



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

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MINUTES
JUNE 23, 2015, 5:30 P.M.
SELECTMEN'S CHAMBERS, TOWN HALL
272 MAIN STREET, TOWNSEND, MA

I PRELIMINARIES

- 1.1 At 5:32PM the Chairman called the meeting to order. Roll call showed Colin McNabb, Chairman (CM), Carolyn Smart, Vice Chairman, and Gordon Clark, Clerk (GC) present.
- 1.2 Pledge of Allegiance observed.
- 2.1 5:32 Executive Session: pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining or litigation. CS moved to enter executive session pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining or litigation. GC seconded. GC aye; CS aye; CM aye.
- At 6:01 the Board reconvened in open session.
- 1.3 CM announced that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions: Amend 4.2, add 4.3
- 1.5 Town Administrator updates and reports:
Town Administrator, Andrew Sheehan (AS), reported that highway Superintendent Ed Kukkla (EK) got an estimate on a design for a sidewalk in Route 119 from Wesson and Sampson, indicating that if the Town builds it, the design will cost about \$27,000.00, however if Mass Highway builds, it will be substantially more. CS asked if Mass Highway would allow building if not done by Mass Highway, AS said yes. CS requested that item be added to a future agenda.
- 1.6 Board of Selectmen announcements, updates, and reports:
- GC read an announcement about VFW lawn party in conjunction with the concert on June 25.
 - GC commended Mark Mercurio, Facilities Supervisor, on refurbishing the floors at Town Hall.
 - GC commended Chief Marshall and Chief Boynton, the Communication Department, Karin Moore, and Jimmy Johnson Entertainment on the Annual Police cookout, as well as Mark Mercurio for setting it all up.
 - GC asked AS if Conservation Commission reports had been forwarded to legal counsel, AS said yes.
 - CS read a letter to Unitil opposing rate increase and suggested Townsend draft something similar. AS will draft a letter to be reviewed at a future agenda.
 - CS discussed an employee appreciation cookout to be added to a future agenda.
 - CM offered his thoughts and prayers to the victims of the church massacre in Charlestown, South Carolina.
 - CM spoke to Town Counsel regarding Conservation incident. Council's opinion is that the Board should not step in at this point and that it allow the Conservation Commission handle the issues. CS said that she thinks that the Board should be involved considering the Police were involved.

GC thinks that issue has been dragging on too long and would like to conduct interviews to gather facts. AS said his concern is that interviews run the risk of complaints against an individual that is not present and that individuals' rights might be violated. CS said that this is an ongoing issue that needs to be resolved. CS discussed specific complaint that also needs to be addressed. Labor counsel would conduct interviews. Discussed training and counseling that could be beneficial to everyone. AS will contact labor counsel on availability.

- 1.7 Meeting minutes. May 26, 2015 and June 2, 2015. CS moved to approve meeting minutes from June 2, 2015. GC seconded. Unanimous. CS moved to table approval of May 26, 2015 meeting minutes until next meeting. GC seconded. Unanimous.

II APPOINTMENTS AND HEARINGS

- 2.2 CM first discussed a possible privacy violation law in conjunction with ambulance collections on the Town website. CM got an opinion from Town Counsel that he read in to the record stating that the information was not protected health information and therefore was not a violation HIPPA. CS suggested updating HIPPA policy. GC said that website policy should be looked at, suggesting that staff only upload meeting agendas to the website. CS moved that in the future to only upload agendas until after the Selectmen's meeting and upload the packets with the meeting minutes as required by the open meeting law all attachments need to be there until such time there is a new policy written. GC seconded. Unanimous.

6:00 Fire-EMS Chief Mark Boynton for the following.

