



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

Gordon Clark, *Chairman*

Carolyn Smart, *Vice-Chairman*

Andrew J. Sheehan,  
*Town Administrator*

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**MINUTES**  
**SEPTEMBER 8, 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 Gordon Clark, Chairman, (GC) and Carolyn Smart, Vice-Chairman, (CS), present
- 1.2 Pledge of Allegiance observed.
- 1.3 GC announced that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions: Delete 2.1, 2.3
- 1.5 Town Administrator updates and reports:
  - Town Administrator, Andrew Sheehan (AS), reported there will be a Department of Public Utilities rate hearing to discuss Unitil's intended gas and electric rate increase at the Fitchburg Library on September 7, 2015 at 7:00PM.
  - Last Thursday Lt. Governor Polito came to the Town Hall to sign the Community Compact, joined by Rep. Sheila Harrington. Townsend is the 17<sup>th</sup> community to sign on.
  - Rep. Harrington confirmed that Townsend would be getting \$50,000 for public safety.
- 1.6 Board of Selectmen announcements, updates, and reports:
  - CS announced a Concert on the Common and Craft Fair on Sunday September 20, 2015.
  - CS announced that National POW/MIA recognition day will be observed September 18, 2015.
  - CS offered her condolences Paul Concemi, whose wife Judy recently passed away.
  - CS said a resident came to her about big trucks going down Depot Road, didn't know if there was a way to keep the big trucks off the road.
  - CS emailed Highway Superintendent Ed Kukkula about trash along Route 13 and Main Street and he is going to contact the Sheriff's department to try to set up a clean-up crew.
  - CS asked for an update from GC regarding a working group with Cemetery & Parks, and highway, which has not been scheduled yet. GC said it will be scheduled after the Chief issue is settled.
  - CS asked about meeting with Conservation about cleaning the Squannacook River, and CS offered going to a Conservation Meeting to discuss.
  - GC said that the Community Compact Agreement was a team effort to make the Town better.
  - GC was over at the Senior Center Meeting Room and a new 1800 sq. foot floor has been put in by Sterilite.
- 1.7 Approval of meeting minutes. August 11, 2015 and September 1, 2015. CS moved to approve the meeting minutes. August 11, 2015 and September 1, 2015. GC seconded. Unanimous.
- 3.1 Announce agreements with non-union personnel. CS moved to approve and release the agreement with Mark Mercurio, Facilities Maintenance Coordinator. GC seconded. Unanimous. CS moved to approve and release the Police Chief Erving Marshall's contract amendment. GC seconded. Unanimous.

- 3.2 Review and discuss report from Human Resources Services, Inc. (HRS) regarding the update to the non-union employee compensation and classification plan, including reclassification of the Facilities Manager from Grade 6 to Grade 7 and creation of a Water Technician in Grade 6. CS spoke to the Ethics Commission about removing the Assistant Town Clerk and the Police Chief Confidential Administrative Coordinator from the comp and class plan. CS moved to remove the Assistant Town Clerk and the Police Chief Confidential Administrative Coordinator positions from the comp and class plan and discussion. GC seconded. Unanimous. CS stated for the record , no changes were recommended for either position. Town Meeting appropriated the funds to have HRS look at and update the compensation and classification plan as well as the revised job description of the Facilities Manager and the entry level water technician position. HRS. Discussed possibly having HRS come out explain, as well as tabling this discussion until December when there is a third member on the Board. CS suggested talking about the Water Technician position with the Board of Water Commissioners when they come in to discuss Item 2.4, GC agreed.
- 3.3 Review and approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Wedding Reception from 6-11PM on October 9, 2015. CS moved to approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Wedding Reception with serving hours from 6-11PM on October 9, 2015. GC seconded. Unanimous.
- 3.4 Review and approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Family Reunion from 1-5PM on October 11, 2015. CS moved to approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Family Reunion with serving hours from 1-5PM on October 11, 2015. GC seconded. Unanimous
- 3.5 Review and approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Wedding Reception from 1-5PM on October 25, 2015. CS moved to approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Wedding Reception with serving hours from 1-5PM on October 25, 2015. GC seconded.
- 3.6 Review and approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Kidney Transplant Fundraiser from 7PM-12AM on November 7, 2015. CS moved to approve a one day liquor license for Terri Roy, VFW Post 6538, 491A Main Street, for a Kidney Transplant Fundraiser with serving hours from 7PM-12AM on November 7, 2015. GC seconded. Unanimous.
- 3.7 Review and approve requests by Unitil to cross, alter, or construct within a public way at the following locations. Votes may be taken:
- 173 Dudley Road, to abandon a gas service
  - 92 Main Street, to abandon a gas service
  - 2 South Street, to abandon a gas service
  - 494 Main Street, to abandon a gas service
  - 11 Old Battery Road, to abandon a gas service
  - 9 Scott Road, to abandon a gas service
  - Main Street at Highland Street near the bridge, to repair gas main
  - Turnpike Road at entrance to farming area, to repair gas main
  - 1 Greeley Road at driveway and across from Gary's Farm Stand, to repair gas main
  - 21 Blood Road at Woodland Drive intersection, to repair gas main.
- CS moved to approve requests by Unitil to cross, alter, or construct within a public way at the following locations:
- 173 Dudley Road, to abandon a gas service
  - 92 Main Street, to abandon a gas service
  - 2 South Street, to abandon a gas service
  - 494 Main Street, to abandon a gas service
  - 11 Old Battery Road, to abandon a gas service

