

Members present: Allen R. Phillips Kevin M. McCormick
 John J. O'Brien Steven J. Quist
 Christopher A. Rucho

Mr. Phillips convened the meeting at 7:00 p.m.

Read and Acceptance of Minutes from Previous Meeting

Motion Mr. Quist to approve the regular session meeting minutes from January 30, 2011, seconded by Mr. Rucho, all in favor

Motion Mr. Quist to approve the regular session meeting minutes from February 1, 2012, seconded by Mr. Rucho. Vote on the motion – Messrs. O'Brien, Rucho, McCormick and Quist yes; Mr. Phillips abstains as he was not present for the meeting.

Motion Mr. Quist to approve the executive session meeting minutes from February 1, 2012, seconded by Mr. O'Brien. Vote on the motion – Messrs. O'Brien, Rucho, McCormick and Quist yes; Mr. Phillips abstains as he was not present for the meeting.

Parks Commission

1. Discussion on park needs for 2013

The Board is joined this evening by Parks Commission Chairman Steven Blake and member Gary Flynn. Mr. Blake explained that the Commission is exploring the possibility of hooking into a well located on Goodale Street at the corner of the parking lot across from the A-field for the purpose of irrigating the fields and they are in the process of getting prices. Mr. Gaumond noted that the well used to be under the auspicious of the rail road and would help lower our watering costs. Mr. Blake reports that he spent \$5,000 on water last year and the well is an existing large well, which they have done some tests on. It might have the capability of watering all our fields. Mr. Blake is working on getting a price from Bob Scales to hook it up and he anticipates the price will be about \$5,000. We would also have to trench across Goodale Street and he is hoping that the DPW could assist with that. Town Clerk Kim Hopewell provided Mr. Blake with information on the well which was built by the Fire Department in 1927. He does not anticipate the connection being a problem. After he reviews the information from the Town Clerk the Commission will prepare a list of questions and have Town Counsel review the information. Mr. Rucho thinks we should use the well if we can. Mr. Blake feels the big question is what the well will do during the summer. They pumped out 9,000 gallons, pumped it dry and went back the next day and it was full again. They will hook it up and have it revert back to town water if they have to. They will also have to trench across Crescent Street to get to the softball field. Mr. Rucho requested Mr. Blake include numbers to hook up the fields in his estimates. Mr. Blake wants to begin with A and B fields first to see if we have enough water. Mr. Phillips asked if he had any idea why the well was abandoned. According to Mr. Blake it was built by the Fire Department to fill the fire trucks. The way he reads the documents this well is free and clear and there is also a second well on the back property.

With regard to the Parks Commissions needs for 2013 Mr. Rucho noted that last year we had a list of safety issues which needed to be addressed. Mr. Blake noted loose fencing needs to be re-attached, the tracks needs to be repaired as it has wide cracks which are a trip hazard. The prices he received to seal the cracks and pave it were \$12,000 to \$15,000 and the season starts on April 4. They are going to get the DPW to cut the track on three of the cracks and patch it. He has two prices thus far. Another big issue is the high school baseball field is in bad shape. It needs to be totally rebuilt, which

we will try to do piece meal. The first phase will be the infield. The outfield needs to be regarded and reseeded. Mr. Phillips requested a list of items that need to be done. Mr. Blake explained that they had a meeting a week or two ago and at which they conducted interviews and once those were completed it was too late to finish going over the list. Mr. Rucho suggested working off the list they used in the past. Mr. Blake noted that they received money for the bleachers, Assabet will be roofing the shed and the Sheriff's work crew will paint the bandstand where the Arts Foundation has their concerts. Mr. Rucho noted that some of the fencing safety issues were completed and he would like to look at the other safety issues they had on their list. Mr. Blake reports that the basketball and tennis courts at Woodland are in bad need of repair and the snack snacks at the football field and Townsend Field need work. He will provide the Board with a list.

