



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

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SELECTMEN'S MEETING MINUTES
AUGUST 12, 2014, 7:00 P.M.
SELECTMEN'S MEETING CHAMBERS

I PRELIMINARIES

- 1.1 The Chairman called the meeting to order at 7:01PM 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 would like to move 2.4 after 2.2 and push up 3.6 immediately following 3.1. Discussion about moving the Selectmen and Town Administrator updates. SL then asked to add 3.14: Unutil's tree trimming and concerns with that.
- 1.4 Approval of meeting minutes: After discussion on procedure with regard to motions and amendments;
- CM moved to approve the minutes of the April 1, 2014 open session as amended. SL seconded. Passed 2-0-1. CS abstained.
 - CM moved to approve the minutes of the April 1, 2014 executive session as amended. SL seconded. Passed 2-0-1. CS abstained.
 - CM moved to approve the minutes of April 3, 2014 as amended. SL seconded. Passed 2-0-1. CS abstained.
 - CM moved to approve the minutes of the April 15, 2014 open session as amended. SL seconded. Passed 2-0-1. CS abstained.
 - CM moved to approve the minutes of the April 15, 2014 executive session as amended. SL seconded. Passed 2-0-1. CS abstained.
 - CM moved to approve the minutes of April 25, 2014 as amended. SL seconded. Passed 2-0-1. CS abstained.
 - CM moved to approve the minutes of May 1, 2014 as amended. SL seconded. Passed 2-0-1. CS abstained.

Discussion continued on the intricacies of minute-taking, CS said she could not approve minutes where the vote and motion is not accurately recorded. SL asked if a motion is going to vary from what's on the agenda, she would prefer to have it in writing. Approval of the remainder of the minutes will be completed at a future meeting.

II APPOINTMENTS AND HEARINGS

2.1 7:05 Public Hearing on petition of Unutil and Verizon to install two utility poles on Boutelle Road beginning at pole #1 and continuing approximately 345' northerly: SL opened the public hearing at 7:15PM. A list of attendees was gathered. CS read the legal notice into the record. John Wilkinson of 69 Meadow Road asked how his property would be affected. Unutil's representative, Jim Dee gave an overview. The installation would serve 16 Boutelle Road. Questions were asked about who owns the property. Laura Dole said she understands Karen Hill purchased it and divided it into 3 lots; the third lot came into contention. SL asked Mr. Dee if it matters to Unutil who owns the property. Andy West, son of homeowners Ed and Mary West, said they do not see a reason for this to be done and that the lot in

contention has been denied as a building lot. They would prefer the power and telephone companies save the expense. Don Oulette questioned the easement. SL asked if anybody was opposed to the new poles. Ms. Dole is if they impact possible wetlands. Leslie Gabrielska, Conservation Agent, offered to walk the property. The Wests are opposed as they feel it is unnecessary. Veronica Kell of 68 Meadow Road asked about improved electrical and DSL service as a result. Andy West questioned the trimming and/or removal of trees. The placement of the last pole may go through a stand of trees on their property. Mr. Dee stated some trees would have to be taken down. CM asked that the proposed route be marked and SL asked that the affected trees be marked. CS moved to continue the Public Hearing until August 26, 2014 at 7:05 PM to allow for site walks and additional information to be gathered. CM seconded. Unanimous. Hearing recessed at 7:40 PM.

2.2 7:10 Hazard Mitigation Plan: Sam Lawton of Montachusett Regional Planning Commission (MRPC) will present the draft Hazard Mitigation Plan: Mr. Lawton's presentation began at 7:41PM. He explained the current Plan that expires April 5, 2015 is intended to address the requirements of FEMA and MEMA to address and anticipate any hazards that may occur. The requirements are in the disaster mitigation act of 2000. He shared a PowerPoint presentation. He is not asking for a vote tonight, but requested that the Board and staff look it over and provide comments or edits. It will then be submitted to FEMA and MEMA. Once the MRPC gets an approval they will come back for a vote. The plan would then be good for 5 years. SL asked about changing the list of critical facilities. Mr. Lawton said the plan can be amended, but the first responders would already be aware of it. Shirley Coit said as the head of TEMA she meets with the MRPC every year for updates. Paul Rafuse, Water Superintendent, asked why a public water supply wouldn't be listed. They were not reimbursed for damage from the 2008 ice storm. The Board thanked Mr. Lawton for his presentation.

