



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

Colin McNabb, *Chairman*
Andrew J. Sheehan,
Town Administrator

Carolyn Smart, *Vice-Chairman*

Gordon Clark, Clerk
Office (978) 597-1701
Fax (978) 597-1719

MINUTES
JULY 14, 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 Colin McNabb, Chairman (CM), Carolyn Smart, Vice-Chairman (CS), and Gordon Clark, Clerk (GC) present.
- 1.2 Pledge of Allegiance observed
- 1.3 CM announced that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions: Add 4.5
- 2.1 6:15 Discuss the Facilities Maintenance Department. Mark Mercurio, Facilities Manager, (MM) was present to discuss his job description and updated responsibilities. MM submitted a revised job description to Town Administrator Andrew Sheehan's (AS) who incorporated the changes. The revised job description was sent to the Town's consultant, HRS, Inc. MM would like to have current position re-classified. Item will be on August 11, 2014 agenda, possibly in Executive Session. CS asked if MM had already started helping with the Fire Department, MM said yes.
- 1.5 Town Administrator updates and reports:
 - AS said he will be discussing Municipal Aggregation at a future meeting. Aggregation is a way for residents to save on their electric bill.
 - AS met with Superintendent Landers, NMRHS budget manager Nancy Haines, and Pepperell Town Administrator Mark Andrews to get a head start on next year's budget.
 - FY'14 audit is completed. Eric Demas from Melanson and Heath will be at an upcoming meeting to give an update.
 - AS received an email from Town Counsel regarding record request from Karen Hill. Counsel said that it is not appropriate for the Assistant Town Clerk to go through emails.
 - Counsel said the Board is well within its rights to approve the fire alarm fee waiver.
 - Flowers were delivered to Town Hall today in appreciation of Town Administrator and employees.
 - GC asked AS to ask Town Counsel about who would be reviewing the emails for Karen Hill's request.
- 1.6 Board of Selectmen announcements, updates, and reports:
 - GC recognized Sterilite and Gary Shepherd for grounds upkeep.
 - GC read announcement regarding Military Town Band Concerts on the common
 - CS thanked everyone who helped spread the mulch that TJ Federhoff, an Eagle Scout had delivered to the Kid's Kountry Playground.
 - CS requested that a discussion on the Route 119 sidewalk be added to the next agenda.
 - CS thanked department heads for their quarterly reports
 - CM announced farmers market on Tuesday evenings.

- 1.7 Meeting minutes: May 26, 2015, June 29, 2015. CS moved to approve meeting minutes for May 26, 2015 and June 29, 2015. GC seconded. Unanimous.

II APPOINTMENTS AND HEARINGS

- 2.3 6:45 Review and discuss Town Hall Annex air quality report from Massachusetts Dept. of Public Health. AS received air quality report from Massachusetts Dept. of Public Health. Report indicated that there was mold inside the building their recommendations. Discussed the renovation process given the age of the building. AS suggested the Town must determine the use for the building which MM agreed with. GC suggested stopping further damage. Discussed the records currently being held in the annex that needed to be taken care of. Recreation Commission asked for permission to get estimates to start renovations. GC offered to work with Recreation and MM to stabilize and assess the next steps.
- 4.1 Review the request of Emergency Management Director Shirley Coit to reappoint the following. Votes may be taken:
- Emergency Response Coordinator: Mark Boynton, July 1, 2015 to June 30, 2016;
 - North Middlesex Area Emergency Planning Committee, July 1, 2015 to June 30, 2016:
 - Members: Shirley Coit, Mark Boynton, Mike Grimley
 - Alternates: Karen Chapman, Janet Johnson
 - Townsend Emergency Management Agency (TEMA), July 1, 2015 to June 30, 2018:
 - Director: Shirley Coit
 - Deputy Directors: Thomas Whittier, Michael Grimly
 - Members: Chad Adams, Karen Chapman, Richard Hanks, Paula Hyde, Eino Kauppi, David Mazza, Edward Snapp, Carla Walter
- CS moved to re-appoint the following; Emergency Response Coordinator: Mark Boynton, Members: Shirley Coit, Mark Boynton, Mike Grimley, with alternates: Karen Chapman, Janet Johnson, with a term effective July 1, 2015 to June 30, 2016. Additionally, CS moved to reappoint to Townsend Emergency Management Agency (TEMA), Director: Shirley Coit, Deputy Directors: Thomas Whittier, Michael Grimly, Members: Chad Adams, Karen Chapman, Richard Hanks, Paula Hyde, Eino Kauppi, David Mazza, Edward Snapp, Carla Walter for a 3 year term effective July 1, 2015 to June 30, 2018. GC seconded. Unanimous
- 4.2 Review the request of Emergency Management Director Shirley Coit to appoint the following new TEMA members. Votes may be taken: Gary Busler, Michelle Dold, Donna Fenton, Beverly Heald Sager, Robert Heffernan, Jane Jackson, Stephen Kelly, Amy Leonardo, Michael Leonardo, Mary LeTourneau, Sandy Massalski, Robert Nickerson, Joy Niemiera, James Normington, John Oser, Nancy Richards, William Roberts, James Sager, David Sawyer, Carolyn Smart. CS recused herself for this vote. GC moved to appoint the following new TEMA members: Gary Busler, Michelle Dold, Donna Fenton, Beverly Heald Sager, Robert Heffernan, Jane Jackson, Stephen Kelly, Amy Leonardo, Michael Leonardo, Mary LeTourneau, Sandy Massalski, Robert Nickerson, Joy Niemiera, James Normington, John Oser, Nancy Richards, William Roberts, James Sager, David Sawyer, and Carolyn Smart. CM seconded. Unanimous. CS recused herself
- 4.5 Review and approve the request of Fire-EMS Chief Mark Boynton to approve the hiring of Daniel Silva as an On-Call Firefighter from July 14, 2015 to June 30, 2016. CS moved to approve the request of Fire-EMS Chief Mark Boynton to approve the hiring of Daniel Silva as an On-Call Firefighter from July 14, 2015 to June 30, 2016 with a 6 month probationary period and contingent on passing a pre-employment physical. GC seconded. Unanimous.
- 4.3 Review the request of Town Clerk Kathleen Spofford to appoint the following election workers with terms from August 1, 2015 to July 31, 2016. Votes may be taken: Carol Wright, Avis Roy, Louise Thorpe, Clare Kauppi, Barbara Wheeler, Carol Mansfield Buxton, Janet Wesson-Snapp, Cheryl Simoneau, Lindsay Morand, Mary Szurly, Janet Vesper, Betty Mae Tenney, Sharon LaCasse, Paula Woodman, Eino Kauppi, Elaine Martin, Anne Foresman, Sandra Tuttle, Jane Stonefield, Marcia

