Weymouth, as well as the Plymouth Chiefs of Police and others to get their thoughts on BadgeQuest. He said that now that he has picked the consultant the BOS will be removed from the process and will have no input; the BOS will be involved again when the three finalists are named. Sue Lisio (SL) asked if there would be a screening committee with community involvement. GC said he is relying on the professionals: the Fire Chief, AS, and a Police from another town. GC said there would be no public input on the finalists and said they used to do that but it doesn't work. GC said he met with BadgeQuest today and they are ready to go. CS added that BadgeQuest will send out surveys and assess need; the three person committee is done for the purpose of scheduling; and thanked GC for the hours and hours he contributed. GC added that he drove to Plymouth today to meet with the consultant and make up his mind. CS moved that the Board of Selectmen enter into a contract with BadgeQuest subject to their proposal. GC seconded. Unanimous. GC asked AS to notify BadgeQuest no Wednesday and AS said he would send a notice to proceed.

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. CS moved to approve the one day license. GC seconded. Unanimous.

- 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. CS moved to approve the one day license. GC seconded. Unanimous.
- 3.6 Review mission and positing for Girls' School Commemoration Committee to recognize the former girls school at 458 Main Street. CS moved to approve the posting. GC seconded. Unanimous.
- 3.7 Proclaim November 13, 2015 Pancreatic Cancer Awareness Day. CS read the proclamation and moved to proclaim November as Pancreatic Cancer Awareness Month. GC seconded. Unanimous.
- 3.8 Discuss draft Selectmen's Policy on Use of Credit Cards. CS presented a revised policy based on input from the Town Accountant. CS asked to put this item on the 10/27/15 agenda so AS can clean up the language.
- 3.9 Discuss draft Selectmen's Policy on Media Relations. CS said she got the policy from Chelmsford and changed Town Manager to Chairman of the Board of Selectmen. CS moved to adopt the policy. GC seconded. Unanimous. CS asked AS to distribute the policy and file it with the Town Clerk.

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

None

#### **V WORK SESSION**

- 5.1 Review and sign payroll and bills payable warrants. CS moved to sign the bills payable warrants. GC seconded. Unanimous.  
CS moved to invoke the rule of necessity for the purpose of signing the payroll warrant. GC seconded. Unanimous.

The meeting was adjourned at 7A:30PM.

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



**OPEN MEETING LAW COMPLAINT FORM**  
 Office of the Attorney General  
 One Ashburton Place  
 Boston, MA 02108

**RECEIVED**  
 OCT 13 3.1  
**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





*Office of the*  
**BOARD OF SELECTMEN**

272 Main Street  
Townsend, Massachusetts 01469

Gordon Clark, *Chairman*

Carolyn Smart, *Vice-Chairman*

Andrew J. Sheehan,  
*Town Administrator*

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

**AGENDA**  
**SEPTEMBER 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.



MAURA HEALEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

TEL: (617) 727-2200  
[www.mass.gov/ago](http://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.<sup>1</sup> 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

---

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



recount their contents in detail.<sup>2</sup> 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.<sup>3</sup>

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.

---

<sup>2</sup> 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.

<sup>3</sup> Open Meeting Law determinations may be found at the Attorney General's website: [www.mass.gov/ago/openmeeting](http://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.

Board 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 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 DerBeghossian 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.



MAURA HEALEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

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,<sup>1</sup> 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.<sup>2</sup> 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;<sup>3</sup> 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.

---

<sup>1</sup> All dates in this letter refer to the year 2015.

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

<sup>3</sup> 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.<sup>4</sup> 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

---

<sup>4</sup> Open Meeting Law determinations may be found at the Attorney General's website: [www.mass.gov/ago/openmeeting](http://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.**

A.1

**PUBLIC NOTICE OF VACANCY**

In accordance with Section 7-10 of the Townsend Charter requiring a ten (10) day posting, the following vacancy is posted:

**POLICE CHIEF SCREENING COMMITTEE**

The Board of Selectmen hereby establishes a Police Chief Screening Committee. Working with the Town's professional recruiter, the Committee shall screen candidates for the position of Police Chief. The Committee shall dissolve when its charge is complete.

The Committee shall consist of three (3) members appointed by the Board of Selectmen. Committee members shall be represented as follows:

- The Town Administrator;
- The Fire-EMS Chief;
- A police chief from an area community;

Individuals interested in serving should forward a Volunteer Response Form to the Office of the Board of Selectmen, 272 Main Street, Townsend, MA 01469. Forms are available at Town Hall or at online [http://www.townsend.ma.us/Pages/TownsendMA\\_Selectmen/volunteer.pdf](http://www.townsend.ma.us/Pages/TownsendMA_Selectmen/volunteer.pdf)

October 7, 2015



# VOLUNTEER RESPONSE FORM

Town government needs citizens who are willing to give time in the service of their community. The Talent Bank is a means of compiling names of interested citizens to serve on a voluntary basis on boards and committees. This file is available for use by the public as well as the Moderator and the Selectmen.

Talent Bank files are being updated to include categories consistent with the changing needs of the town.

**Indicate your order of preference and return the form below to:**

Talent Bank c/o Board of Selectmen  
272 Main Street  
Townsend, MA 01469

Name: Warren B. Ryder

Phone ( 617 ) 908-2865 email wryder@boxborough-ma.gov

Address: 520 Massachusetts Avenue - Boxborough, MA 01719

Occupation: Chief of Police

Amount of time available (per week/per month): As needed

Background/Experience As detailed on previously submitted resume

**REFER TO THE LIST OF BOARDS AND COMMITTEES ON THE BACK OF THIS FORM AND LIST THOSE YOU ARE INTERESTED IN SERVING ON IN ORDER OF PREFERENCE**

1. Police Chief Search/Selection Committee
2. \_\_\_\_\_
3. \_\_\_\_\_