



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

Carolyn Smart, *Chairman*

Gordon Clark, *Vice-Chairman*

Cindy King, *Member*

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**MINUTES**  
**NOVEMBER 24, 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, Chairman (CS), Gordon Clark Vice-Chairman (GC), and Cindy King, Member (CK) 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 5.4
- 1.5 Approval of meeting minutes. October 20, 2015 and October 27, 2015. GC moved to approve meeting minutes for October 20, 2015. CS seconded. GC-aye, CS-Aye, motion passed. CK recused herself as she was not a member of the Board at that time. GC moved to approve the meeting minutes from October 27, 2015. CS seconded. CS-aye, GC-aye motion passed. CK recused herself from voting as she was not a member of the Board at that time.
- 1.6 Welcome Cindy King as our new Selectman. CS welcomed CK to the Board of Selectmen.
- 1.7 Board of Selectmen reorganization: election of officers and liaison assignments. AS provided a list that broke down responsibilities between the two members, CS would like to re-organize so the list is again broken down in to three areas; general government, highway and elected boards and public safety. GC moved to have the Board appoint CK as the clerk to the Board of Selectmen. CS seconded. Unanimous. General government would be the Clerk's assignment, Highway, DPW and Elected Boards would be Vice-Chairman assignment, and public safety would be Chairman's assignment. AS will provide an updated list for the next meeting.

**II APPOINTMENTS AND HEARINGS**

- 2.1 6:10P.M. Announcement of the winners of the Police Department bicycle raffle. Chief DeMoura and Lt. Giancotti asked for volunteers to draw names for the bicycle raffle. Chief DeMoura explained that the raffle, to promote bicycle safety, officers hand out ice cream vouchers to children they see wearing their helmets and observing safe bicycling practices. All vouchers that are claimed are entered in to the raffle for a \$150.00 gift certificate. The winners were Lily Goyette, Jordan Edison, Clara Brown, and Carolyn Mailer.
- 2.2 6:20P.M. Kathleen Spofford, RE: Cancellation notice of Disability Insurance. Town Clerk Kathleen Spofford, (KS) received a letter from Aflac who provides disability and life insurance for Town employees, stating that the premiums had not been paid and if payment was not received before December 7, 2015 the policy would be canceled. KS emailed the Treasurer, but had not heard back. AS said that the bills had not been received, and that as far as he knew the Treasurer had paid. Karin Canfield Moore, Council on Aging Director (KCM), also had an issue with Aflac; she signed up for life insurance in July, and in September she had a paycheck that was \$300 short. KCM called the Treasurer

who said that she had not been deducting the life insurance so she took it out all at once with no notice to KCM before doing so. KCM recently received a letter from Aflac stating that she would now be responsible for paying her own life insurance policy. From what she understand, KCM was not covered, even though the money was deducted. KCM is requesting her money back as she was paying for a service that was not provided. CK asked if the life insurance was back dated from when the Treasurer took the \$300, KCM was not sure. CK said that once the paper work is filled out, KCM would still have been covered, but deferred the question to Town Counsel, Brian Riley, (BR) who was present at the meeting. BR said that CK was correct as far as he knew. Jessica Fellows also had an issue with her Aflac being paid, but that after speaking with Aflac today, a payment is pending. CS said that having payroll audited may be necessary. CK suggested that AS get the information to straighten out the current issue. GC said that the issue needs to be taken care of immediately. CK moved to have AS follow up with employees impacted, the Treasurer, and Aflac as needed to make sure the payments have been made and the policies are current. GC amended the motion to add that if the problems with the employees are not remedied by Monday, the Chairman will be made aware and will call and emergency meeting to handle the situation. CS seconded. Unanimous.

