



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

Sue Lisio, *Chairman*

Colin McNabb, *Vice-Chairman*

Carolyn Smart, *Clerk*

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SELECTMEN'S MEETING MINUTES
JUNE 3, 2014, 7:00 P.M.
SELECTMEN'S MEETING CHAMBERS

I PRELIMINARIES

- 1.1 The Chairman called the meeting to order at 7:00PM and roll call showed Sue Lisio, Chairman (SL); Colin McNabb, Vice-Chairman (CM); and Carolyn Smart, Clerk (CS) present.
- 1.2 SL announced that the meeting is being tape recorded.
- 1.3 Chairman's Additions or Deletions: SL announced the addition of 3.17- Review request from Ed Kukkula, Highway Superintendent, to extend material bid contracts for FY15; and added 3.18 – Review of correspondence from Carolyn Smart.
- 1.4 Approval of meeting minutes: April 22, 2014 and April 29, 2014: CM moved to approve the minutes for April 22, 2014. CM aye, SL aye, CS abstained. CS moved to approve the minutes for April 29, 2014. Unanimous.

III MEETING BUSINESS

- 3.4 Review request from Ed Kukkula, Highway Superintendent, to award a contract for milling to PJ Albert, Inc. in the amount of \$1.66/square yard: CS moved to approve the request from Ed Kukkula, Highway Superintendent to award a contract for milling to PJ Albert, Inc. in the amount of \$1.66/square yard. CM seconded. Unanimous.
- 3.7 Review request for One Day License for Helen Eisner and the Townsend Congregational Church for a Wedding Reception to be held on June 7, 2014 from 1-5PM at the Townsend Congregational Church. CS moved to approve the request for One Day License for Helen Eisner and the Townsend Congregational Church for a Wedding Reception to be held on June 7, 2014 from 1-5PM at the Townsend Congregational Church. CM seconded. Unanimous.
- 3.8 Review request for One Day License for Terri Roy and the VFW Post 6538 for a Baby Shower to be held on June 14, 2014 from 12:00-4:00PM at the VFW, 491A Main Street: CS moved to approve the request for a One Day Liquor License to Terri Roy to be held at the VFW Post 6538 for a Baby Shower on June 14, 2014 with serving hours from 12:00-4:00PM. CM seconded. Unanimous.

II APPOINTMENTS AND HEARINGS

- 2.1 7:05 Public Hearing on petition of Unitil and Verizon to install a utility pole on Bayberry Hill Road approximately 160' east of the intersection of New Fitchburg Road: SL opened the public hearing at 7:05PM. A list of attendees was gathered. CS read the legal notice into the record. Unitil's representative, Jim Dee explained that there would be one pole across from 203 Bayberry Hill Road to raise the wires out of harm's way. The current span is 266 feet. The floor was opened for comments. Abutter John D'Angelillo said the pole fell over this winter and thanked Unitil for their rapid response. CS moved to approve the petition of Unitil and Verizon to install a utility pole on Bayberry Hill Road approximately 160' east of the intersection of New Fitchburg Road contingent on approval from Ed

Kukkula, Superintendent of the Highway Department. CM seconded. Unanimous. Hearing closed at 7:11PM.

- 2.2 7:10 Public Hearing on petition of Unitil and Verizon [sic] (Fitchburg Gas and Electric) to install a utility pole on Burgess Road approximately 1,780' north of the intersection of Dudley Road. SL opened the public hearing at 7:14PM. A list of attendees was gathered. CS read the legal notice into the record. Jim Dee from Unitil said two poles would be added to the end of Burgess Road to extend the lines to a proposed barn. The floor was opened for comments. Abutter David Chenelle said he is in support but with limited opposition re: the wording of "public way" as in 1889 the road had been deemed abandoned and asked for a qualifier that it is a private way. Mr. Dee agreed to the request. CS stated that when a road is abandoned, there should be a petition with the land court. After discussion CS moved to approve the petition of Unitil and Verizon [sic] (Fitchburg Gas and Electric) to install a utility pole on Burgess Road approximately 1,780' north of the intersection of Dudley Road to the extent necessary. CM seconded. Unanimous. Hearing closed at 7:25PM.

