



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

Carolyn Smart, *Chairman*

Andrew J. Sheehan,  
*Town Administrator*

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**MINUTES**  
**NOVEMBER 10, 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:
- 1.5 Approval of meeting minutes. October 20, 2015. GC said that he did not have time to go through the minutes and asked for the minutes be tabled to the next meeting. GC moved to table the Selectmen's meeting minutes for October 20, 2015 to the next scheduled Selectmen's meeting to be approved. CS seconded. Unanimous.

**II APPOINTMENTS AND HEARINGS**

- 2.4 6:45 Review correspondence from the Board of Library Trustees requesting that the Long Range Planning Committee be dissolved. Sherry Cloutier (SC) the Chair of the Long Range Planning Committee of the Townsend Library said that they have submitted their report to the Selectmen and to the Library Commissioners, and since their task has been completed, SC is asking the Board to dissolve the Committee. CS complimented SC on a well written report and all the hard work that was put in to it. GC moved that the Board of Chairmen approve to dissolve the Townsend Public Library Long Range Planning Committee at this time. CS seconded. Unanimous.
- 3.5 Proclaim November as Diabetes Awareness Month. GC read the Diabetes Awareness proclamation in to the record.
- 2.1 6:10 Meeting with employees William Choate and Janet Leavitt regarding deferred compensation. Janet Leavitt (JL), and William Choate (WC), said that there was a problem with their contribution to retirement, starting in April of 2015, and the issue has yet to be resolved. JL and WC said that there was a coding issue that taxed their pay and then put the money in to a post-tax fund, which has been done for the last 9 years. JL asking for better communication and answers to resolve the issue, as well as compensated for the monies that should been put in there pretax. No answers from Treasure or Great West. CS asked if a meeting had been set up for Great West to come out for a meeting, JL said that a meeting had been set up, but the representative that handles the Town's account knew nothing of the scheduled meeting and did not show up. AS said that this has become an IRS issue, Great West can't fix it and the Treasurer cannot fix it, not an easy fix. JL said that the issue still needs to be solved. CS asked if JL and WC had new accounts, JL said yes she did, but WC did not. GC asked where WC's money was, and WC said that the Town is holding it. 92% of WC pay is missing. Andrea Wood suggested that JL and WC contact the State Treasurer's office. GC and CS discussed making a motion to get Great

West representative to the Town. JL asked if the Board would also look in to whether employees that have separated from the Town have issue as well. GC moved that the Town Administrator Mr. Sheehan and the Treasurer/Collector work together to as soon as possible get Great Western representative, a representative from the State Treasure, and an accurate account of all people that may be affected by this and one representative from the Selectmen's office and if AS will keep everyone abreast as soon as developments take place and will have it on the agenda for the next meeting and hopefully there will be a meeting set by then or it will be discussed again. CS seconded. Unanimous.

2.2 6:20 Meeting with resident Keith Noonan regarding the process for notifying people of owed interest. Keith Noonan (KN) explained he was late paying his tax bill, he went in to pay it but the Treasurer/Collector's office was busy so they were unable to compute the late penalty cost. He then received a letter in the mail saying his house would be put up for auction for owing about \$21.00. CS suggested that a change of policy may be needed. Discussed how interest was accrued. AS said that the letter that KN received did not say that his house was going to be taken away, it was a template form that is sent to all residents that are behind on their taxes. Andrea Wood asked if the audit for the Treasurer/Collector was complete, AS said it was in draft form, not complete but that it doesn't not affect the Treasurers ability to collect taxes. Andrea Wood disagreed and said she would send AS the information regarding that statute in the morning.

2.3 6:30 Cable Committee, to discuss the new franchise agreement with Comcast. Cable Committee discussed the Comcast franchise agreement. Comcast is going to give the Town money to upgrade the infrastructure and poles. Comcast will do whatever is required to 'make ready' the poles, lines and infrastructure. Public Educational and Government (PEG) which is public access for programming, Comcast has been running the studio for Public Educational and Government (PEG) which is public access for programming but is now out of that business. Cable committee will form a public access corporation and will receive payments from Comcast to fund it. On December 15, Comcast will lay off the current public access coordinator, however there will be an agreement in place with the access corporation. There will be an interim amount of time that Comcast will not be in charge and the Public Access Corporation will not be in place so the Town will need to decide to put the current access coordinator on the Town payroll or the Town hire him as a subcontractor. Upfront money from Comcast to pay the access coordinator salary so that it is not coming out of the Town's budget, which Comcast agreed to. CS said that the first step would be to discuss access coordinator temporary wages with the Town Accountant. Discussed using the Town's IT contractor, REI as the subcontractor. Discussed the high school owning the current studio and the public access corporation needed something in written giving permission to continue to use the studio. AS will request a letter of confirmation from the High School stating that. Continued internet access will be needed at the studio as well. Discussed how to word a motion that would cover all requests, AS said that it would be a motion to approve/sign the franchise agreement subject to receipt of the revised side letters-side letters regarding continued use of the High School studio rent free with internet access provided by Comcast, inclusion of 108, 110, 112 Old Turnpike Road, payment in advance from the period of time between December 15, 2015 and when the first regular payment for public access funds are received as denoted in the franchise agreement. Both GC and CS seconded. Unanimous. CS suggested a follow up at the next meeting to discuss payment issues. GC moved to sign the contract outside of the meeting contingent upon the additions by the Board. CS seconded. Unanimous.

