



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

David R. Chenelle, *Chairman*

Robert Plamondon, *Vice-Chairman*

Sue Lisio, *Clerk*

Gregory W. Barnes,
Town Administrator

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

DRAFT SELECTMEN'S MEETING AGENDA (subject to revision)
February 23, 2010 - 7:00 P.M.
Selectmen's Meeting Chambers

I. PRELIMINARIES:

- 1.1 Call the meeting to order.
- 1.2 Roll call.
- 1.3 Chairman's Additions or Deletions
- 1.4 Approval of Minutes

II. APPOINTMENTS/HEARINGS:

- 2.1 7:20 P.M Meeting with Library Trustees RE: Appointment of Library Trustee to Fill Remaining Term Through April 26, 2010
- 2.2 7:10 P.M. Meeting with Kathleen Rossbach RE: Signing of MWPAT (Massachusetts Water Pollution Abatement Trust) Note
- 2.3 7:15 P.M. Meeting with Erving Marshall Jr., Police Chief RE: Approval of Policies and Procedures for the Townsend Police Department

III. MEETING BUSINESS:

- 3.1 Announce Award of an Energy Efficiency and Block Grant (EECBG) Sub-grant in the amount of \$53,730 for Thermal Efficiency from the Massachusetts Department of Energy Resources
- 3.2 Approve Contract in the Amount of \$8,000 RE: Sale of Old Ladder Truck
- 3.3 Review/Approve One-day Liquor License Applications for Norman Richard of VFW Post #6538, in conjunction with:
 - "50th Birthday" to be held on March 19, 2010
 - "Retirement Party" to be held on March 20, 2010
 - "25th Anniversary Party" to be held on March 27, 2010
- 3.4 Executive Session RE: Pending Litigation (tentative)

IV. APPOINTMENTS OF PERSONNEL/OFFICIALS:

V. WORK SESSION:

- 5.1 Board of Selectmen Representative Updates/Reports.
- 5.2 Town Administrator Report/Reminders
- 5.3 Review/Sign Payroll Warrant.
- 5.4 Review/Sign Bills Payable Warrant.

VI. ADJOURNMENT:

PUBLIC NOTICE OF VACANCY

FEBRUARY 8, 2010

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

TOWNSEND PUBLIC LIBRARY TRUSTEE

Responsibilities:

Responsible for working with other board members to oversee the library, establishing policy and plans, determining the final budget and conducting public relations.

Duties:

Attends and participates in all board meetings. Reads board meeting minutes and other materials sent out before the board meeting. Becomes informed about all phases of library operation. Serves on committees as assigned by board chair. Lends expertise and leadership to the board for the good of the library. Actively participates in activities and workshops. Helps to secure adequate municipal funding for the library. Participates in fundraising activities. Visits the library often.

Qualifications:

Appreciation of the library and a desire to provide the best possible library service for the community. Willingness to be a team player.

Skills and Abilities:

Ability to work with people.

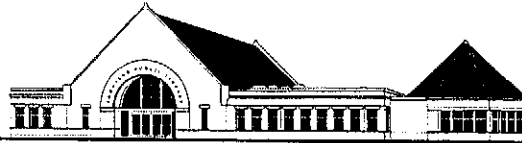
Ability to plan:

Ability to put aside personal preferences for the greater good of the library.

Term: The appointment is for the remaining term which will end with the election on April 26, 2010.

If interested, please forward a Volunteer Application form to the Office of the Board of Selectmen, 272 Main Street, Townsend MA 01469

Applications of interest must be submitted no later than 4:00 PM on February 18, 2010. The Board of Selectmen and Townsend Public Library Trustees will make a joint appointment to fill the vacancy at the Selectmen's meeting of February 23, 2010.



Townsend Public Library

Board of Selectmen
Town of Townsend
272 Main Street
Townsend, MA 01469

RE: Interim Library Board of Trustees vacancy

Dear Selectmen,

On behalf of the Townsend Public Library Trustees, I am sending you a letter of recommendation for the interim board position. We would like to appoint Patricia Jeanig for the board position effective immediately and ending with the April 26, 2010 election.

We feel that Patricia Jeanig is a perfect candidate for this position with her background not only as a public school librarian, but also her experience in a public library setting. She has already been involved in our programming, Endowment efforts, and is a noticeable patron at the library. Patricia has been attending our Trustee meetings and is up to date on our progress, and current status. We feel that the adjustment would be effortless and easily transitioned.