- 9 Scott Road, to abandon a gas service
- Main Street at Highland Street near the bridge, to repair gas main
- Turnpike Road at entrance to farming area, to repair gas main
- 1 Greeley Road at driveway and across from Gary's Farm Stand, to repair gas main
- 21 Blood Road at Woodland Drive intersection, to repair gas main.

GC seconded. Unanimous.

- 3.8 Review request of Highway Superintendent Ed Kukkula to transfer a 1999 Ford F250 One-Ton truck to the Cemetery & Parks Department. CS moved to approve the request of .8 Review request of Highway Superintendent Ed Kukkula to transfer a 1999 Ford F250 One-Ton truck to the Cemetery & Parks Department. GC seconded. Unanimous.
- 3.9 Review request of Townsend Emergency Management Agency to occupy a portion of the Municipal Garage upon removal of the Fire-EMS Department's equipment. Tom Whittier of the Townsend Emergency Management Agency (TEMA) discussed the agency's lack of storage space and would like occupy a portion of the Municipal Garage upon removal of the Fire-EMS Department's equipment. AS said that his only concern would be that other departments, such as the Council on Aging and Facilities would also like to use some space in the garage once the Fire-EMS equipment is removed. CS said it may be possible to give TEMA at least one bay, however Mark Mercurio, the Facilities Manager is in charge of that building, and will require the use of the small bay to store facilities equipment. GC asked the Fire Chief if he would give the Board notice as too when the garage would be free, which he agreed to do.

## II APPOINTMENTS AND HEARINGS

~~2.1 6:30 Reserved.~~

- 2.2 6:45 Fire-EMS Building Committee: The Committee will provide an update on the West Townsend Station and discuss forming a committee to memorialize the former girls' school at 458 Main Street. William Elliott, Fire-EMS Building Committee Chairman, (WE), updated the Board on the West Townsend Fire Station. WE recently found out that Massachusetts law had been updated and a design-build procurement is no longer allowed. They discussed a couple options that they are considering, including the traditional design-bid-build. AS suggested asking the Town Counsel if they are aware of the Legislature having approved special legislation allowing for design-build. CS suggested that the Committee look into a modular build. GC recommended purchasing the land and coming back to the Board to find a solution. Discussed forming a committee to memorialize the former girls' school at 458 Main Street. AS will add item to next agenda to form committee to post vacancy. Resident Len Abreu suggested keeping the American Legion and allowing the Fire-EMS department to renovate it and use it. GC said that the decision to demolish the building was decided at Town Meeting.
- 4.1 Appoint members to Department of Public Works (DPW) study committee. Three volunteer response forms were received from Joe Shank, Kevin Smith and John Hussey. Discussed that CS would be the liaison for the study committee. CS moved to appoint Joe Shank, John Hussey and Kevin Smith to the DPW study committee effective September 8, 2015 until such time that a report has been completed. GC seconded. Unanimous.
- 4.2 Review application of Susan Bates to be appointed to the Meeting Hall Gallery Committee with a term from September 8, 2015 to June 30, 2018. CS moved to appoint Susan Bates to the Meeting Hall Gallery Committee for a term from September 8, 2015 to June 30, 2018 . GC seconded. Unanimous.
- 4.3 Review recommendation of the Zoning Board of Appeals for the following.
- to reappoint Darlene Sodano to the Zoning Board of Appeals from July 1, 2015 to June 30, 2020.
  - to reappoint John Giunta as an Associate Member to the Zoning Board of Appeals from July 1, 2015 to June 30, 2016.

CS moved to reappoint Darlene Sodano to the Zoning Board of Appeals from July 1, 2015 to June 30, 2020. GC seconded. Unanimous. CS moved to reappoint John Giunta as an Associate Member to the Zoning Board of Appeals from July 1, 2015 to June 30, 2016. GC seconded. Unanimous.

2.5 Appointment of an Interim Police Chief to serve until a permanent chief is hired. AS said that the Town posted two weeks ago for an Interim Police Chief and received two applications from parties interested. AS and GC interviewed both candidates today, concluding that Warren Ryder is the best choice for the interim position. Chief Ryder is currently the Police Chief in Boxboro and would need to work out the details on how this would work with the Boxboro Board of Selectmen. GC spoke to Lt. Mark Giancotti about stepping up and helping out with the new Chief. CS moved to appoint Warren B Ryder as Interim Police Chief subject to negotiation of terms of employment and subject to approval of his Board of Selectmen. GC seconded. Unanimous. GC made a request that Lt Mark Giancotti and Communications Supervisor David Mazza make themselves available to assist with the transition with the Interim Chief which is Warren Ryder and to clear their scheduled as of September 15, 2015.