2.5 7:00 Ray McDaid of the Addiction Recovery Coalition requests time to talk about potential plans for a sober transitional house at 519 Main Street. Ray McDaid (RM) discussed the Addiction Recovery Coalition intent to put sober transitional houses in the area. CS suggested other Boards such as Land Use, Conservation and Board of Health that may need to discuss using 519 Main Street as Housing. GC said that conversations need to happen with residents, especially concerning the value of their homes.

### **III MEETING BUSINESS**

Paul Rafuse Water Superintendent, (PR) citing a point of personal privilege, asked the Chairman about procedure regarding the Executive Session that involved him, and why he was not a part of that Executive Session. CS said that because this was not on the agenda, it should not be discussed, however AS will be calling PR tonight to discuss it further. GC said that is all that should be said at this time. PR asked again about the Executive Session but GC said it will not be discussed now, AS will contact PR and PR will be happy.

- 3.1 Review and discuss correspondence from Kinder Morgan to property owners impacted by the gas pipeline project. CS received some calls from residents saying that Kinder Morgan has sent out notices requesting survey permission, and being pushy about it, sending notices certified, showing up at homes in person as well as sending notice through regular mail. Leslie Gabriliska, Conservation Agent, (LG) shared information that she obtained from a phone call with Andy Green DPU Staff Director which GC read.
- 3.2 Discuss process for filling staff vacancies. Discussed posting for Tax Collector/Treasurer, resumes due November 30, 2015. Historically, AS led recruitment process with the Town Accountant and the Assessor, however, since AS is leaving the Board may want to process differently. Discussed putting item on next agenda so the third Board member could weigh in and optioned having a screening committee to review resumes. CS discussed that the Town Administrator is also potentially leaving pending negotiations with Middleton, and CS said that there is currently a posting for an anticipated vacancy and she thought the Town would hire an Interim Town Administrator, for approximately 4-6 months, then re-address.
- 3.3 Review and discuss response to October 20, 2015 Open Meeting Law complaint filed against the Board of Selectmen by Sue Lisio. Discussed the Board's response. GC had not reviewed the letter, CS suggested that the Board vote to sign it outside of a meeting pending any amendments GC may have. GC said that he spoke to Brian Riley, and he advised GC on the time frame of responding. GC said that he needed to read the letter. GC moved to sign the response to the open meeting complaint from Sue Lisio out of session subject to our review. CS asked AS if that motion would work, AS said that if the Board was not going to sign the response tonight, it should be delegated to the Chairman to make any revisions and sign on behalf of the Board. CS suggested that GC review it and send any changes to AS, which AS said will not work under to the opening meeting law. AS said GC is better off reading the letter tonight and making revisions on it and AS can update it, but the back and forth outside the meeting is the problem. Laura Shifrin (LS), resident, asked what the qualifications would be for the new Interim Town Administrator. GC said it would be on the next agenda to discuss with the new Board member. CS said an Interim Town Administrator would have to have the same qualifications as what the position previously required. LS asked if the Interim would be required to have a bachelor's degree, and CS said yes, they would be looking for a professional. GC moved to sign the response to the Division of open Government in response to the complaint filed by Sue Lisio. CS seconded. Unanimous. LS asked if the response letter would be read out loud, which GC did.
- 3.4 Review mandatory referral from the Planning Board relative to a petition from Peter DeCarolis of DECA Corp., for the laying out of Trophy Avenue off Haynes Road. GC moved to make no comment on the mandatory referral from the Planning Board relative to the laying out of Trophy Avenue off Haynes Road. CS seconded. Unanimous. CS announced that the Public Hearing for the laying out of Trophy Road would be Monday November 23, 2015 at 7:00PM in the Selectmen's Chambers.
- 3.6 Consider request to install a streetlight on South Row Road at the intersection of Emery Road. Discussed that there was never a light there, and Unitil will install the light at no cost to the Town. GC moved to authorize Unitil to install a streetlight on South Row Road at the intersection of Emery Road. CS seconded. Unanimous.
- 3.7 Discuss Special Town Meeting date. AS reported that free cash will not be certified, still some yearend work to do for FY 15, would be pushing it to have everything completed for year end. Putting the Town

Meeting off until after the Holidays would give the finance team time to wrap up. Class classification hearing would be held December 8, 2015. Possible dates would be January 11 or 12, 2016. AS will check with moderator on availability. GC asked if all the fire trailers would be gone for January Town Meeting, AS said that the trailers should be gone, and could use the River bank Terrace Lot. Will discuss the meeting date at the next meeting. Laura Shifrin (LS) asked how Badgequest would be paid without Town Meeting appropriating the money. AS explained that Badgequest would be paid at the end of the recruitment process. LS asked if a contract has already been signed with Badgequest, AS said yes. Resident Steve Sheldon asked what happens if the Town does not approve to pay Badgequest, AS said that there is money in the Police Department budget to pay it, the money would be to replenish that fund. GC said that discussion of Badgequest would be on the next agenda. CS said that it was difficult to discuss items not on the agenda because of continued Open Meeting Law complaints.

