



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

Gordon Clark, *Chairman*

Carolyn Smart, *Vice-Chairman*

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Town Administrator

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MINUTES
SEPTEMBER 29, 2015, 6:00 P.M.
SELECTMEN'S CHAMBERS, TOWN HALL
272 MAIN STREET, TOWNSEND, MA

I PRELIMINARIES

- 1.1 Chairman called the meeting to order. Roll called showed Carolyn Smart, CS and Gordon Clark GC, present.
- 1.2 Pledge of Allegiance observed
- 1.3 Chairman announced that the meeting is being tape recorded.
- 1.4 Chairman's Additions or Deletions: None
- 1.5 Town Administrator updates and reports:
 - Town Administrator, Andrew Sheehan (AS), announced that Devens Regional Center for Household Hazardous waste would be open October 7 and October 10 from 9AM-12PM. The Center continues to be a success for all communities involved.
 - AS was at a meeting at Devens to discuss ways to collaborate on public works issues such as joint training.
 - The Department of Local Services has reached out regarding the three projects; the budget documents, the forecast and IT. Will be working on getting these projects underway. Some of these projects will be grants.
 - Cash reconciliation project is moving ahead.
- 1.6 Board of Selectmen announcements, updates, and reports:
 - CS reported that the first DPW exploratory meeting was last week and the committee is formulating a mission statement and have been talking to area DPW's for guidance.
 - CS went to Conservation Commission meeting and reported that there is a permit to start the Squannacook River clean up. CS wrote to Brian Riley to check on liability.
 - CS asked to schedule a meeting with Highway Superintendent Ed Kukkula to discuss getting on the Mass Highway tip list for a sidewalk on Route 119.
 - CS has started drafting policies for GC and AS to review.
 - CS asked AS about training, AS said no training has been scheduled as of yet. AS will send out a memo to department heads to follow up on availability regarding Saturday or evening training.
 - CS asked when the Charter Review will occur. GC suggested waiting until the Board has a third member.
 - GC said that there was a meeting regarding the use of salt as opposed to sand for winter operations. AS suggested having Ed Kukkula come in and speak to the Board about using salt.
- 1.7 Approval of meeting minutes: July 28, 2015 and August 25, 2015. CS moved to approve meeting minutes: July 28, 2015 and August 25, 2015. GC seconded. Unanimous

II APPOINTMENTS AND HEARINGS

- 2.1 6:00 Interim Chief of Police Robert A. DeMoura, to provide an update to the Board. The Board may enter Executive session pursuant to GL c. 30A, s. 21(a)(4) to discuss strategy or deployment of security personnel or devices. GC reported that the Chief and the Lieutenant have been busy with the transition. Chief DeMoura gave a brief update as to what he has been doing. CS moved to enter in to Executive session pursuant to GL c. 30A, s. 21(a)(4) to discuss strategy or deployment of security personnel or devices. GC seconded. GC aye, CS aye.
- 2.2 6:15 Board of Health chairman Jim Le'Cuyer, to address the Board. Board of Health (BOH) chairman Jim Le'Cuyer, (JL), asked who was in charge, the Selectmen or the Town Administrator, and the answer is always the Board of Selectmen. JL said the BOH has always had a key to the BOH office. JL said when he asked AS for a key AS told JL to speak to the Building Commissioner, Rich Hanks, (RH) as the key would be used to go through the Building Commissioners office. RH gave JL his permission to have a key to the office. AS said that RH recently changed the locks to the Building Department office due issues with lost files and concerns about confidentiality. AS said that the issuance of keys is a day to day administrative issue that should be left to the Town Administrator. Discussed who the Board of Health administrative assistant, Carla Walters, answered to; the entire Board of Health, not just the Chairman. AS pointed out that Carla reports to the entire BOH, not just the chairman. AS pointed out that there was another member of the BOH present, but JL said the issue had nothing to do with that member. BOH member Nancy Rapoza was not acknowledged. Discussed other Board chairs having keys and necessity of being issues a key. Kathleen Spofford, current Town Clerk, spoke on behalf of JL. She said she was the previous administrative assistant for the BOH. She said the BOH is a powerful Board and needs access to files day or night. AS said that on a matter of personal privilege that he does not appreciate the Board violating his personal rights by inviting an individual in open meeting to make complaints about AS without being given the statutory 48 hour written notice. GC and CS said that they did not hear any complaints against AS and if AS felt that there were complaints against AS then they would stop discussing the issue. AS said that it was too late and complaints had already been made in open session without the benefit of him receiving 48 hours' notice. GC asked JL if he was at the meeting asking for a key or complaint against AS. JL said his intent was to be issued a key and not a complaint against AS. GC asked AS if he was satisfied that JL was at the meeting only to ask for a key. AS said he was not satisfied. GC said he did not hear a complaint against AS. AS said this was the first key he has ever issued to a Board member. CS moved the Chairman of the Board of Health be issued a key to the door leading in to the Building Commissioners office. GC seconded. Unanimous. CS added for the record that any issues with the issuances of the key issued to the Chairman of the Board of Health be brought back to the Board of Selectmen. GC agreed.
- 2.3 6:30 AFSCME representative Jan-Michael DeMaio, (JMD) to discuss a request for voluntary recognition of a collective bargaining unit. The Board may enter Executive Session pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining. AFSCME representative Jan-Michael DeMaio requested the Board enter to Executive Session. GC said that he will be seeking guidance from labor counsel. CS said she is not clear why Executive Session is necessary as they will be seeking guidance first. JMD will be in touch with AS to schedule another meeting after legal opinion is sought.