- Review and approve ambulance write-offs. Chief presented total amount attempted to collect and proposed write off. CS asked what exactly is being written off, Chief Boynton explained that it was the amount unable to be collected. CS moved to approve the ambulance write off request from Fire Chief Mark Boynton in the amount of \$88,779.31. GC seconded. Unanimous.
- Review correspondence regarding the fire alarm system, waiving the annual connection fees, and correspondence to alarm system subscribers. Chief explained the history of the alarm system and the new upgraded wireless system. 60 boxes around town need to be upgraded and the cost will be borne by customers at \$5,000.00 to \$6,000.00 each. Chief Boynton is proposing to waive the annual connection fee and attach a letter explaining the new wireless system and the need to upgrade in the next 18 months to the new system. CS was not sure if the bylaw allowed the Board to waive the fee and suggested checking with Town Counsel. GC said that he was not inclined to approve the request to waive the fee. CM said that he would be inclined to waive the fee due to the cost of upgrading. CS suggested a compromise waiving FY'14 pending Town Counsel's opinion and collecting FY'15 fees. CS moved to approve Fire Chief Mark Boynton's request to write off the payment of \$100 per customer for FY'14 contingent upon Town Counsel stating we have the authority to do so and to go ahead and issue bills for FY'15. GC seconded. Unanimous. Chief Boynton asked for clarification on sending out the amended letter, CM said that yes, he could send out the letter.

- 2.3 6:15 Nashoba Valley Regional High School vacancy: Joint meeting with the local school committee members chaired by the Moderator to fill a seat on the NVTSH School Committee. Town Moderator John Barrett called the joint meeting to order. The moderator read the posting. AS said that current member Karen Chapman was interested in continuing to serve on the committee. CS nominated Karen Chapman. CS moved to appoint Karen Chapman for a term effective July 1, 2015 to June 30 2018. KC clarified that it was an April to April term, amended the motion to reflect April 1, 2015 to March 31, 2018. GC seconded. The motion passed unanimously: GC aye; CS aye; CM aye; Susan Robbins aye; John Barrett aye. Motion to adjourn joint meeting at 6:48PM, unanimous.

CM called a five minute recess.

- 2.4 6:30 Charter Committee to present the findings and recommendations Public Hearing. Charter Committee chairman Don Klein explained the review process and recommendation for changes, including meeting with Town Council for guidance. Discussed presenting it to the Town article by

article. CS thanked the Charter Committee for their effort and time. Discussed some of the changes and putting it on the website for the public to review.

- 2.5 6:45 Discussion with the Conservation Commission regarding the filling of a vacancy. Conservation Commission had a split vote filing a vacancy. Discussed the protocol for filing a vacancy and what the process was for consideration of Heather Hanson. CS moved to appoint Heather Hanson to the Conservation Commission for a term effective July 1, 2015 to June 30, 2018. GC seconded. Unanimous.

III MEETING BUSINESS

- 3.1 Review and approve request of Police Chief Erving M. Marshall, Jr. to be reimbursed for four (4) unused vacation days. CS moved to approve the request of Police Chief Erving M. Marshall Jr. to be reimbursed for four (4) unused vacation days. GC seconded. Unanimous.
- 3.2 Review request from the Recreation Commission to amend the Personnel Policies & Procedures Manual by exempting seasonal employees from the Compensation & Classification Plan. CS moved to accept the changes to the Compensation and Classification Plan as attached and have CM sign. GC seconded. Passed 2-1 (CM opposed).
- 3.3 Review and discuss public records request from Karen Hill. AS explained that appeals under the public records law are heard by the Secretary of State's office. CS said there was a letter stating that the 10 day response time was violated. Several requests were filed May 21, 2015, the Conservation Commission responded to that request and some others, informing Ms. Hill that there would be further follow up, indicating that the request has been responded to. Ms. Hill requested a certain amount of emails, and that the assistant Town Clerk or IT could go through emails, redacting information. AS said he had concerns regarding confidentiality and someone outside of the department may not know what is or is not confidential. Ms. Hill is also involved in litigation with the Town, which increases the Town's liability. Discussed how the information could be gone through and provided to Ms. Hill. AS suggested asking Town Counsel for guidance. GC does not believe Karen Chapman to be impartial. CS moved to table 3.3 until next meeting, after discussing with Town Counsel. GC seconded. Unanimous.
- 3.4 Review and approve one year contract to provide information technology support services. Townsend Technology has had a contract with the Town for the past two years but was not interested in continuing. Advertised RFP, received three bids. Review team went over proposals and recommended Radio Engineering Associates for a one year contract. CS moved to award contract to Radio Engineering Associates for IT services for one year in the amount of \$50,000. And sign the contract outside of meeting. GC seconded. Unanimous.
- 3.5 Review and approve fuel contracts for diesel, unleaded gasoline, and heating oil. AS explained that the towns of Ashby, Pepperell and Townsend do regional procurement on the fuel. Received bids for number two fuel oil, and diesel to Shattuck Oil. CS moved to award contracts for number two fuel oil and diesel fuel to Shattuck Oil Company for a contract to be effective July 1, 2015 and to expire June 30, 2016 according to the invitation of bids. GC seconded. Unanimous.
- 3.6 Review and approve curbside refuse collection contract. AS said that the Board of Health is still working on the contract. The current contract will remain in place until the new one takes effect.
- 3.7 Review and approve policy for Disposition of Surplus Property Under \$10,000. AS received guidance from Town Council on verbiage for the new policy. CS moved to approve the Disposition of Surplus Property Under \$10,000 Selectmen's Policy 2015-01 with the amended wording as recommended by procurement attorney. GC seconded. Unanimous.
- 3.8 Update on FY14 audit. AS said that the draft financial statements are done and are being reviewed by the Town Accountant. The Board agreed to request that a representative from Melanson and Heath come in to report findings. CS said she was okay with the draft management letter response.
- 3.9 Update on request from the Town of Shirley in support of proposed legislation regarding funding for regional school districts, regional school transportation, and special education. AS reported that Shirley has a big budget problem with regional school assessments and put together some legislation. AS spoke

