



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**  
**OCTOBER 27, 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 call 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: Delete 2.5.1
- 1.5 Town Administrator updates and reports:
  - Town Administrator, Andrew Sheehan (AS), announced that Devens Regional Center for Household Hazardous waste would be open November 4 and November 7 from 9AM-12PM.
  - AS said that the first meeting of the Police Chief Recruitment Committee took place today. There is a survey available online and at Town Hall for citizens to provide input.
  - Communication from the Governor's office regarding Community Compact; total of \$30,000 to hire professionals to assist. GC said that there were more opportunities for grants for parks and requested AS to look in to it.
- 1.6 Board of Selectmen announcements, updates, and reports:
  - CS said that tomorrow October 28, 2015 would be the last day to register to vote. Absentee ballots available until November 16, 2015.
  - CS announced the Public Forum for Housing, Thursday November 5, 2015 at 6pm at Memorial Hall.
  - CS said that she spoke with Representative Harrington; capital gains projected higher than it has actually come in, and Rep. Harrington is fighting against cuts. Requested AS follow up.
  - CS asked AS if he could put Selectmen policies on the website. CS's policy manual has not yet been reviewed.
  - GC discussed the William May Endowment recipient, Donna Miller.
  - GC said that Sterilite delivered chairs to the Meeting Room. The floor has recently been replaced by Sterilite as well.
  - GC discussed the progress that Recreation is making with the Annex building. GC recognized Keven Smith, the Water Department, Building Department, Clerk's Office, Historical Committee, Department of Corrections, and the Recreation Committee.
- 1.7 Approval of meeting minutes.
  - Open Session: October 20, 2015. CS moved to table the meeting minutes from October 20, 2015. GC seconded. Unanimous.

- Executive Session: August 25, 2015 session 1, August 25, 2015, session 2, September 15, 2015, session 1, September 15, 2015, session 2, September 29, 2015. CS moved to approve and release the Executive Session minutes for August 25, 2015 session 1, August 25, 2015, session 2, September 15, 2015, session 1. GC seconded. Unanimous. CS moved to approve but not release September 15, 2015, session 2, September 29, 2015. GC seconded. Unanimous.

## **II APPOINTMENTS AND HEARINGS**

- 2.1 6:10 Public Hearing: Unitil and Verizon, for a pole petition to locate one new joint-owned utility pole and relocate one existing joint-owned utility pole on Elm Street. GC read the legal ad. Pole needs to be relocated for the new fire station. Representative from Verizon explained that an additional pole was being placed to span the distance and moving the current pole. Project has been expedited, GC thanked rep for doing that. Resident asked if it would affect any of her properties, no. Mike Virostko asked what the cost would be to move the pole, AS said there is no cost to the Town. Cs moved to approve the petition from Unitil and Verizon to locate one new joint-owned utility pole and relocate one existing joint-owned utility pole on Elm Street. GC seconded. Unanimous. CS moved to close the public hearing at 6:25PM. GC seconded. Unanimous.
- 2.2 6:30 NMRSD Superintendent Joan Landers and School Committee member Will Hackler to discuss a representative for the NMRSD Facilities Committee. Superintendent Joan Landers, (JL), discussed the upcoming budget process and being proactive. JL went on to explain that some of their buildings are being underused in the three towns. JL asked the Board if they would like to identify a representative to be part of their Building Advisory Sub-Committee. CS suggested advertising on the Town website to make residents aware of the opening. JL added that the meetings will be held Friday mornings. Will readdress at the November 10, 2015 meeting.
- 3.3 Update on Red Flag Reporting fraud prevention service and discuss who will receive notifications. CS said there is currently notification being sent to the Town Accountant and Town Administrator. She suggested adding one of the Board members or Town Counsel to the list. CS moved the for the Red Flag Reporting fraud prevention service notification will be given to Town Accountant, Town Administrator and a copy sent to Town Counsel effective whenever the program started. GC seconded. Unanimous.
- 3.4 Discuss draft Selectmen's Policy on Use of Credit Cards. Discussed CS's Use of Credit Cards and some of the changes that AS made. CS suggested that AS get together with the Town Accountant and put together a grant acceptance policy. CS moved to approve draft the Selectmen's Policy on Use of Credit Cards. GC seconded. Unanimous. CS asked AS if he would send out this policy to all the other Boards that did not report to the Board of Selectmen to see if they would consider adopting the policy as well. Sue Lisio (SL) asked if residents were able to pay for things (licenses, taxes, etc.) with credit cards. Town Clerk checked into it and there was a 3% fee that would be charged. The Treasurer/Collector, Deborah Kristoff (DK), was present and the Board asked if her office has ever considered taking credit cards, DK said that the office does currently accept credit cards in their office, the fee being incurred by the residents. DK said that she sent out an email to other departments providing information regarding credit card acceptance.
- 3.5 Review and accept Recycling Dividends and Small Scale Initiative grants under the Sustainable Materials Recovery Program in the amount of \$3,950. CS moved to accept Recycling Dividends and Small Scale Initiative grants under the Sustainable Materials Recovery Program in the amount of \$3,950. GC seconded. Unanimous. GC requested that someone from the Board of Health come in and discuss the curbside pick-up and recycling.
- 3.6 Review and approve one day liquor license for Michael Virostko for the Knights of Columbus Dinner to be held form 6-9PM, November 14, 2015. CS moved to approve one day liquor license for Michael Virostko for the Knights of Columbus Dinner with serving hours from 6-9PM, November 14, 2015. GC seconded. Unanimous.

