

**Board of Selectmen Minutes-Regular Session
October 23, 2006**

The following persons were present: Vice Chair Arthur DuBois, Clerk Dan Stack, Sel. Jim Dwyer, Sel. Kevin Kuros, Town Manager Jill Myers, and BOS Assistant Joseph Smith. Absent: Chairman Julie Woods.

CALL TO ORDER

Sel. DuBois called the meeting to order at 7:03 p.m.

Announcements

Wedding gift to the BOS Assistant, Taft Hill Elementary Fair, congratulations to Our Lady of the Valley School, Gail Benedict resignation from the Board of Library Trustees.

Citizen's Forum

Sel. DuBois opened Citizen's Forum at 7:08 p.m.

- Cecelia Boatman, 17 Griswold Court, addressed the Board regarding the 40B project proposal being presented by Attorney Gerald Lemire and requested to speak on this agenda item. The Board agreed by consensus to allow Ms. Boatman to speak at that time.
- Alexa Romasco reported that there has been a significant improvement in the condition of the Arthur Taft Park, and noted appreciation to the DPW.

Sel. DuBois closed Citizen's Forum at 7:11 p.m.

PUBLIC HEARINGS/APPOINTMENTS

Meeting of the Water & Sewer Commission

Prior to opening the meeting of the Water & Sewer Commission, Town Manager Jill Myers reported that she and Chm. Woods were planning to request that the meeting be continued to another night as her staff was working with Town Counsel on obtaining further information for the Board regarding their vote on 9/11/06 and the larger matter of the Board's subsequent decision to pursue a new sewer privilege fee. Discussion followed as to the intent of the meeting and Ms. Myers suggested that the meeting of the Water & Sewer Commission be opened. At 7:17 p.m. Sel. DuBois opened the hearing to further discuss the matter.

Finance Director David Genreux stated that Town Counsel will be advising the Board on the legality of a new Sewer Privilege fee. The Board reviewed the documents that were drafted by Chm. Woods and the revised document drafted by Sel. Dwyer. The Board agreed, by consensus, to table action on this matter until the next meeting of the Water & Sewer Commission.

- **MSDV by Sel. Dwyer, seconded by Sel. Stack to adjourn the Water & Sewer Commission meeting and come out of the recess of the Board of Selectmen. The motion passed unanimously.**

OLD BUSINESS

Streamlined Permitting

April Anderson, Chief of Staff-MA Department of Business & Technology, addressed the Board regarding Article 23 on the Fall Annual Town Meeting Warrant regarding the adoption of Streamlined

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Permitting. Ms. Anderson reviewed the fact sheet provided to the Board and noted that this was a 100% local initiative and the Town has the right to opt-into the program at their choosing. Ms. Anderson reviewed the benefits of opting into the program, criteria for developing sites, obligations of the Town if they opt into the program, and the protections offered to Towns under M.G.L. Ch. 43D. A grant of up to \$150,000 is available to Towns that opt into the program to cover administrative costs relative to start-up. Discussion followed relating to the MEPA review process, status on Towns/Cities that have opted in, and the content of the Warrant Article. Ms. Anderson estimates that the State will begin the 1st round of applications to the program in early December.

TOWN MANAGER REPORT

Town Manager Jill Myers delivered her report to the Board of Selectmen. A copy of the report is attached to these minutes.