to Superintendents Landers and Klimkiewicz and Mark Andrews, Pepperell's Town Administrator, and their opinion was that it would not go very far. The Board took no action.

- 3.10 Review and approve one day special liquor license for Terri Roy, VFW Post 6538 for a Surprise Birthday Party on July 17, 2015 from 8PM-12AM. CS moved to approve one day special liquor license for Terri Roy, VFW Post 6538 for a Surprise Birthday Party on July 17, 2015 with sale hours from 8PM-12AM. GC seconded. Unanimous.
- 3.11 Receive update on the air quality and environmental testing at the Town Hall Annex at 274 Main Street. AS said that the report from DPH has not yet been received. GC commended Mark Mercurio's dedication by taking a call while on vacation.
- 3.12 Discuss response to Dept. of Revenue on request for technical assistance. AS reached out to Zack Blake at DOR and discussed having DOR come in to look at the Town's finances. Discussed Community Compact with the Commonwealth of Mass. help with IT, financial management best practices, and long range planning and forecasting. CS suggested having DOR look at creating a Department of Public Works (DPW). GC thanked AS for looking in to this, and congratulated AS on graduating from Suffolk University. AS will reach out to DOR and the Community Compact.
- 3.13 Discuss application for a Community Compact with the Commonwealth of Mass. 3.13 was discussed in 3.12. See above
- 3.14 Discussion of Board of Selectmen and Town Administrator goals. Item tabled until next meeting.

IV APPOINTMENTS OF PERSONNEL/OFFICIALS

- 4.1 Review and approve the request of Fire-EMS Chief Mark Boynton to hire the following for terms from July 1, 2015 to June 30, 2016. Votes may be taken:
 - David Hoffman: On-Call Firefighter
 - Colton Peladue: On-Call Firefighter
 - Andrew Shepherd: On Call FirefighterCS moved to approve the request of Fire-EMS Chief Mark Boynton to appoint the following on call firefighters for terms from July 1, 2015 to June 30, 2016, contingent on pre-employment physicals and 6 month probationary period. GC seconded. Unanimous
- 4.2 Review and approve annual appointments. CS deleted Inspector of Animals from the list. CS moved to approve the annual appointment list with terms outlined in the attached. GC seconded. Unanimous.
- 4.3 Review and approve the request of Council on Aging Director Karin Canfield Moore to hire Janet E. Cote as Outreach Worker for the Council on Aging for a term from July 1, 2015 to June 30, 2016. CS moved to approve the request of Council on Aging Director Karin Canfield Moore to hire Janet E. Cote as Outreach Worker for the Council on Aging. GC seconded. Unanimous.

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.

GC moved to adjourn from the selectmen meeting at 8:15 PM. CS 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.