2.4 7:30 Council on Aging Director: Ed Snapp, chairman of the screening committee, will be present to offer the Committee's recommendation for COA Director: At 7:57PM Mr. Snapp told the Board that the screening committee has selected Kimberly Dee as the COA Director contingent on salary negotiation. Mr. Sheehan reminded the Board that the position is budgeted at approximately \$38,000 for the current fiscal year. This is less than the candidate currently makes or would like to make. She has the credentials to demand a higher salary. There was discussion about the compensation and classification plan. Ms. Clish was at Grade 6, step 3. Ms. Dee's request would put her at Grade 6, approximately step 6. Discussion included possibly making an offer contingent on approval of funds at Town Meeting. Mr. Sheehan emphasized that we really aren't in a position to negotiate and he is looking to the Board for direction. There was more discussion about the position, its qualifications, the compensation and classification plan, and funds available under the tax levy. CM suggested tabling this item for two weeks. The other members of the Board agreed.

2.3 7:20 Fire Department: Fire Chief Mark Boynton will discuss the following: Chief Boynton was recognized at 8:15PM.

- Provide an update on a new station: Chief Boynton familiarized himself with the project and on July 28 the committee met to discuss how to proceed. They decided to stick with a three station approach. For the West Station perhaps they can purchase the American Legion property and incorporate the current station to accompany the modern fire apparatus. Their anticipated budget would be around \$500,000. They also agreed to abandon the Scales Lane proposal and start with a new central station at 13 Elm Street. He understands the property was purchased for that purpose and would like to honor that decision. They believe 12,000 square feet will be sufficient. As the Chief of the Department he is honored to tell the Board that he has been approached by a private entity who would like to donate a new station at 13 Elm Street. The new building will meet or exceed the needs that have been previously identified as well as fit the décor and architecture of the downtown area. After some discussion, it was understood this generous donation would be viewed as a partnership for the greater good of the community for a number of reasons. Primarily, it would allow the Chief to focus on developing and advancing the department such as recruiting new members, retention of

current members, increasing training, and increasing fire prevention activities. As proposed, the donation would follow the same model as the library/senior center. The donation would require vacating 13 Elm Street for approximately nine months starting as soon as this Fall. To move forward he needs the blessing of the Board to allow the building to be designed and built on the 13 Elm Street lot. The intention is to accept the privately donated building within the next 12 months. All Board members expressed their gratefulness and thanks for the generosity of this gift. SL asked where the department would relocate. Chief Boynton suggested temporary trailers be placed on the field by Town Hall. CS moved to bless the project as presented by Fire Chief Boynton with the intent of accepting the donation within 12 months. CM seconded. Unanimous.

- Request the Board's approval to hire new per diem paramedics: Darren L. Brock, Natan Hagopian, Andrew Perry, Nicholas R. Shelburne: Chief Boynton is filling vacancies. CS moved to appoint Darren Brock of Barry Mass as an on call firefighter paramedic contingent upon passing a background check and physical with (she asked if there is a probationary period recommended with this to which Chief Boynton replied six months). CS continued adding a six month probationary period. (She asked if she should appoint them all together? It would be the same terms), so I would amend that to include Natan Hagopian, Andrew Perry and Nicholas Shelburne. CM seconded. Unanimous.
- Discuss the creation of new positions of EMS Coordinator and Fire Department Mechanic:
 - EMS Coordinator: Chief Boynton noted that the EMS inspection highlighted the deficiency of not having an EMS Coordinator. He requests the position be posted at a Captain's rank for 20-30 hours incorporated into the per-diem hours so there is no financial impact. Mr. Sheehan doesn't believe it would be necessary to send to HRS. This fits in Grade 4 at Step 6 or higher at \$19.59 - \$21.62/hour. After continued discussion, CS moved to create the position of EMS Coordinator to be paid at the Captain level with hours to be 20-30 hours per week and to post such position. CM seconded. Unanimous.
 - Mechanics: Chief Boynton presented his calculations; last year the Fire Department spent \$39,000 in vehicle repairs. Hiring two part-time mechanics certified to work on fire apparatus could save just under \$7,000. They would also be available for breakdowns and roadside service. The positions would be per-diem at \$50/hour. We save money and get services here. Wages are comparable when you consider they wouldn't be getting benefits. CS said she went over the bills and found \$11,651 in labor costs last year to maintain the vehicles. She didn't get a chance to isolate how much was toward things that a highway mechanic couldn't take care of, but it was about 3/4. We hired a highway mechanic to do things like brakes, oil changes, and such. She commended Chief Boynton for thinking outside of the box and trying to save money but will have a hard time paying \$50/hour when one was just hired for \$22. Discussion ensued about the qualifications required to work on fire apparatus. Chief Boynton pointed out they could work out of the Harbor Station and the only thing to buy would be a larger air hose for about \$100. SL said she is inclined to go with the Chief's recommendation. CS moved to create two part-time fire mechanic positions per-diem with a pay rate of \$50/hour with duties as attached job descriptions outline and to post for the positions. CM seconded. CM aye, SL aye, CS opposed. Motion passes.