~~2.3 7:00 Squannacook Rail Trail and Route 119 Sidewalk: Joe Shank requests the opportunity to discuss the project. Votes may be taken.~~

CS moved to recess to 730PM. GC seconded. Unanimous

2.4 7:30 Water Department: Discussion of Superintendent's compensation. The discussion may include an executive session pursuant to GL c. 30A, s. 21(a)(2) to conduct contract negotiations with non-union personnel. Board of Water Commissioners opened their meeting at 272 Main Street at 7:33PM. Niles Busler, (NB) and Michael MacEachern (MM) were present, as was Water Superintendent Paul Rafuse, (PR). PR said that his on call pay was being withheld. PR referred to the approved FY 16 budget that was approved at Town Meeting. CS said that a legal opinion was received some weeks ago when Building Commissioner Richard Hanks had an issue with his stipend for the new school project. CS said that the comp and class plan included PR's on call pay. NB and MM explained that the on call pay has been effect since 2005 to include PR in the rotation. CS suggested that the Water Commissioners meet and discuss a solution with PR. GC said that the either the Water Commissioners rescind PR's on call pay to be compliant with the law or GC will make a motion to forward it to someone to see what happens next. NB made a motion to remove the Superintendent from rotation pay. MM seconded. MM said that he does not feel comfortable taking a vote being one member short. PR said that his on call pay has been approved by the Board as well as Town Meeting for the last 10 years, as reflected in the budget presented to and approved by Town Meeting. GC said either PR becomes compliant by removing the on call pay or he will move that the issue will go to an authority to decide the next step. Discussed how the members of the Board decided how/when to contact counsel. CS said that she and GC does not need a motion from the Board to contact Town Counsel, they can do so whenever. MM asked to push off this decision until next week so the Water Commission could meet and discuss this issue with a full Board. AS suggested a memorandum of agreement between the Board and the Superintendent that would include the on call pay and resolve the issue, holding PR harmless, keeping in effect the practice that has been in place for 10 years. CS asked AS to run the agreement by Town Counsel and if the agreement was written by Town Counsel she would consider it. MM said again that he would like to hold off voting until the Water Commission had a full Board, especially with the knowledge of a memorandum of agreement for PR. GC said that he doesn't want PR to be in a position where he has run afoul with the law, and he currently may be. GC suggested that the Water Commission cut the on call pay now, and come back to the Board at a later date to discuss the memorandum of agreement. GC said either the Water Commission rescinds the pay to be compliant with the law or he will forward the information to the proper authorities. GC asked the Water Commissioners if they are going to take action or not. MM said that the Water Commission only received this information tonight and would like time to consider it. GC said that they need to decide tonight. AS clarified that it would be in everyone's best interest to temporarily remove PR from the on call list. PR asked to speak, but GC would not allow it at this time until the Water Commission made a decision. Tammy Rafuse asked GC for a clarification on if he

would be forwarding the information to the Ethics Commission. GC said that he will forward it wherever the Board voted to send it. Tammy Rafuse asked if they would send it to the Ethics Commission or Town Counsel. CS said that the Board has not discussed where it would be sent, basing their decision on what Labor Counsel recommended. MM said that the water commission would stop PR's on call pay. GC said that he would welcome the Water Commission back to discuss the memorandum of agreement. AS said that the Town has already spent an extraordinary amount on legal costs and if the Board was not interested in entering into an agreement with PR, then he advised not spending the money on Legal Counsel. CS agreed with AS and said that they could schedule an executive session to negotiate and once an agreement has been decided on, it would go to legal counsel for approval. Discussed PR's salary and that it should reflect all money he is entitled to including on call pay going forward. Discussed CS's email to Town Counsel regarding Richard Hanks' stipend and how PR's on call pay was brought up. Discussed Water Technician position, the Board of Water Commissions funded a water technician trainee, which would be an entry level position. PR explained the need for an entry level water technician. CS asked if PR could wait on this position until DOR came out to assess the Town's need for a DPW and said the new DPW Exploratory Committee should decide whether the new position is needed. PR said regardless of what DOR recommends, the Water Department needs another technician. GC said that he would like to wait to see DOR's assessment. AS said that he doesn't not think DOR will be making a per position analysis, more at an organizational level. GC asked the Board of Water Commissioners to step up and use the jackhammer to tear up the ramp at the Annex to benefit the Recreation Commission, and to direct PR to work with AS and Facilities Manager Mark Mercurio. MM adjourned the Water Commissioners meeting at 8:41PM. NB seconded. Unanimous.

### **III MEETING BUSINESS**

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

#### **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.  
CS moved to adjourn at 8:40PM. GC seconded. Unanimous.

*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.*