- 3.1 Vote to accept the donation of the Fire-EMS Headquarters Station at 13 Elm Street and authorize chairman to sign letter of appreciation. AS explained that the donor requested a letter from the town acknowledging the gift of the fire-ems station, AS said it was most likely for tax purposes. GC said that the Fire Chief would be at the meeting at 7:30PM to discuss further. Tabled this item until the Fire Chief was present.
- 2.3 6:30P.M. Janet Leavitt and Bill Choate, RE: Smart plan update. Janet Leavitt (JL) and Bill Choate (BC), gave an update that their issue ongoing and would like the continued support from the Board as well as continued meetings with the Town Administrator as well as the Treasurer. Progress is being made. Discussed concerns that some of the people involved in solving this issue are leaving such as AS and the Treasurer. Discussed follow up goals to rectify. AS said that this was a multi-layer problem; going back 9 years and involving the IRS and JL and BC will try to assess the amount of money that is involved. CS asked BR guidance from Kopleman & Paige, JL said that she had some accounting attorney names, but that getting legal involved would be a very costly endeavor. BC said that the issue was resolved going forward, new accounts had been created. GC moved to have the Town Administrator and the Treasurer contact the State Treasurer within seven days. CK seconded. Unanimous.
- 2.4 6:45P.M. Recreation Commission, RE: Update on the Annex Building renovations. Alice Kennedy, Chairman of the Recreation Commission (AK), and Emy Hoffman, Recreation Director (EH), gave a brief update on the progress at the Annex Building, including a new ramp, floors, furnace, water is on. The Department of Correction has been helping clean it out. The next step is to finish the sub flooring and painting. The Energy Committee is helping provide some grant money to fix the windows. AK thanked Board of Selectmen, Mark Mercurio, Rich Hanks, Highway Dept., Historic District Commission, Cemetery & Parks, Board of Health, Water Department, Energy Committee, Boy Scouts, Kevin Smith, Dennis Martineau, George Shaw, Hawthorne Brook and Century Carpet and Townsend Floors. GC suggested that Recreation have an open house to show the residents of Townsend that good things are going on. Monday Wednesdays and Fridays Recreation is in the building doing work, EH invited anyone to stop by and check it out.
- 2.5 7:00P.M. Marcy Mula, RE Discussion of Police Chief recruitment including the selection of BadgeQuest, legal expenses, Interim Police Chief and employee complaints. CS said that Town Counsel was present, Brian Riley (BR) to help answer any questions. Marcy Mula, (MM) first thanked the Board for adding her to the agenda. MM said that she and fellow residents have questions and some of the information they have been reading is conflicting. MM asked if Chief Erving Marshall (EM) came to the Board when he wanted to retire and what were the steps leading up to BadgeQuest. GC said that EM contacted GC and said that he had interests in retiring, and the only reason he was not retiring was due to health insurance benefits. GC met with EM and believed that he could work in both the Town and