III MEETING BUSINESS

- 3.1 Review and discuss Devens Regional Household Hazardous Products Collection Center FY14 Annual Report: Mr. Sheehan gave an update and passed out an email from Tessa David about the 130,000 lbs. that have been collected at \$1.38/lb. If any town did the collection it would cost \$2.58/lb. or \$98,000. Their annual report talks about the continued increase in usage since opening 3 years ago. The Center continues to be a great success at a low cost and they are open 20 times a year. Jim LeCuyer presented what he considers the actual statistics for the Town. His tabulations show the citizens of Townsend paid \$3,070 to dispose of household hazardous waste and an annual fee of \$4,457. Divided by 54 vehicles it

cost an average of \$82.53 per vehicle. He suggested bringing it in house. SL asked if he can offer 20 collections a year. Mr. LeCuyer said he could at the new fire station. SL suggested he submit a plan through the Board of Health. After additional discussion, the Board took a brief recess.

Recess – 8:59PM to 9:05PM

- 3.6 Review and discuss correspondence from the Water Department regarding transfer of Water collections from the Water Department to the Town Collector: Paul Rafuse, Water Superintendent, informed the Board that the Board of Water Commissioners voted to comply with the auditors and Department of Revenue’s suggestion to move forward with the transfer of collections contingent on proposed “chargeback” fees from Town Hall. Mr. Sheehan believes it will serve us well though additional staff will be needed in the tax collector’s office. It should be effective January 1 or July 1.
- 3.2 Review and approve revised Alcoholic Beverages License Policy: Mr. Sheehan read the revision into the record. CS moved to accept the amended Alcoholic Beverages License Policy as attached to the record. CM seconded. Unanimous.
- 3.3 Review and approve request of Debra Reeves to hold the 10th Annual Gregory E. Reeves Memorial Scholarship Run on Saturday, October 11, 2014 and to close Brookline Street from Main Street to Highland Street from 7:30AM to 12:30PM, and further to authorize the Police Chief to approve temporary closures of other roadways: Mr. Sheehan said this is customary for the annual event and Chief Marshall has no concerns. CS moved to approve the request of Debra Reeves to hold the 10th Annual Gregory E. Reeves Memorial Scholarship Run on Saturday, October 11, 2014 and to close Brookline Street from Main Street to Highland Street from 7:30AM to 12:30PM, and further to authorize the Police Chief to approve temporary closures of other roadways. CM seconded. Unanimous.
- 3.4 Discuss process for filling vacancies on the Conservation Commission: The situation was reviewed with regard to the applicants to fill two regular vacancies and two reappointments. The Board agreed to set a meeting for next Tuesday, August 19th at 5:30PM to interview all applicants who were considered by the Conservation Commission: Karen Chapman, Jennifer Pettit, Veronica Kell, Stephen Marshall and Emily Norton.
- 3.5 Update on status of tax collections: Mr. Sheehan explained the process Beth Ann Scheid has put into action and her results. He also said she plans to terminate her employment in the next couple of months. He reviewed a new staffing plan for the Treasurer/Collector’s office as well as a change in the layout. He will have a formal plan for the Board’s next meeting.
- 3.7 Discuss creation of Sustainability Committee: CS moved to table 3.7 and 3.8 to the meeting on August 26, 2014. CM seconded. Unanimous.
- 3.8 Discuss Town Administrator and Board of Selectmen goals for 2014: (see 3.7).
- 3.9 Vote to declare surplus a North Star Semi-Trash Water Pump used by the Board of Health at the Landfill: Mr. Sheehan said this is a standard declaration. This item is beyond repair and has little value. CS moved to declare as surplus a North Star Semi-Trash Water Pump used by the Board of Health at the Landfill with an estimated value to be determined by scrap metal. CM seconded. Unanimous.
- 3.10 Update on public records request: Mr. Sheehan noted that the request is for a total of eight years of emails from Leslie Gabriliska and Karen Chapman. An appeal has been filed with the Secretary of State’s office. Attorney Lori Sullivan at the Secretary of State’s Office confirmed that there is no requirement to segregate emails as they come in and it is allowable for the Town to charge for the research and segregation time. He added that the public records law is a state statute administered by the Secretary of the Commonwealth and the Board has no role to play in the public records request or appeal process. The appeal of our response has been filed and rests with the Secretary of State’s office. CS said she emailed Mr. Sheehan to ask if he had talked to the Secretary of State’s office and didn’t hear back from him so she called and said she got a different response. When Andy told her what his response was she emailed them to try to get something in writing but that can’t be done. She talked to attorney Angela