Thank you for your time and help in this matter and we hope to hear from you soon.

Suzanne Doust
Chair, Townsend Public Library

2.2

Greg Barnes

From: Kathy Rossbach [krossbach@townsend.ma.us]
Sent: Wednesday, February 17, 2010 1:14 PM
To: GBARNES@townsend.ma.us

Hi Greg,

I have to be on the February 23 agenda for BOS meeting. The Selectmen have to sign the MWPAT note.

HOPE YOU ARE ENJOYING WARMER WEATHER.

KATHY

3,1

Greg Barnes

From: gw barn2@gmail.com on behalf of Gregory Barnes [gbarnes@townsend.ma.us]
Sent: Friday, February 19, 2010 10:56 AM
To: townhallstaff@townsend.ma.us
Subject: Fwd: PON-ENE-2010-009 - Energy Efficiency and Conservation Block Grant (EECBG) Program: Application for Competitive Municipal Sub-Grant

This grant will allow improvements to West Townsend Reading Room, West Townsend Fire Station, and the Hart Library Building.

----- Forwarded message -----

From: Gray, Diane (ENE) <Diane.Gray@state.ma.us>
Date: Wed, Feb 17, 2010 at 11:19 AM
Subject: PON-ENE-2010-009 - Energy Efficiency and Conservation Block Grant (EECBG) Program: Application for Competitive Municipal Sub-Grant
To: "gbarnes@townsend.ma.us" <gbarnes@townsend.ma.us>

Dear Mr. Barnes:

We are pleased to inform you that Townsend has been awarded an Energy Efficiency and Block Grant (EECBG) sub-grant in the amount of \$53,730 for Thermal Efficiency. Funds for this award were made available by the American Recovery and Reinvestment Act (ARRA) of 2009 through the US Department of Energy's Energy Efficiency and Conservation Block grant program. The Commonwealth of Massachusetts Department of Energy Resources (DOER) developed and is responsible for administering this sub-grant program.

Please be aware that your award will be contingent upon agreeing to certain terms and conditions, including adherence to federal and state ARRA procurement and reporting requirements. A grant award contract document with these terms and conditions will be sent to you under separate cover. Please be aware that you cannot expend any of these funds until a grant award contract has been executed.

Congratulations on your award and your initiative in creating a green energy future for the Commonwealth. DOER and its Green Communities Division look forward to working with you to successfully implement your project. If you have any questions regarding this award, please contact me at diane.gray@state.ma.us.

Sincerely,

Diane Gray

2/21/2010

Diane Gray, AICP, LEED AP

Clean Energy Fellow

Green Communities Division

Massachusetts Department of Energy Resources

100 Cambridge Street, Suite 1020, Boston, MA 02114

Ph: 617.626.7383 Fax: 617.727.0030

<http://www.mass.gov/doer/>

Creating a Greener Energy Future for the Commonwealth

3.2

Greg Barnes

From: Donald Klein [dklein@townsendfire-ems.org]
Sent: Friday, February 19, 2010 1:56 PM
To: Greg Barnes
Subject: Item for your signature and review.
Importance: High

Greg,

I have a buyer for the old ladder truck finally, they are a private fire department from Newbury Mass. They were here earlier this week going over the truck with their mechanic and have made an offer of \$8,000 and placed a \$1,000 deposit on the truck. I just need your signature to move ahead with the sale; when will you be back?

Also, have other documents for your signature as well.

Saw the memo on the energy grant for west station, reading room and old library, nice!

Regards,

Don

Donald Klein, Chief

Townsend Fire-EMS Department

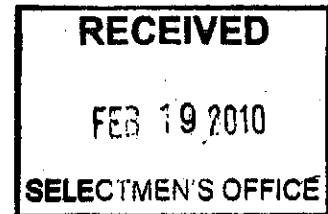
P.O. Box 530

13 Elm Street

Townsend, MA 01469

DKlein@townsendfire-ems.org

HEAFITZ & SULLIVAN
ATTORNEYS AT LAW
56 CHESTNUT HILL AVENUE
BOSTON, MASSACHUSETTS 02135
(617) 562-1000
FAX (617) 562-0069
www.hsconstructionlaw.com