- 3.7 Review and approve License for Frank Farese of the Lion's Club to sell Christmas Trees at the rear of the Town Common from November 27, 2015-December 24, 2015. CS moved to approve License for Frank Farese of the Lion's Club to sell Christmas Trees at the rear of the Town Common from November 27, 2015-December 24, 2015. GC seconded. Unanimous.
- 3.8 Review draft responses to Open Meeting Law complaints filed against the Board of Selectmen by Sue Lisio. CS said that there were a couple open meeting laws complaints, this particular one referencing an Executive Session to conduct contract negotiations with non-contract personnel and that the agenda should have been more specific to include who was being negotiated with. CS read the response to the complaints.
- 3.9 Review and discuss response to Open Meeting Law complaint filed against the Board of Selectmen by Sue Lisio. CS read the complaint regarding keys being given to the members of the Board of Selectmen and being voted on during the updates and reports. CS then read the response in to the record. CS moved that the Board approve the response to the Open Meeting Law complaint October 20 of Sue Lisio re: Townsend Board of Selectmen as read in to the record. GC seconded. Unanimous.
- 2.3 6:45 Highway Superintendent Ed Kukkula to discuss Route 13 north, winter operations, and sidewalks and crosswalks. Highway Superintendent Ed Kukkula (EK) discussed the filing with Mass DOT regarding Route 13 north, and now due to a new initiative, the plan has been set back. EK will mill and resurface about a mile and half of that roadway next week, which will cost approximately \$300,000. CS moved to approve the Chapter 90 project request to mill and resurface approximately 1.5 miles to the intersection of Brooklyn Road section from Dudley Road heading north for approximately .6 miles and from the New Hampshire state border heading south for .9 miles. GC seconded. Unanimous. EK provided a cost of salt for winter operations. Steve Spofford asked if sand and salt mix will still be available for residents, EK said yes. Sue Lisio asked what the mixture of salt was and EK explained the mixture and how it worked. The salt will also have an anti-corrosion element in it as well. CS asked EK if he would be able to paint a cross walk on Route 13 across from Elm Circle. EK will take a look at the area and see if it would be feasible. CS moved to that the Board give their blessing converting to the salt program from the salt/sand procedures in the past. EK added that there will be a learning curve for the Highway Dept. GC seconded. Unanimous. GC discussed going in to Executive Session, but noticed the Chief of police was not present. Lt. Mark Giancotti was present at the meeting and GC asked if he knew of Chief DeMoura's whereabouts, he did not. GC said that something would need to be done to Chief DeMoura because the Chief has now not shown up to two meetings, one with CS and the Executive Session for tonight. AS said that Chief DeMoura asked him if he needed to be at the meeting tonight and AS told him no, and took responsibility for the Chief's absence. CS suggested going in to Executive Session and possibly talking to Lt. Giancotti. GC said that CS needs to address Chief DeMoura's lack of meeting with her immediately.
- 2.4 7:00 Karen Hill, to address the Board regarding her public records requests. CS said that she asked Steve Cloutier, the Town's IT contractor, (SC) to come to the meeting to discuss his opinion on the best way to extract emails for two employees, Leslie Gabriliska (LG) and Karen Chapman (KC) SC said that he could electronically extract the emails, but it will be all the emails which would need to be sorted through. CS explained the ongoing issue to SC; Karen Hill (KH) has requested emails, emails need to be sorted through by KC and LG, and possibly redacted; CS suggested that the Board go through the redacted emails to make sure that the KH is getting the information she requested as well as complying with the laws of redaction. SC asked KH if there was a keyword that she was specifically looking for within these emails to make the process more efficient. KH said no, she wants all the emails. Discussed the time frame for which the emails were requested. Clarified what was requested. Discussed the original estimate and what was covered. GC requested updates along the way to make sure the project stays on track. KH was prepared to pay the money tonight. KH asked for a completion date, LG and KC will so it ASAP, but no date can be set. KC suggested reporting their hours to AS. KC added

that she did not appreciate at the last meeting that her character was talked about. GC said that he did not remember, but he always tries to make sure no one's character is assassinated, but he allows people to speak. GC said he did not say anything and that it is part of the record.

3.1 Consider request to install a streetlight on South Row Road at the intersection of Emery Road. Votes may be taken. A resident requested a streetlight from EK, discussed that there used to be a light there. Sue Lisio voiced concerns about the light shining in to driver's eyes. Discussed looking in to why streetlight was not working. CS moved to table 3.1 pending additional information. GC seconded. Unanimous.