III MEETING BUSINESS

- 3.1 Discuss the process of recruiting a permanent Police Chief. AS said that the Town solicited proposals from different recruitment/assessment centers and three have been received. GC said he has been doing some work talking to communities that have been through the process. CS suggested having a work session next week and inviting the top two firms out to discuss the Police Chief recruitment process. Work session scheduled for October 6, 2015. Steve Spofford asked if Lt. Mark Giancotti was being considered for Chief of Police and GC said that he was not being considered. GC said the Board will be going outside of the department and will not decide on a Chief until there is a full Board of Selectmen.

- 3.2 Review and approve request of the Cemetery & Parks Commission to declare surplus a 1997 Green Ford Pickup truck. CS moved to approve the request of the Cemetery & parks Department to declare a 1997 Green Ford Pickup truck as surplus with value to be determined by Kelly Blue Book. Leslie Gabrilka, Conservation Agent asked of the truck could be used by the Accessors office and Conservation. CS said that the Board can declare it surplus and AS can look in to a department transfer, depending on whether or not it is financially worth it. GC seconded motion. Unanimous.
- 3.3 Review and approve request of Fire-EMS Chief Mark Boynton to accept a 1996 Steward & Stevenson military truck through the Federal Excess Property program, said truck to be used for forest fire fighting. AS said that the Fire-EMS Department would be getting rid of a truck and replacing it with this vehicle. CS moved to approve request of Fire-EMS Chief Mark Boynton to accept a 1996 Steward & Stevenson military truck through the Federal Excess Property program, said truck to be used for forest fire fighting. GC seconded. Unanimous.
- 3.4 Review and approve requests by Unitil to cross, alter, or construct within a public way at the following locations.
- 8 Elm Street, to abandon a gas service
 - 178 Fitchburg Road, Lot 1, to install a new gas service
 - 164 South Row Road, to install a new gas service.
- GC asked AS to review permit fees. CS moved to a approve requests by Unitil to cross, alter, or construct within a public way at the following locations.
- 8 Elm Street, to abandon a gas service
 - 178 Fitchburg Road, Lot 1, to install a new gas service
 - 164 South Row Road, to install a new gas service.
- GC seconded. Unanimous.
- 3.5 Review and sign response to the Open Meeting Law complaint filed against the Board of Selectmen. AS prepared response to Attorney General which is very similar to the response to the previous complaint. CS moved to have Chairman Gordon Clark sign the response to the open meeting law complaint Laura Dole versus the Board of Selectmen and forward to the office to the Attorney General. GC seconded. Unanimous
- 3.6 Vote to sign the Acceptance of the Franz Waldo Miller Post 199, American Legion located on Main Street, West Townsend. AS said this for the conveyance of the property from the legion to the town, the Fire Chief will bring it to Kopelman & Paige tomorrow and the Town will then own that land. Discussed demolition options. CS moved to sign the Acceptance of the Franz Waldo Miller Post 199, American Legion located on Main Street, West Townsend. GC seconded. Unanimous.
- 3.7 Review and sign letter to Secretary Kimberly Bose of the Federal Energy Regulatory Commission regarding the Kinder Morgan pipeline project. CS moved to approve and sign letter to Secretary Kimberly Bose of the Federal Energy Regulatory Commission regarding the Kinder Morgan pipeline project. GC seconded. Unanimous. CS suggested putting the letter on the website for residents to read.

IV APPOINTMENTS OF PERSONNEL/OFFICIALS

- 4.1 Review and approve recommendation of Alice Struthers of the Meeting Hall Gallery Committee to appoint Joan Blanchard to the Gallery Committee for a term from September 29, 2015 to June 30, 2016. CS moved to approve recommendation of Alice Struthers of the Meeting Hall Gallery Committee to appoint Joan Blanchard to the Gallery Committee for a term from September 29, 2015 to June 30, 2016. GC seconded. Unanimous.

V WORK SESSION

- 5.1 Review and sign payroll and bills payable warrants. CS moved to sign the bills payable warrant outside of session. GC seconded. Unanimous. CS moved to inject the rule of necessity and sign the payroll

warrant outside of session. GC seconded. Unanimous. CS said that was to dispel any conflict because CS is an employee and GC's spouse is too.
CS moved to adjourn the meeting of September 29, 2015 at 7:30PM. GC 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.