III MEETING BUSINESS (continued)

- 3.15 Review and sign bond anticipation note documents for the \$150,000 borrowing for road improvements: Mr. Sheehan reminded the Board that this was approved at Town Meeting. A State House Bond has been obtained at a 0.55% interest rate which comes out to \$426 in interest. CS moved to approve the bond in the amount of \$150,000 with Eastern Bank, CS amended the motion to approve and sign the BAN. CM seconded. Unanimous.
- 3.1 Review correspondence from Assistant Town Clerk Susan Funaiole requesting a waiver from the Personnel Policies & Procedures Manual: Mr. Sheehan explained that during the transition in the Town Clerk's office there was a break in service of more than one week. The Personnel Policies and Procedures Manual states, "Continuous Service: Employment with the Town of Townsend which is uninterrupted except for required military leave of absence, authorized holiday, paid vacation, sick leave, and paid leave of absence. Any other absence of more than one week will constitute a break in service and such absence will not accumulate service credits." Ms. Funaiole is asking for a waiver though there is no provision and as the Town Administrator he is not authorized to grant one. CS stated the reason this was written in 2004 was for people who were out on extended unpaid leave. CM asked if there is any precedent and if this would be setting one. Mr. Sheehan was not aware of policies being waived in the past. Kathleen Spofford pointed out the unique situation of Ms. Funaiole going from a nine year employee to an elected official for six years and back to being an employee again. That is almost 15 years of service. She is not asking for sick leave. After more discussion, CS moved to agree to allow vacation benefits for Susan Funaiole accrued since August 30, 1999. CM seconded. Unanimous.
- 3.2 Sustainable Water Management Initiative (SWMI): review draft comment letter on proposed amendments to the Water Management Act: Mr. Sheehan wrote a letter to the DEP from the Board outlining concerns brought up at the last meeting. He copied Representative Harrington and Senator Flannigan. CS moved to approve and sign the letter to Dwayne Lavangy of DEP on the Sustainable Water Management Initiative with comments on the draft. CM seconded. Unanimous.
- 3.3 Water Department collections: continue discussion of the recommendations of the independent auditors and the Dept. of Revenue (DOR) financial management review to transfer collections to the Town Collector and potential costs associated with the move: Mr. Sheehan said he did not have a formal cost estimate for the move. He cited so many variables that there isn't even a ballpark estimate at this time. The lock box system will be in place on July 1. That should give us a better idea. Water Superintendent Paul Rafuse expressed his intent to comply with the auditors. SL would like to have this in place by the next audit. Mr. Sheehan said approval from the Water Commission will be required and the next audit will begin the end of this summer. CM would be satisfied if something was in place by then.
- 3.5 Review request from Ed Kukkula, Highway Superintendent, for a transfer of appropriations in the amount of \$30,000: Mr. Sheehan advised the Board of an interesting situation with regard to the street

sweeper. Town Meeting appropriated \$185,000 for a sweeper and \$50,000 for a catch basin cleaner. Ed Kukkula has found a sweeper with a built in vacuum for catch basins. It would save the town \$20,000. The company would allow us to use the \$30,000 as a “rent-to-buy” option or down payment until the borrowed money is available. CS moved to approve the municipal relief transfer request in the amount of \$30,000 to be transferred to the Equipment Rental Account 04-440-5270 from the Health Insurance Account 001-09-114-5740. CM seconded. Unanimous.