EM's best interests. EM then contacted the Board of Selectmen and asked to meet. Before EM reached out to the Board, GC was contacted by various law enforcement agencies asking about EM retiring, as EM had started to discuss it. GC state that he had knowledge that EM had started talking about retiring before there was a signed agreement in place. CS discussed going through the minutes and stated that on August 18, 2015 the Board had an Executive Session meeting with EM to discuss retiring. Kelly Kelly, resident (KK), said that after reviewing legal bills, it stated that EM contacted counsel on August 12, 2015 discussing a contract issue which was before he spoke to the Board. BR said that EM may have contacted David Jenkins at Kopelman & Paige. CS said that EM could contact legal as he sees fit. Resident Steve Sheldon, (SS) asked about a conference call on August 12, 2015 between legal to draft a separation agreement; BR said that he was not part of the conversation, but it may have come out of a conversation with EM or EM's counsel. CS said that EM had been working with counsel to construct a separation agreement before the meeting on August 18, 2015. Discussed EM telling other Chiefs in other departments that he was retiring before there was an agreement in place. Resident Leanne Jackson, (LJ) asked if the discussions that GC had with EM were in Executive Session. CS said that EM and GC had conversations before the Board became aware of EM's intent to retire. CS said that EM asked the Board not to announce his retirement until he had a chance to talk with the members of the police department, which the Board did out of respect to the EM. SS asked if it was true the EM had a "gag order" as part of his contract, CS said that there was not a "gag order" in place. CK asked if the separation agreement was a public document, AS said it was a public document and there may be an anti-disparagement clause in it. KK asked how Chief Warren Ryder (WR) of Boxborough knew that there would be a position available in Townsend upon EM retiring, that the Lieutenant would not be considered as a replacement and WR discussed it with the Boxborough Board of Selectmen at an August 27, 2015 meeting as well as September 14, 2015 meeting as having been approached by the 'stakeholders in Town (Townsend)' and question the ethical ramifications as WR is GC's superior in Boxborough. CS answered that the no one can be told no they cannot apply to an open posting for a position. KK said that there was a Board of Selectmen meeting where Steve Spofford asked if Lieutenant Mark Giancotti (MG), would be considered for Interim Police Chief and GC said no he would not. GC again stated that he had been contacted by some law enforcement personnel that EM was retiring before there was an agreement in place and wanting to know what the Town of Townsend was going to do to fill that position. GC spoke with WR who had heard about that opening and said that he (WR) may be interested in applying, at which point GC told him that he needed to make sure there were no issues, so WR contacted ethics which said there would be no violation if WR applied for the position. WR contacted GC to let him know the outcome. GC said that WR went to the Boxborough Board of Selectmen to get permission to apply for the Interim Chief position in Townsend. GC said that about a week after EM told his staff that he would be retiring, MG had some questions and concerns about what was going on. GC invited MG to his home to talk for two hours; GC would not divulge the entire conversation just that they agreed that now was not MG's time to be Chief. MG also expressed to GC that he was frustrated about not always being included in command decisions. GC said that in the future MG would be involved with whoever the new Chief would be and he would be on the pathway to the future. GC said that he thought he and MG were on the same page but something had clearly changed. KK asked if the Board gave GC permission to act as an individual, GC said that he does not need the Board to give him permission, CS said that GC was not giving a decision for the Board, he was gathering information and bringing it back to the Board. KK asked if there were discussions between CS and GC to determine that MG would not be considered for Interim Chief as well as when a search committee was decided on. CS said that the Board found out about different search committees when they interviewed BadgeQuest and Integrity Testing. KK asked when the Board discussed interviewing BadgeQuest and Integrity. SS discussed a time line involving the Boxborough Board of Selectmen meetings and WR discussing the Interim Police Chief position in Townsend and WR being approached by the stakeholders in Townsend for the permanent position. GC asked for a point of order and said that

he had not viewed the videos, but he had been told by people who had watched the video that told him that the Boxborough Board corrected themselves at the end of the meeting to say that WR was not offered the permanent position just the interim. Discussed GC work history, professional acquaintances and colleague's, including working for WR. GC said that he was contacted by residents that spoke to the people who had the recall booth set up on Election Day that told him his son was being discussed; GC said that his son does not work for BadgeQuest. CS said that both herself and GC are accessible by phone and if residents had questions they could have called, nor was anyone at the meetings where GC and CS got a lot done with just the two of them as Board members. SS said that he prefers to have these conversations in a public setting. KK asked about a public records request involving the Police Chief Search Committee being seven members, but it was only three. Discussed why the Interim Police Chief was not on the committee. Discussed GC researching BadgeQuest, going down to Plymouth and obtaining references to ensure that BadgeQuest was the right firm to handle Townsend's needs. Discussed BadgeQuest's capabilities and process. SS asked if the police department staff was asked for their opinion, GC said no they were not. Discussed GC's involvement with the police department in conjunction with his wife being employed at the police station. Officer George Reidy, (GR) asked if the Board had discussed finding a replacement for AS, CS said that it was on tonight's agenda. CK said that there is still a lot of work to do going forward to find a new Chief and that communication with residents is key. Discussed putting an item on the agenda for resident question/answers. Discussed the meeting minutes missing some information.