The Habitat for Sports

- Building Inspector Nick Gazerro addressed the Board regarding his findings based on inspections done at the Habitat for Sports. Mr. Gazerro indicated that, in his opinion, the uses inside the building are completely legal and within the purview of their license. He added that the outside activities are not currently permitted under the building permit and the Town's Zoning Bylaws but they could apply to the ZBA for a special permit. Mr. Gazerro recommended to the Board that they direct Mr. Farrar to go that route at this time before the Board makes any determination regarding the zoning violations. Mr. Gazerro feels that there are no other violations at this time with the exception of the activities that occur outside the building.
- Mr. Farrar addressed the Board and noted that it is his intent to take this matter before the ZBA for consideration.
- Ms. Myers advised the Board that they have three options to consider at this time: 1) To not act; 2) To issue a cease and desist order pending review by the ZBA; 3) cite for a zoning violation for outdoor activities
 - **Motion by Sel. Dwyer, seconded by Sel. Kuros, to refer the matter to the Building Inspector to issue a determination that would allow Mr. Farrar to appeal to the ZBA for a determination that the subject activities are similar to permitted activities and are thus allowable under our By-laws. The motion failed (1-3-0). Stack-Nay, DuBois-Nay, Kuros-Nay, Dwyer-Aye.**
 - **Motion by Sel. Kuros, seconded by Sel. Stack, to direct Mr. Gazerro to make a determination on the outside usage at the Habitat. The motion passed unanimously [4-0].**
- Attorney Henry Lane addressed the Board regarding the outstanding zoning complaint levied against the Habitat by Stephen Giff and that formal action for a response was needed by the Selectmen. Mr. Dwyer indicated that he would not be able to support a vote dismissing the complaint due to the outstanding issue of the addition of a mezzanine level to the complex.
 - **Motion by Sel. Stack, seconded by Sel. Kuros, that the Habitat is beyond the six year statute of limitations and that no further enforcement action will be taken. The motion and second were withdrawn.**
 - **Motion by Sel. Stack, seconded by Sel. Kuros, in response to the 9/9/2005 complaint from Attorney Stephen Gordon that the Board finds the Habitat for Sports is in compliance with its building permit from 1997; the Board therefore finds that there is**

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**no need for enforcement action regarding this complaint. The motion passed (3-0-1).
Sel. Dwyer abstained from the vote.**

Parade Procedure and Police Department Policy Review Procedures

- Ms. Myers reviewed the changes to the Parade Procedure Guidelines document. Sel. DuBois commented that the timelines for the procedure should be as short as necessary and that all groups should be held to the same guidelines. Ms. Myers spoke to the need for the timelines for town road and state road closures and asked Mr. Howard Fortner to speak regarding his experience with the First Night Committee. Mr. Fortner indicated that the timeline for getting a State Highway closed can run from several weeks to more than 45 days. Discussion ensued if Town Manager discretion was needed in the policy.
 - **MSDV by Sel. Stack, seconded by Sel. Kuros, to amend the procedure to 45 days for a State highway closing and 30 days for a Town road closing and to delete the paragraph granting the Town Manager discretion over the process. The motion passed unanimously.**
- Ms. Myers reviewed the changes to the Board's review of Police Department Policies, Procedures, and Regulations. A recommendation was made to delete the opening sentence of item #4.
 - **Motion by Sel. Dwyer, seconded by Sel. Stack, to accept the procedure as amended by deleting the opening sentence of item #4. Discussion followed regarding the need by a Chm. to limit review by the Board. Ms. Myers added that the amendment was made in an effort to limit discussion in open session by the full Board that would be of a sensitive nature so the items would not become public record but did not limit executive session review. Motion and second were withdrawn.**
 - **MSDV by Sel. Dwyer, seconded by Sel. Stack, to accept the Procedure as amended. The motion passed unanimously.**

Veteran's Day Parade Involvement

- **MSDV by Sel. Kuros, seconded by Sel. Dwyer, to nominate Sel. Dan Stack to represent the Board of Selectmen at the Annual Veteran's Day Parade on Sunday November 5, 2006. The motion passed unanimously.**

NEW BUSINESS

40B LIP project presentation

Attorney Gerald Lemire and John Andrews from Andrews Survey & Engineering addressed the Board regarding their proposed plan for an LIP development on 86-98 South Main Street. Ms. Cecelia Boatman was recognized by Sel. DuBois to ask several questions regarding the proposed project. Mr. Andrews and Mr. Lemire informed the Board that the project is in the very early stages at this time. Attorney Lemire added that he would like to get support from the Board to go forward with the Town but would also pursue approval with the State if they need to go the 40B route. The Board directed the firm to come forward with more information at a future meeting if they wished the Board to make a formal determination regarding the project, and that such information be provided with the meeting request.