- 3.6 Review request of Unitil Fitchburg Gas & Electric to Cross, Alter and/or Construct Within a Town Way for installation of gas services at 43 Mason Road and 23 Smith Street: CS moved to approve the application to Cross, Alter and/or Construct in a Town Way for installation of gas services at 43 Mason Street and 23 Smith Street as approved by Ed Kukkula, Highway Superintendent. CM seconded. Unanimous.
- 3.9 Review request for One Day License for Terri Roy and the VFW Post 6538 for a Wedding Reception to be held on June 14, 2014 from 7:00-11:00PM at the VFW, 491A Main Street: CS moved to approve the One Day Liquor License request to Terri Roy for the VFW Post 6538 for a Wedding Reception on June 14, 2014 with serving hours from 7:00-11:00PM. CM seconded. Unanimous.
- 3.10 Review request for One Day License for Terri Roy and the VFW Post 6538 for a Wedding Reception to be held on June 21, 2014 from 2:30-6:30PM at the VFW, 491A Main Street: CS moved to approve the One Day Liquor License request to Terri Roy to held at the VFW Post 6538 for a Wedding Reception to be held on June 21, 2014 with serving hours from 2:30-6:30PM. CM seconded. Unanimous.
- 3.11 Continue discussion of future of the Hart Library at 274 Main Street and potential uses and funding sources: Mr. Sheehan went to a meeting about the CDBG program, a federal grant program administered through the MRPC. It is not really applicable, but could be if we convert the library to low-income housing. The Priority Development Fund would pay up to \$15,000 for feasibility studies for conversion to senior or low income housing. This remains a difficult piece of property to work with. If we get rid of the land or demolish the building, there’s no going back. CM asked what the time frame was for the feasibility study funds. Mr. Sheehan said it’s a couple of months for the application and a couple of months for the study to be completed. SL noted that it would be good information to have if it would let us know what the requirements are, thus a good investment for selling the building. She also advised the Board that the school superintendent’s office is supposed to be in Townsend. It might be something the school department is interested in as the building would lend itself as an administrative office. Discussion on more options ensued. CS moved to request the Town Administrator to apply for funding for a feasibility study on the Library. CM seconded. Unanimous.
- 3.12 Discuss summer meeting schedule: CM requested to postpone until the next meeting.
- 3.13 Council on Aging/Senior Center Director: continue discussion for recruiting a successor: Mr. Sheehan put a memo in the Board’s packets about the size of the committee and its composition. If the Board wants the committee to present the Board with a single candidate, a Board member should be on the committee. If there will be multiple candidates, it won’t be necessary. Ed Snapp has a committee consisting of himself, Valerie Adams, Dave Profit, Russ Moore, Stacy Schuttler, and Sharon Mercurio as an advisor. They would like to interview six candidates and bring forth three. All resumes will go to Mr. Sheehan with a deadline of June 25th. The Board agreed to that plan.
- 3.14 Review correspondence from Montachusett Regional Planning Commission (MRPC) seeking an alternate member to serve from July 1, 2014-June 30, 2015: Mr. Sheehan noted that annual appointments will be done at the next meeting and this can be included.
- 3.16 Announce Military Band Concert schedule for 2014: CM read the announcement into the record.
- 3.17 Review request from Ed Kukkula, Highway Superintendent, to extend material bid contracts for FY15:
- Reclamation to All States Asphalt, Inc. and Subsidiaries: \$2.04 per square yard
 - Crack Sealing to Superior Sealcoating, Inc.: \$0.30 per linear foot
 - Washed Sand for Winter Use to Pitcherville Sand & Gravel: \$10.25 per cubic yard

- Bituminous Asphalt in place to Sunshine Paving Co.: \$67.47 per ton:

CS moved to approve the contract extensions request by Ed Kukkula, Highway Superintendent for the materials bids for FY15 as attached. CM seconded. Unanimous.

- 3.18 Review correspondence from Carolyn Smart: SL brought up a letter that CS sent to K&P with regard to a Capital Planning legal opinion. SL's concerns are that typically when the Board seeks an opinion it is a decision the Board makes. The letter gives the appearance that the Board is asking for this opinion, which it is not. CS signed the letter as clerk of the Board of Selectmen. There should be an understanding going forward that correspondence like this needs to be discussed as a Board first. CS stated that even if she is not at a meeting, she is still a member of the Board. Discussion diverged into the definition of the Capital Plan bylaw and other related items. At CS's request, SL read her letter to counsel into the record. Questions were raised as to whether this letter implied a threat of litigation. SL reiterated the need to clarify the Capital Planning bylaw to eliminate its ambiguity.

IV APPOINTMENTS OF PERSONNEL/OFFICIALS: None

V WORK SESSION

- 5.1 Board of Selectmen updates and reports: SL passed around an invitation from the MMA for a class for new Selectmen. CS thanked Mr. Sheehan for the letter to the Harbor Village Mall investment group. She would like to attend the Energy Committee meeting. SL would like to invite the Energy Committee to a Board meeting. CS would like to schedule sustainability and revenue committee work sessions this summer. She and SL gave updates on pipeline information at the Meeting Hall. CS reminded citizens that on July 1st the Board of Health will be reducing trash pick up to 64 gallons or two bags. Overflow bags will be available at Hannaford's, Apple Meadow, McNabb's and the Old Brick Store. CM expressed the Board's condolences to the family of Andrew Gustafson.
- 5.2 Town Administrator updates and reports: Mr. Sheehan advised that the tax collector is accelerating collection efforts. They are willing to work with tax payers. Devens will be open tomorrow, June 4th, from 9-noon and Saturday and continuing twice a month until December. Cheryl Simoneau celebrated her 20th anniversary with the town today by announcing her retirement on June 11th.
- 5.3 Review and sign payroll and bills payable warrants: CS moved to review and sign bills payable and payroll warrant out of session. CM seconded. Unanimous.

CS moved to adjourn at 9:20PM. CM seconded. Unanimous.

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