- 3.8 Vote to designate election workers as special municipal employees under the Conflict of Interest Law. CS said that Town Clerk, Kathleen Spofford, requested the Board to designate election workers as special municipal employees under the Conflict of Interest Law because some election workers were employees in other capacities. GC moved to designate election workers as special municipal employees under the Conflict of Interest Law. CS seconded. Unanimous.
- 3.9 Review and accept 2015 Emergency Management Planning Grant. CS said that this was an annual grant for TEMA. GC moved to Review and accept 2015 Emergency Management Planning Grant and to have Town Administrator Andy Sheehan sign it out of session. CS seconded. Unanimous. \$2780 grant amount.
- 3.10 Review and approve one day liquor license for Terri Roy for VFW Post 6538 for a Wedding Reception to be held from 6-11PM, December 13, 2015. GC moved to approve one day liquor license for Terri Roy for VFW Post 6538 for a Wedding Reception to be held from 6-11PM, December 13, 2015. CS seconded. Unanimous.
- 3.12 Review and approve one day liquor license for Terri Roy for VFW Post 6538 for a Surprise Birthday Party to be held from 6-11PM, January 9, 2016. GC moved to approve one day liquor license for Terri Roy for VFW Post 6538 for a Surprise Birthday Party to be held from 6-11PM, January 9, 2016. CS seconded. Unanimous
- 3.11 Review and approve one day liquor license for Terri Roy for VFW Post 6538 for a Company Christmas Party to be held from 1-5PM, December 20, 2015. GC moved to approve one day liquor license for Terri Roy for VFW Post 6538 for a Company Christmas Party to be held from 1-5PM, December 20, 2015. CS seconded. Unanimous.

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

- 4.1 Review and appoint a member and alternate to the North Middlesex Regional School District Facilities Advisory Committee. GC moved to appoint a member to the North Middlesex Regional School District Facilities Thaddeus Rochette. CS seconded. Unanimous.

#### **V WORK SESSION**

- 5.1 Town Administrator updates and reports. AS had nothing to report.
- 5.2 Board of Selectmen announcements, updates, and reports:
  - GC said he spoke to Facilities Manager Mark Mercurio to set up a meeting regarding the usage of the Town Garage.
  - GC read an announcement about the VFW Santa going around to people's homes. GC suggested that the update be put on Town's website due to the extensive nature of the requirements.
  - Veteran's Ceremony on Wednesday November 11, 2015.
  - GC read the following, prepared statement, " To the people of Townsend; Due to the recent statements by a small group of individuals I unfortunately find it necessary to read the following statement: I will make no further comments or take any questions on this matter tonight. For

nearly seven months I have had the privilege to serve you in the position of Selectman. During that time the Board has achieved many positive accomplishments. The Board strives to maintain a professional decorum during meetings. The recent personal attacks on myself based on half-truths and personal agendas spread through different media sources reminds me of the nasty untruthful politics found in places like Washington DC, not the fair truthful treatment one would expect in the Town of Townsend. I have found the vast majority of the citizens and the employees of Townsend to be the kindest, the fairest, hardworking people you would ever find anywhere. Unfortunately a small group who have personal agendas and because I expect people to be held accountable and that we work for the good of all the people of Townsend, unfortunately they feel it's necessary to engage in this nasty unfair behavior. I welcome the opportunity to talk to any fair minded person of Townsend on issues and concerns in Townsend; I will not participate in negative, untruthful petty attacks in any shape or form. In closing, I only have one request that the people of Townsend make their decisions based on fair assessment and not let a few people make Townsend something it is not. If people find it necessary to attack me in a personal manner I have no control over their actions but I demand the attacks and lies about my family stop immediately this is not acceptable or what Townsend is about. I have nothing else to say. “

- CS said that the DPW Committee met a few weeks ago, and met with the DPW Director from Pepperell, Peter Shattuck which was very informative. DPW Committee will be meeting again, Thursday November 12 at the Highway Garage to talk to Highway Superintendent Ed Kukkla.
- CS reported that there was a tragic fire in Townsend and the Gilbert family lost their home. Residents collecting donations.

5.3 Review and sign payroll and bills payable warrants. GC moved to review and sign payroll and bills payable warrants outside of session and to invoke the rule of necessity. CS seconded. Unanimous

GC moved to adjourn at 7:59PM. CS 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.*