HARVEY B. HEAFITZ
PATRICK J. SULLIVAN

(OF COUNSEL)
PETER B. WOLK

JAMES G. GRILLO
SCOTT K. SEMPLE

February 18, 2010

Daniel Goguen
Goguen Construction Inc.,
104A Route 13
Brookline, NH 03033
Certified Mail No. 7007 1490 0002 4330 5182

Albert Stone
Sterilite Townsend Community
Building Fund LLC
30 Scales Lane
Townsend, MA 01469
Certified Mail No. 7007 1490 0002 4330 5199

Town of Townsend
272 Main Street
Townsend, MA 01469
Certified Mail No. 7007 1490 0002 4330 5205

**Re: Townsend Public Library and Senior Center Project
12 Dudley Road**

To Whom it May Concern:

Please be advised that this office represents the interests of Superior Sheet Metal of Holbrook, Inc. ("SSM"), with respect to labor, services, and materials which SSM provided for the use and benefit of the above-referenced property pursuant to a contract with Goguen Construction, Inc. ("Goguen"). Please also be advised that SSM has completed its contract work and is presently owed a contract balance of \$84,748.01.

Accordingly, please accept this correspondence pursuant to M.G.L. c. 254, §4 as notice of SSM's lien on the above-referenced property. For more information, please refer to the Notice of Contract enclosed herewith and recorded at book 54307, page 363 of the Middlesex (South) Registry of Deeds. Dissolution of this lien may be obtained by forwarding the full balance owed as outlined in said Notice of Contract to the undersigned, in exchange for which my client would be willing to execute the appropriate paperwork.

Please also accept this correspondence as a demand pursuant to M.G.L. c. 93A, §11. Goguen is withholding \$84,748.01 from SSM, while claiming backcharges of some \$40,000. Twenty thousand dollars of the claimed credits are for the elimination of induction units from the original design, which elimination was accounted for in SSM's bid. Goguen only notified SSM of other claimed backcharges (which SSM absolutely disputes) well after the work was complete. Although Goguen only claims backcharges with respect to a portion of the funds owed SSM, Goguen has withheld *all* of said funds. It has become apparent that Goguen has no good faith basis in fact or law to withhold any funds from SSM, much less the balance between the back charges and the total due. By withholding the amount due SSM, Goguen is causing SSM to incur damages and is compromising

HEAFITZ & SULLIVAN

February 18, 2010

Page Two

SSM's ability to pay subcontractors. In the event that SSM is not paid in full within seven (7), this office has been instructed to file suit for the triple damages and legal fees allowable under M.G.L. c. 93A, §11.

Please advise.

Very truly yours,


Scott K. Semple

Enclosure

cc: Superior Sheet Metal of Holbrook

3.4

HEAFITZ & SULLIVAN
ATTORNEYS AT LAW
56 CHESTNUT HILL AVENUE
BOSTON, MASSACHUSETTS 02135
(617) 562-1000
FAX (617) 562-0069
www.hsconstructionlaw.com

RECEIVED
FEB 17 2010
SELECTMEN'S OFFICE

(OF COUNSEL)
PETER B. WOLK

HARVEY B. HEAFITZ
PATRICK J. SULLIVAN

JAMES G. GRILLO
SCOTT K. SEMPLE

February 16, 2010

Via Facsimile & First-Class Mail

Greg Barnes
Town Administrator
Town of Townsend
272 Main Street
Townsend, MA 01469

**Re: Townsend Public Library and Senior Center
12 Dudley Road**

Dear Mr. Barnes:


With respect to the construction project known and referred to as Townsend Public Library and Senior Center (the "Project"), and pursuant to M.G.L. c. 66, § 1, et seq., please provide the undersigned with copies of the following documents:

1. Any and all surety bonds furnished by Goguen Construction or any other party involved in the Project;
2. Any and all agreements and/or contracts between Townsend and Goguen Construction; and
3. Any and all agreements and/or contracts between Townsend and Sterilite Corporation.

This request is to be complied with within ten (10) days pursuant to said M.G.L. c. 66, §1 et. seq. Please notify our office if the cost of copy production for these documents exceeds \$25.00. If so, this office requests the opportunity to inspect your department files in person.

Thank you for your attention to this matter. If you have any questions or there is a problem, please let me know.

Very truly yours,


Scott K. Semple

cc: Richard Hanks
Susan Funaiolo