Puccini who told her they are going to review the estimate and let us know if we have to revise it as part of that appeal. SL asked for clarification. CS said she asked if we could charge a requester the amount to segregate the exempt and non-exempt emails. After continued discussion CS said the attorney did tell her that with regard to the charge to town counsel, they've had difficulty approving anything like that because it always has to be the lowest paid employee, but we will find out what their determination is. SL asked why CS called. CS said it was because she hadn't heard back from Mr. Sheehan yet when she asked if he had called the Secretary of State's office. SL asked if he did get back to her. CS acknowledged he did. Debate continued. CS suggested the Town Administrator let the BOS know what the estimate is in the future. Mr. Sheehan said that may be difficult since we have only ten days to respond. CS advised him to send a quick email. Mr. Sheehan said that is a good segue to the next item.

3.11 Update and discussion of Open Meeting Law: Mr. Sheehan referenced a memo and accompanying determination from the Attorney General's Office regarding a violation of the Open Meeting Law by the Board of Selectmen of a nearby another town. He said CM brought the article to his attention. The AG's ruling illustrates how easy it is to violate the Open Meeting Law with serial communications over email. In short, any topic that will be discussed and deliberated by a board or commission cannot be discussed outside of a properly posted meeting. This includes sharing of opinions by members. SL stressed that no deliberations can be done outside of a posted meeting.

3.12 Review requests of Unitil to cross, alter, or construct within a public way for installation of gas services at 24 Worcester Road, 24 Main Street, and 67 W. Elm Street: CS moved to approve the requests of Unitil to cross, alter, or construct within a public way for installation of gas services at 24 Worcester Road, 24 Main Street, and 67 W. Elm Street. CM seconded. Unanimous.

3.13 Review requests for One Day Special Liquor Licenses for Terri Roy of Townsend VFW Post 6538, 491A Main Street:

- Wedding Reception on August 23, 2014 from 5-9PM;
- Jack & Jill on September 13, 2014 from 7-11PM;
- 40th Birthday Party on September 27, 2014, from 7-11PM

CM moved to approve the requests for One Day Special Liquor Licenses for Terri Roy of Townsend VFW Post 6538, 491A Main Street for the following events: Wedding Reception on August 23, 2014 from 5-9PM; Jack & Jill on September 13, 2014 from 7-11PM; and 40th Birthday Party on September 27, 2014, from 7-11PM. CS seconded. Unanimous.

3.14 Unitil's tree trimming and concerns with regard to that: SL informed the Board that Unitil is doing tree service in Timberlee Park. A neighbor's tree was trimmed drastically while they weren't home and they hadn't been notified. They would have hired an arborist if they had the chance. She would like to invite a Unitil customer relations representative and arborist to come in to explain the process. Mr. Sheehan will invite them to an upcoming meeting.

IV APPOINTMENTS OF PERSONNEL/OFFICIALS

4.1 Vote to appoint Joseph Sullivan to the Townsend Emergency Management Agency (TEMA) for a term from August 12, 2014 to June 30, 2017: CS moved to appoint Joseph Sullivan to the Townsend Emergency Management Agency (TEMA) for a term from August 12, 2014 to June 30, 2017. CM seconded. Unanimous.