2.5 7:15 Executive Sessions

- 2.5.2 Executive session pursuant to GL c. 30A, s. 21(a)(4) to discuss strategy or deployment of security personnel or devices. CS moved to enter Executive session pursuant to GL c. 30A, s. 21(a)(4) to discuss strategy or deployment of security personnel or devices at 7:45PM and to re-convey in open session. Roll call vote; GC aye, CS aye, unanimous.
- ~~2.5.1 Executive Session pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining associated with the request for voluntary recognition of a new collective bargaining unit representing supervisory employees. Votes may be taken.~~

Upon returning from Executive Session, Treasurer/Collector Deborah Kristoff (DK) asked to speak. GC said that he was afraid to allow it as it was not posted on the agenda. DK said that the Board did not have to discuss it or vote on it but since she did not get a response regarding her probation she is therefore submitting her resignation.

### III MEETING BUSINESS

3.2 Review and discuss preliminary Special Town Meeting warrant and spending articles. AS went over the warrant and spending articles for the Special Town Meeting tentatively scheduled for December 8, 2015. AS started by discussing the spending articles, including FY16 supplemental funding. He also discussed adding hours for the Town Accountant and making plans for a new Accountant. AS discussed the Council on Aging petition. AS reported that about 35% has been spent from the legal budget in just the first two months of the fiscal year and that doesn't include collective bargaining sessions with the unions yet, so he is recommending appropriating an extra \$60,000 for legal. CS said that they need a list of the legal, arbitration and the contracts and ask Town Counsel to provide an estimate because the recommendation is high. CS also said that a good deal of the legal budget was spent on the issue with the Conservation Commission. Laura Shifrin (LS) asked if the Board would be explaining to the townspeople why so much has been spent and CS said that she just did. CS said that the legal bills are all public record suggested that LS can go through the legal bills and warrants. AS said that Town would most likely need a temporary consultant until a Treasure/Collector could be hired, as well another Collector audit. He discussed plans for an upgrade to IT. Sue Lisio said that David Mazza did a write up identifying IT issues in the town, and suggested the Board take a look at his ideas. CS suggested work sessions to discuss the IT position, after Town Meeting. As discussed the supplement for the Police Department to cover Chief Marshall's buyout and BadgeQuest contract. GC said that CS is working on reeling in some overspending at the Police Department, which will help the budget. Fire-EMS is looking for some additional funds to help with the move to the new station, AS will provide the Chief's breakdown. Property and liability insurance will need some additional funding to carry through the rest of the year. The Library requests additional hours and money to correct an error in the budget that did not factor in a step increase. Discussed work sessions involving the Finance Committee. AS discussed TEMA match grant and generator storage for Atwood Acres. AS set aside some money for consultants and attorneys for the pipeline project. AS also suggested putting money aside for mailboxes regarding winter operations. AS will send policy to GC and CS to review. AS discussed repurposing sidewalk

design to be used for construction. CS said that she thought the money would be used for design and try to get it on the State TIP list. AS discussed the hours in the Board of Selectmen office and asked the Board to consider adding additional hours in FY16. AS said that the Town currently lacks Human Resource capacity and suggested the Board discuss funding for HR.

- 3.10 Discuss closure of non-continuous Town offices to the public on November 27, 2015. CS moved to close non-continuous Town offices to the public on November 27, 2015. GC seconded. Unanimous.
- 3.11 Vote to accept Massachusetts Cultural Council Grant and authorize the Town Administrator to sign grant documents. CS moved to accept Massachusetts Cultural Council Grant and authorize the Town Administrator to sign grant documents as attached. GC seconded. Unanimous.
- 3.12 Vote to sign warrant for Special Election to be held November 17, 2015. CS moved to approve and to sign warrant for Special Election to be held November 17, 2015. GC seconded. Unanimous.
- 3.14 Update on West Townsend Reading Room painting procurement. Bid opening on November 16, 2015 for painting the West Townsend Reading Room, including scraping and painting. GC asked about the salary range for the Police Chief search given to BadgeQuest. AS said that BadgeQuest suggested a rate of \$110,000-\$125,000, all inclusive. GC discussed the Lieutenant's current salary at \$118,000 being an issue with a new Chief.
- 3.13 Discuss Selectmen assignments. GC said he was made Chairman to handle the Police Chief search and that is now complete. Due to some personal responsibilities that will be taking him out of Town, GC suggested CS take over as Chairman. GC moved the Selectman Carolyn Smart at the conclusion of this meeting become the Chairman of the Board of Selectmen of Townsend. CS seconded. Unanimous. CS moved to make Gordon Clark the Vice-Chair of the Board of Selectmen. GC seconded. Unanimous.

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

None

#### **V WORK SESSION**

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

CS moved to adjourn at 9:20PM. 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.*