MacMaster, Irene E. Johnson, Helen Kezar, Darlene Coit, Joan MacPhee, John Stonefield, Susan Gerken, Peter Buxton, Jerilyn Bozicas, Debra Stoll, Heidi Munroe, Brian Colby, Karen Clement, Jessica Funaiole. CS moved to approve the request of Town Clerk Kathleen Spofford appoint the following election workers with a term effective August 1, 2015 to July 31, 2016 as incorporated therein with the list. GC seconded. Unanimous.

- 4.4 Review the recommendation of the Nashua River Watershed Association to appoint Leslie Gabriliska as the Townsend representative and Bill Wilkinson as the alternate representative to the Wild & Scenic Study Committee. CS moved to appoint Leslie Gabriliska as the Townsend representative and Bill Wilkinson as the alternate representative to the Wild & Scenic Study Committee for the Nashua River Watershed Association. GC seconded. Unanimous.
- 2.2 6:30 Public Hearing: Old Brick Store, 440 Main Street, to transfer of wine and malt beverages package store license. CM moved to open public hearing. CS read legal notice. Legal representation presented transfer summary; Petitioners live in Town, do not plan on changing store or operation to the best of their ability, and continue to serve beer and wine only. Fees have already been collected. CM wished the Patel's luck in their new business endeavor. CS moved to approve the transfer of wine and malt liquor beverages for the Old Store premises at 440 Main Street Townsend MA and forward to ABCC. GC seconded. Unanimous.
- 3.1 Update on Kinder Morgan gas pipeline project and open houses. AS gave an update on Kinder Morgan gas pipeline project, including new route that has been announced. Kinder Morgan is preparing for another round of reviews with FERC and environmental impact studies are being conducted. There will be a number of scoping sessions upcoming. AS discussed eminent domain. AS reached out to Mason, NH and Lunenburg MA Board of Selectmen, both of which are interested in a meeting to further discuss the impact. Discussed time to meet with other Boards. Steve Keady from Kinder Morgan contacted AS, offering to meet with one Board member, AS, and Mr. Keady's team to talk about the project. CS suggested waiting to talk to the other Towns before meeting with Kinder Morgan.
- 3.2 Review bids and award FY16 Highway Department material contracts. The Board reviewed the bids. CS moved to approve and award the Highway Department FY 16 material contracts in accordance attached with the list. GC seconded. Unanimous. GC asked about the meeting schedule because he would like to discuss a salt only system with EK. AS will contact EK for the meeting on August 11, 2015.
- 3.3 Review and sign letter to Mass. Dept. of Public Utilities regarding Unitil rate increase. AS drafted letter to the DPU. CS moved to approve and have Chairman Colin McNabb sign letter and forward off to Massachusetts Dept. of Public Utilities. GC seconded. Unanimous. CS amended the motion to include the CM will sign letter outside of session. GC seconded. Unanimous. CS read the letter.
- 3.4 Review and sign letter to Massachusetts Dept. of Revenue, Division of Local Services, requesting that the Technical Assistance Section study the formation of a Department of Public Works (DPW). CS discussed putting together a DPW Exploratory Committee. CM said that he thinks the Water Department and the Cemetery and Parks should be involved in this discussion as well. CM asked AS if he would schedule a time to get the all three Boards together. CS read the request to the Dept. of Revenue. Continued discussion on Exploratory Committee. AS suggested a mission and clear list of goals to help streamline the Committee. Item will be discussed again on the next agenda. GC moved to direct Mr. Sheehan to contact the Dept. of Revenue for technical assistance and the formation of a Dept. of Public Works as outlined in the 3.4 draft. AS suggested adding landfill in to the letter as well. And signed by the Chair outside of session. CS seconded. Unanimous.
- 3.5 Review and sign Community Compact application requesting technical assistance for Information Technology Best Practices, the Budget Document, and Long Range Planning/Forecasting. The Compact lays out 5 categories and Towns are allowed to pick 3 specific categories. AS asked for long range planning and forecasting, financial management as the second choice and business continuity including disaster recovery and back up planning. GC asked if the order made any difference. AS was not sure but suggested putting the most important selection first. The Board kept the list as it was. GC asked what