- 2.6 7:20P.M. Water Superintendent Paul Rafuse regarding c. 268A, s. 19 disclosure, on-call compensation, and memorandum of agreement with the Board of water Commissioners. The Board may enter Executive Session pursuant to GL c. 30A, s. 21(a)(2) to discuss strategy or to conduct negotiations with the Water Superintendent. Discussed memorandum of agreement to authorize on call payment for Water Superintendent Paul Rafuse, (PR). Discussed the disclosure for Ethics. Michael MacEachern opened the board of water commission meeting showing Niles Busler and Nathan Mattila present. Discussed whether the memorandum of agreement was necessary if the Board is willing to sign the disclosure form for ethics. CS suggested that the Board make a motion to sign disclosure and allow PR time to review the memorandum of agreement. PR voiced his frustration at having to wait for his back pay until the next Board of Selectmen meeting. AS suggested that the Board vote to sign tonight, and once PR has a chance to review it, he can sign it. CK moved to allow exemption 19 and sign the memorandum of agreement between the Town of Townsend and Mr. Paul Rafuse Superintendent of the Water Department to receive on call pay, conduct on call work and to sign the agreement out of session subject to Paul Rafuse's agreement. GC seconded. Unanimous. Water Commission meeting adjourned.

### **III MEETING BUSINESS**

- 3.1 Vote to accept the donation of the Fire-EMS Headquarters Station at 13 Elm Street and authorize chairman to sign letter of appreciation. AS explained that the donor requested a letter from the town acknowledging the gift of the fire-ems station, AS said it was most likely for tax purposes. GC said that the Fire Chief would be at the meeting at 7:30PM to discuss further. Tabled this item until the Fire Chief was present. 8:08PM Chief Mark Boynton was present at the meeting. AS said that there were two actions to take, one to accept the gift and the second to authorize the Chairman to sign a letter to Riverbank Terrace. CK moved to accept the gift of the new Fire Station at 13 Elm Street. GC seconded. Unanimous. BR said that he would go over it the letter before CS signed it. CK moved for the Board to authorize the Chair to sign the acceptance of the gift letter to Riverbank Terrace accepting the property at 13 Elm Street. GC seconded. Unanimous. MB thanked the Board for accepting the gift and gave a brief update on what is going on at the station with alarms, and inspections. MB said the department will be moving on Monday in to the new station. Dedication of the old station will be on December 13, 2015. MB asked the Board to close the road for five or ten minutes so the department could march down the

