



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

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Andrew J. Sheehan,  
*Town Administrator*

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**MINUTES**  
**AUGUST 25, 2015, 6:00 P.M.**  
**SELECTMEN'S CHAMBERS, TOWN HALL**  
**272 MAIN STREET, TOWNSEND, MA**

**I PRELIMINARIES**

- 1.1 At 5:30PM 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: Delete 2.2 and discuss page 2:
  - Page 2 of the agenda was not visible to the public over the weekend. CS moved to address agenda items 3.7 through 3.12 to next Tuesday September 1, 2015 at 6:00PM. GC seconded. Unanimous.
- 1.5 Town Administrator updates and reports:
  - Town Administrator, Andrew Sheehan (AS), reported that Devens Household Hazardous Waste Collection Center will be open September 2, 2015 and September 5, 2015 9AM a-12PM. Center is doing well, financially stable and works well for residents.
  - The Governor's office will be in Town Hall on September 3, 2015 at approximately 12:45PM to sign the community compact.
  - FEMA will reimburse about \$36,000 for the January storm, which is less than Ed Kukkula, the Highway Superintendent, requested.
  - Leslie Gabrilka, the Conservation Agent, presented CM with a card and gift from the Town employees.
- 1.6 Board of Selectmen announcements, updates, and reports: no updates from GC and CS. CM thanked the people of Townsend as well as the Town employees, pleasure to work with everyone. CM apologized for leaving early and thanked AS for all his professionalism and said that the Town is lucky to have AS.
- 1.7 Meeting minutes: Executive session: June 23, 2015 and July 14, 2015. No votes were taken.
- 3.1 Discuss and set date for special election to fill a vacancy on the Board of Selectmen. Kathy Spofford, Town Clerk, (KS), was present to discuss and set a date for special election. KS suggested November 17<sup>th</sup> for the special election. AS recommended having the Town Meeting after the special election, in early December. First day to obtain nomination papers will be next Monday August 31, 2015, which will give people 4 weeks to return papers. Last day to obtain nomination papers will be September 25, 2015. CS moved to set the Special Town Election to Tuesday November 17, 2015 with voting hours from 8AM to 8PM. GC seconded. Unanimous. CM thanked his colleagues, GC and CS.

**II APPOINTMENTS AND HEARINGS**

- 2.1 6:15 Facilities Maintenance Department: Discussion with pertinent department heads regarding the scope of the Facilities Department. The discussion may include an executive session pursuant to GL c.

30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. Mark Mercurio, Facilities Manager (MM) was present to continue discussion regarding Facilities Department. Roger Rapoza, Cemetery & Parks Superintendent, (RR) and his department has taken care of the ground care for the last 6 years. GC said there were complaints this year regarding the outside maintenance of the Library, and he wants one person in charge of the grounds and the grounds crew. GC also said that he thinks that the grounds crew should be CORI checked and drug tested. John Barrett, Cemetery & Parks Commission, questioned the complaints that GC heard about, and said that Cemetery & Parks have done a good job of pitching in and helping out as well as saving the Town money. CS said that MM has been reclassified and the outside maintenance is part of that reclassification. Karin Canfield Moore, Senior Center Director, commended Cemetery & Parks on their abilities during the winter months, as well as their quick response time. Sue Lisio said she sees this as a duplication of effort and asked how it will be a cost savings if we need to add staff. Discussed accountability for outside maintenance, and forming a working group to clarify job description and maintenance requirements. GC moved to enter in to executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. CS seconded. CS aye; GC aye.

~~2.2 6:30 Meeting with Board of Assessors regarding senior tax work-off program. Votes may be taken.~~

2.3 6:45 Meeting with Building Commissioner Richard Hanks to discuss solar facility permitting fees. Building Commissioner Richard Hanks, (RH), discussed increasing solar facility permitting fees. RH researched other local communities and the Town to be charging significantly less. GC moved to modify current building permit fees for residential solar panel systems to \$150.00 for the building permit and \$100.00 for the wiring permit. CS seconded. Unanimous. GC moved to implement a large scale systems fee that will be one a half cents per watt each for the building permit fee as well for all wiring permit fee. CS seconded. Unanimous. GC amended both motions to be effective of the date September 1, 2015. CS seconded. Unanimous.