4.2 Vote to appoint the following election workers for terms from August 15, 2014 to August 14, 2015:

Carol Wright	Cheryl Simoneau	Eino Kauppi
Avis Roy	Lindsay Morand	Elaine Martin
Louise Thorpe	Mary Szurely	Janet Leavitt
Clare Kauppi	Janet Vesper	Anne Forseman
Barbara Wheeler	Betty Mae Tenney	Ann Adams
Heidi Munroe	Sharon LaCasse	Brian Colby
Carol Mansfield Buxton	Paula Woodman	Sandra Tuttle
Janet Wesson-Snapp	Charlene Smith	Jane Stonefield

Marcia MacMaster
Irene E. Johnson
Helen Kezar
Darlene Coit
Joan MacPhee

John Stonefield
Susan Gerken
Peter Buxton
Carlene Whittemore
Lois Howgate

Jerrilyn Bozicas
Jean Bradley
Steve Baldwin

CS moved to appoint Carol Wright, Avis Roy, Louise Thorpe, Clare Kauppi, Barbara Wheeler, Heidi Munroe, Carol Mansfield Buxton, Janet Wesson-Snapp, Cheryl Simoneau, Lindsay Morand, Mary Szurely, Janet Vesper, Betty Mae Tenney, Sharon LaCasse, Paula Woodman, Charlene Smith, Eino Kauppi, Elaine Martin, Janet Leavitt, Anne Forseman, Ann Adams, Brian Colby, Sandra Tuttle, Marcia MacMaster, Irene E. Johnson, Helen Kezar, Darlene Coit, Joan MacPhee, John Stonefield, Susan Gerken, Peter Buxton, Carlene Whittemore, Lois Howgate, Jerrilyn Bozicas, Jean Bradley, and Steve Baldwin and included Jane Stonefield. CM seconded. Unanimous

V WORK SESSION

5.1 Board of Selectmen updates and reports:

- CS announced the August 14 and 21 band concerts. She thought it would be a good idea to have the Building Commissioner, Police Chief and Fire Chief come to a meeting to discuss inspections for the new high school and maybe getting some of the other towns to share the responsibility. She requested the Housing Authority come in to discuss the housing plan and Mr. Sheehan said they are scheduled to come in September. She asked about a constable appointment and Mr. Sheehan said the application was incomplete, but that he would follow up with the individual. She reminded citizens that purple bags are available for excess trash.
- SL asked Mr. Sheehan about the borrowing for capital purchases. Mr. Sheehan informed the Board that he sent an email to departments putting the capital purchases on hold until the borrowing is settled. He reported on conversations he had with bond counsel who views the reference to GL c. 40, s. 53 as a threat of litigation. Bond counsel has to disclose to potential investors any threats of litigation. Until there is a resolution bond counsel advises that we not move forward with the borrowing. Those purchases not dependent on borrowing can still go forward. SL asked what is being held up. Mr. Sheehan replied everything in the Highway Department, which is about two-thirds of the borrowing, a couple of Town Hall items, and the police carpeting and computers. After extensive discussion about the situation CS said she will talk to bond counsel tomorrow.

5.2 Town Administrator updates and reports: The Nashoba Tech roof project is approximately one million dollars less than anticipated. The local share is \$750,000. The hit is about \$24,500 per year for 5 years. The MBTA put out an RFP for the rail trail and the Squannacook Rail Trail was the only bidder. He presumes that will move forward soon. The high school project is moving forward. There will be a pipeline coalition meeting here on August 25th at 10AM. He was in North Redding yesterday. The tariff has been put on hold, at least in Massachusetts. Kinder Morgan is moving forward with their agreements with the utilities and are well on their way to getting the contracts they need. Daniel Arsenault provided some information to the Board members and said he would volunteer to save the town some money.

5.3 Review and sign payroll and bills payable warrants: CS moved to sign the payroll out of session. CM seconded. Unanimous. CS moved to sign the bills payable warrant out of session. CM seconded. Unanimous.

CM moved to adjourn at 10:35PM.

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.

Respectfully submitted by Karin Canfield Moore