- street. GC said that during the last couple of months he was assigned to work with MB and he is one of most professional people GC has ever met and an asset to the Town.
- 3.2 Vote to lay out Trophy Avenue as a public way. AS said that a hearing was not required, the Planning Board met last night and will present their report in December. CS suggested to vote pending the Planning Board report. CS asked BR if he had any suggestions on how to take the vote. CK moved to accept the lay out Trophy Ave as a public way. GC seconded. Unanimous.
- GC moved to take a 5 minute recess at 8:19PM. CK seconded. Unanimous.
- 3.3 Discuss and vote Special Town Meeting date. AS said that he spoke to the Town Accountant and Treasurer/Collector and potentially scheduling the meeting for January 11, 2016. Kathy Spofford, Town Clerk asked if they would push it to January 14, 2016 so she would not have to stay late on December 31, 2015. Will discuss at next meeting. AS discussed some budget items and a grant that TEMA is working on for Atwood Acres.
- 3.4 Discuss the process for selecting a Treasurer-Collector, including the composition of screening/selection committees, interviews, etc. CS asked AS how many resumes were received, AS said that he had received seven resumes and two consulting bids. CS asked if CK would be willing to work with AS, Town Accountant, and the Assessor to find a Treasurer-Collector, CK agreed.
- 3.5 Discuss the process for selecting an Interim Town Administrator, including the composition of screening/selection committees, interviews, etc., as well as the term of appointment, hours/week, etc. AS said that he had received ten or eleven resumes for the Interim Town Administrator. CS suggested starting interviewing candidates next week. GC asked for copies of all resumes so board members could go over the resumes and discuss who would be interviewed at next meeting. GC suggested setting up a work session meeting for next Tuesday. AS said that there were inquiries regarding if this would be a full time position and how long of a term.
- 3.6 Review and approve cross, alter permit for Unitil to install a gas service at 15 Spaulding Road. GC moved to review and approve cross, alter permit for Unitil to install a gas service at 15 Spaulding Road. CK seconded. Unanimous.
- 3.7 Review and approve cross, alter permit for Unitil to install a gas service at 20 Maple Street. GC moved to review and approve cross, alter permit for Unitil to install a gas service at 20 Maple Street. CK Seconded. Unanimous.
- 3.8 Update on FY15 year end. As said that the Accountant and the Treasurer continue to work on year end, and will be meeting tomorrow to discuss FY15 outstanding items. AS will update at next week's meeting.
- 3.9 Review and discuss mandatory referral from the Planning Board for a Shade Tree and Scenic Roads public hearing for the removal of trees along a discontinued section of Old Meetinghouse Road between #32 and 67. The board had no comment.
- 3.10 West Townsend Reading Room: procurement of exterior painting contractor. AS said that he received two bids, one for \$47,000 and the second for \$21,000 AS recommend the Board award the bid to J & N Contracting for \$21,000 coming out of FY14 appropriation. CK moved to award the bid to paint the West Townsend Reading Room to J&N Contracting for \$21,000. GC seconded. Unanimous.
- 3.11 Review correspondence from the Municipal Coalition against the Pipeline and discuss Townsend's participation. AS said that this was a regional multi state anti-pipeline coalition, trying to prevent the construction of the NED project. GC suggested asking Carolyn Sellars for feedback.
- 3.12 Vote to approve the draft Green Communities annual report and sign out of session. A discussed the Green Communities annual report. CS said that the Board would need to put gasoline consumption policies in place. CK moved to approve the draft Green Communities annual report and sign out of session. GC seconded. Unanimous.
- 3.13 Review and approve FY15 snow and ice deficit amortization schedule. AS explained that the total snow and ice cost was approximately \$500,000 with a deficit of \$325,000 with \$175,000 being paid off from free cash. The Town received a reimbursement from FEMA for \$36,000 which was applied to the

deficit, leaving a balance of \$113,510. Can carry over that amount paying a third each year. AS and the Town Accountant recommended paying it over three years, \$37,836. Potential to pay off sooner depending on free cash availability. CK moved to approve the snow and ice deficit amortization schedule as presented. GC seconded. Unanimous.

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

4.1 None

#### **V WORK SESSION**

5.1 Town Administrator updates and reports:

- AS said that he would have final paperwork on the snow and ice deficit amortization schedule for the next meeting.
- AS said that the Treasurer/Collector went out to bid last week for capital borrowing and the purchase of the legion, interest rate of 0.75%. AS will have the paperwork for the Board to sign next week.
- AS said that the Atwood Generator Grant is \$21,867, which is 25% of the entire grant.
- The gas pipeline project proponent, 21 days from when it appears on the FERC docket to file to intervene.
- Treasurer/Collector has been working on delinquent taxes.
- AS received a call from Comcast regarding the transition from Comcast running the studio to wither the Town or another access corporation. Comcast asked if Hartley Pleshaw would be added to the payroll during the transition.
- AS asked about the upcoming meeting schedule. Will discuss at next meeting.

5.2 Board of Selectmen announcements, updates, and reports.

- GC said that the Fire-EMS Chief asked for the Board of Selectmen to attend the ceremony at the new fire station and for GC to give a speech.
- GC said he was speaking to Labor Counsel and he said that he would provide a legal update to the entire Board, GC will contact David Jenkins and set up a meeting.
- GC asked to have Ed Kukkla on an agenda to discuss the salt process for the winter.
- CS said that the ambulance is out of commission and the repair or replacing will be quite costly and needs to be discussed.

5.3 Review and sign payroll and bills payable warrants. GC moved to review and sign payroll and bills payable warrants outside of session. CK seconded. Unanimous.

GC moved to adjourn at 9:41PM. CS seconded. Unanimous.

~~5.4 Executive Session pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining with the proposed supervisory union. Votes may be taken.~~

*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.*