kind of income the Town might reserve from compliance, AS said he will look in to it. CS moved to have the Chairman e-sign the Community Compact application requesting technical assistance for Information Technology Best Practices the Budget Document, and Long Range Planning/Forecasting and IT. GC seconded. Unanimous.

- 3.6 Review and approve request of the Police Chief for a transfer of appropriations for wages for the Communications Department in the amount of \$3,500.00. CS moved to approve the request for transfer of appropriations in the amount of \$3,500.00 to be transferred from account number 022255245 communication expense equipment maintenance account to be transferred to account number 02225110 communication wages. GC seconded. Unanimous
- 3.7 Review and approve request of the Fire-EMS Chief for a transfer of appropriations for wages in the amount of \$1,863.09. CS moved to approve the request for transfer of appropriations in the amount of \$1,863.09 to be transferred from account number 0222005245 repair maintenance of vehicles to account number 02220115 for wages of mechanic. GC seconded. Unanimous.
- 3.8 Review and approve request of the Board of Health for a transfer of appropriations for Landfill Engineering in the amount of \$2,031. CS moved to approve the request of transfer of appropriation in the amount of \$2,031 to be transferred from curbside removal 04435300 to Landfill engineering 843055. GC seconded. Unanimous

CM requested a brief 10 minute recess at 7:20PM

- 2.4 7:30 Meeting with Labor Counsel David Jenkins to discuss the Conservation Commission. The Board may enter executive session pursuant to GL c. 30A, s. 21(a)(1) to discuss complaints brought against public officers, employees, staff members, or individuals and/or GL c. 30A, s. 21(a)(3) to discuss strategy with respect to litigation. David Jenkins (DJ), labor counsel from Kopelman and Paige, discussed his knowledge of the Conservation Commission issue. DJ reviewed the reports sent to him and said based on what he was provided, there were three different groups of people involved in the meeting: members of the public, Conservation Commissioners, and at least one Town employee. Discussed a commission and board manual that was sent to AS. DJ went on to discuss the chain of events leading up to the time that the police showed up. He discussed the options on conducting an inquiry which would involve interviewing certain participants. DJ would be responsible for selecting interviewees and conducting the interviews, AS assist and make arrangements for the interviews and serving as a witness. GC moved the Town's Counsel, Mr. Dave Jenkins with the assistance of Andy Sheehan conduct interviews within the scope that Mr. Jenkins needs to come to the conclusion to bring forth to the Board to make a decision. CS seconded. Jennifer Pettit, of the Conservation Commission, started to discuss the events, but was asked to stop. Motion passed by unanimous vote.
- 2.5 Executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with former nonunion Water Department personnel and GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining with the Police union. At 7:53 CS moved to enter into Executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with former nonunion Water Department personnel and GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining with the Police union and to reconvene in open session. GC seconded. CS aye, CM aye, GC aye. At 9:03 the Board returned to open session.

III MEETING BUSINESS

- 3.9 Review and approve other transfer of appropriations requests if needed. Not needed. No votes taken.
- 3.10 Review and discuss Board of Selectmen and Town Administrator goals. Postponed to July 28, 2015.

V WORK SESSION

- 5.1 Review and sign payroll and bills payable warrants. CS moved to review and sign payroll outside of session. GC seconded. Unanimous.

GC moved to adjourn at 9:07PM. 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.