2.4 7:00 Meeting with Treasurer-Collector Deborah Kristoff regarding miscellaneous topics. CS asked how deferred compensation and reconciling cash progress was, Treasurer-Collector Deborah Kristoff (DK), explained what was being done, implementing quicken and updated spreadsheets. DK is also training her staff which is time consuming, but is working towards a streamlined process. Discussed deferred compensation issue, which DK is working with Great West to rectify. GC requested that DK send out an email or memo regarding status of deferred compensation. AS said that a notice went out to all employees effected last week. MM asked what would happen to the money he lost, DK said that a new representative would be in to discuss this issue as well. AS said that there was no way for the Town to pay the employees back for what they may have lost or gained. Discussed issue of taxing compensation twice which Great West is trying rectify.

3.2 Discuss dates for fall Special Town Meeting and vote to open the warrant. AS suggested setting the date for Town Meeting for Tuesday December 8, 2015. AS suggested having Town Meeting at Town Hall. GC moved to tentatively set the date for Town Meeting to Tuesday December 8, 2015 at Memorial Hall at 7:00PM. CS seconded. GC moved for the fall Town Meeting to open the warrant. CS seconded. Unanimous.

3.3 Review and respond to Open Meeting Law complaint against the Board of Selectmen. The complaint was received on August 18, 2015. Board discussed their formal response to the complainant. CS adamantly denied that the Board violated the open meeting law. CS said that the Board would put a reappointment on the next agenda, which would need to be put in the letter that the Board will have to send the Attorney General. CS addressed some of the issues in the complaint, one being that the appointee contacted the Ethics Commission and received a response that was provided to the Chairman of Conservation Commission and not made public. CS asked AS to draft a response letter to the Attorney General for the Board to review at the next meeting.

3.4 Review and discuss Zoning Board of Appeals mandatory referral for Lynn Fit LLC d/b/a Planet Fitness for a Special Permit to use 10,600 square feet of the Harbor Village Mall at 18 Main Street for an

athletic or recreational facility. GC visited one of the establishments at the Harbor Village Mall, and some are concerned about traffic patterns. AS will forward comments to the Planning Board.

- 3.5 Review and discuss Planning Board mandatory referral for Townsend Fit LLC d/b/a Planet Fitness for Site Plan Review and Special Permits for a change of use at the Harbor Village Mall at 18 Main Street to operate a Planet Fitness facility. Same comments as stated above regarding concerns with traffic patterns.
- 3.6 Review and discuss Zoning Board of Appeals mandatory referral for Keith & Mary LeTourneau for a Special Permit, Variance, or Appeal to use an existing kennel at 352 Main Street to house stray animals picked up by the Animal Control Officer. CS requested legal opinion at last meeting which she said addressed a variety of concerns. GC referred to the comments from Brian Riley of Kopelman & Paige that was received on August 20, 2015. He asked to enter that as the Board of Selectmen's official comment to the Zoning Board.
- 5.1 Review and sign payroll and bills payable warrants. GC moved to review and sign payroll and bills payable warrants outside of session. CS seconded. Unanimous.
- 2.5 8:00 Executive session pursuant to GL c. 30A, s. 21(a)(1) to discuss discipline or complaints or charges against an individual. GC moved to enter in to Executive session pursuant to GL c. 30A, s. 21(a)(1) to discuss discipline or complaints or charges against an individual and enter in to Executive Session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel, and will adjourn from executive session. CS seconded. CS aye; GC aye.
- 2.6 Executive Session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. Votes may be taken.

### **III MEETING BUSINESS**

- ~~3.7 Review and approve request of Recreation Commission Chairman Alice Kennedy to declare surplus the ramp to the Town Hall Annex at 274 Main Street. Votes may be taken.~~
- ~~3.8 Review and approve Chapter 90 final report and reimbursement request in the amount of \$29,900 for the pavement management program. Votes may be taken.~~
- ~~3.9 Review and approve Chapter 90 project request in the amount of \$32,000 to mill and resurface 1600 feet of Depot Street from the intersection of Elm Street to Main Street. Votes may be taken.~~
- ~~3.10 Review and approve Chapter 90 project request in the amount of \$69,000 to mill and resurface 1600 feet of Elm Street from the intersection of Main Street. Votes may be taken.~~
- ~~3.11 Review and approve application of Unutil to cross, alter, or construct within a Town way to install a gas service at 6 School Street. Votes may be taken.~~
- ~~3.12 Review and discuss Board of Selectmen and Town Administrator goals. Votes may be taken.~~

### **IV APPOINTMENTS OF PERSONNEL/OFFICIALS**

None

### **V WORK SESSION**

*Note: documents used or referenced during the meeting are available at [http://www.townsend.ma.us/Pages/TownsendMA\\_BOSAgenda/](http://www.townsend.ma.us/Pages/TownsendMA_BOSAgenda/) or in the Selectmen's Office.*