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Special Town Meeting Warrant

Ms. Myers asked the Board to open the Warrant for a Special Town Meeting to occur on 11/21/06 at 8 p.m. The Warrant currently has only one proposed article regarding the set up of a special overlay district for Summerfield over 55 development at Taft Hill. Mr. Genereux addressed the Board regarding an additional article that may be submitted on this Warrant prior to closing on October 31, 2006 relating to the energy fund.

- **Motion by Sel. Dwyer, seconded by Sel. Stack, to set up a Special Town Meeting for 11/21/06 at 8:00 p.m. The motion passed unanimously.**
- **MSDV by Sel. Dwyer, seconded by Sel. Stack, to open the Warrant for the Special Town Meeting on 11/21/06. The motion passed unanimously.**
- **MSDV by Sel. Dwyer, seconded by Sel. Stack, to include the Warrant article presented by Ms. Myers on the 11/21/06 Special Town Meeting Warrant. The motion passed unanimously.**
- **MSDV by Sel. Dwyer, seconded by Sel. Kuros, to close the Warrant for the Special Town Meeting on 10/31/06 at 4:00 p.m. The motion passed unanimously.**

Heritage Landscape Inventory Project

Ms. Gretchen Duffield addressed the Board regarding the application that she is working on for this project. Ms. Duffield stated that she hopes to receive active input from the many Town Boards and Committees as well as interested citizens who wish to support this project. Ms. Duffield will be volunteering to coordinate the collection of information for the application and will also be assisted by Rachel Landry.

- **MSDV by Sel. Dwyer, seconded by Sel. Stack to support the project and authorize Chm. Woods to sign the application upon completion. The motion passed unanimously.**

ACTION ITEM: Letter needed to local Boards and Committees asking for support for the application process.

West Street Property Disposal

Ms. Myers reviewed the matter regarding the property located at 674 West Street. The property is in tax title at this time and the former owner, Kevin Cox, wishes to redeem the property because he states he never received any notification of tax taking. The Board is being asked to decide to go forward with the foreclosure or allow Mr. Cox to redeem the title by paying the back taxes.

- **Motion by Sel. Dwyer, seconded by Sel. Stack that the Board dispute Mr. Cox's claim and let the matter be settled in court. The motion passed (3-1-0) with Sel. DuBois voting nay.**

CONSENT ITEMS

Meeting Minutes

- **MSDV by Sel. Stack, seconded by Sel. Kuros, to approve the minutes of 9/25/06 as submitted. The motion passed unanimously.**
- **MSDV by Sel. Kuros, seconded by Sel. Stack, to approve the minutes of 10/2/06 as submitted. The motion passed unanimously.**

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DBA Change

Request from Myss-N-Chips to change their DBA name to Quit-N-Time.

- **MSDV by Sel. Dwyer, seconded by Sel. Stack, to approve the DBA change as submitted. The motion passed unanimously.**

Selectmen Dwyer then raised a concern regarding the vote on the Habitat Matter.

ACTION ITEM: by consensus, the Board will Place the Habitat on the next agenda for discussion relative to Ch. 40, section 7.

At 10:01 p.m. with no other business before them, the Board moved to go into Executive Session #6- Consider the purchase, exchange, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body.

- **MSDV by Sel. Kuros, seconded by Sel. Stack to go into Executive Session for the purposes noted. RCV: Kuros-aye, Stack-aye, DuBois-aye, Dwyer-aye. Chairman Woods joined the meeting just prior to going into Executive session and voted in the affirmative to go into Executive Session as well. The motion passed unanimously.**

*Minutes respectfully submitted by,
Joseph Smith, Assistant to the Board of Selectmen*

Minutes approved by Board of Selectmen:

Chairman Julie A. Woods

Sel. James F. Dwyer

V. Chairman Arthur O. DuBois

Sel. Kevin J. Kuros

Clerk Daniel P. Stack

*MSDV: Moved, Seconded, Discussed & Voted
RCV: Roll Call Vote*