2. Concurrence on the Town Administrator's appointment of recreation coordinator

Mr. Gaumond explained that he and the Parks Commission advertised for the recreation coordinator position for the town. One of the goals the Board established was to improve our recreation programs. This will be a stipend employee. We had interviews with 6 candidates of those three people dropped out. They interviewed two candidates who had the time and ability to do the job. The Parks Commission interviewed the final two and recommend Jennifer Breen who has been serving as our coordinator for the past 14 months. The Parks Commission felt that we made some good progress over the last year and half and we want to make sure that progress continues.

Motion Mr. Rucho to concur with the hiring of Jennifer Breen as the Recreation Coordinator, seconded by Mr. Quist, all in favor.

3. Mr. Blake voiced his concern over their budget with the DPW and manpower. They have one full-time person and one 280 hour part-time person, which is not enough. There are situations where the current employee is left along in the parks all day long and it is a safety issue. There are situations where he cannot do a certain job like tree trimming. They would like a half time part-timer who works April to November twenty hours a week. The other problem is the materials budget the DPW has. They are currently out of money and now those bills are coming out of the Parks Revolving Funds. They need more money. He noted that new Commissioner Gary Flynn is knowledgeable in turf management and we need fertilizer and grass seed. They hope to get something going this year. Mr. Phillips suggested putting a proposal together and giving it to the Town Administrator. Mr. Blake noted that the new lights cost \$1,000 more a year than the old ones.

With regard to the DPW budget, Mr. Gaumond noted that he sent the Board a memo earlier in the year when the budget was being created. They were not going to be paying for salary of the DPW employees who were plowing during the day time out of the snow budget. The benefit of that was not to deficit spend snow and ice. The downside is the DPW Director would come in with a transfer request. Because of this change we may be short in the DPW budget before the end of the year. Making that budget work for the remainder of the fiscal year will be a challenge. Mr. Rucho questioned the balance on the fees. Mr. Blake advised \$6,000-\$7,000 in recreation, \$4,500 remains in the original Pride Park, which will cover about two to three years. The field account is \$18,000 and out of that they will have to take care of the bills for the parks until the end of June. Mr. Rucho pointed out that under the DPW Director's agenda slot there is an item for the Gazebo. Mr. Blake indicated that the Gazebo is in pretty tough shape.

NEW BUSINESS

1. Concurrence on the appointment of John B. DiPietro, Sr., 43 Campground Road to the Facilities Implementation & Strategic Planning Committee, effective February 15, 2012 for a term to expire on April 30, 2014

Motion Mr. Rucho to concur with the appointment, seconded by Mr. Quist, all in favor.

2. Concurrence on the appointment of Allen R. Phillips, 102 Lee Street to the Parks Commission effective February 15, 2012 for a term to expire on April 30, 2015

Motion Mr. Rucho to concur with the appointment, seconded by Mr. Quist. Vote on the motion – Messrs. O'Brien, Rucho, McCormick and Quist yes; Mr. Phillips abstains.

3. Consider voting to accept \$500 from the West Boylston Firemen's Association on behalf of the Celebrations Committee

Motion Mr. McCormick to accept \$500 from the West Boylston Firemen's Association on behalf of the Celebrations Committee, seconded by Mr. Rucho, all in favor.

4. Consider proposed amendments to the Accessory Apartments Zoning Bylaw and refer back to the Planning Board for a public hearing

Mr. Gaumond explained that any time there is a request to change a Zoning Bylaw it first comes to the Board of Selectmen to defer to the Planning Board for a public hearing. The agenda package contains the red-lined version of what is being proposed.

Motion Mr. McCormick to refer the proposed amendments to the Accessory Apartments Zoning Bylaw back to the Planning Board for a public hearing, seconded by Mr. Rucho, all in favor.

MEETINGS, INVITATIONS & ANNOUNCEMENTS

1. As of February 1st the Board of Selectmen has kicked off their Adopt-a-Square/Island Program. Applications are on line for the following islands: Hosmer @ Laurel Streets; Malden @ Goodale Streets; Woodland @ Prospect Streets; Kings Mountain & Yorktown Streets; Worcester Street @ Route 12 and Church Street @ Route 12. At the first regularly scheduled meeting of the Board of Selectmen in March, the Board will hold their drawing

2. Saturday, February 18th beginning at 8:00 a.m. Fire Department Training at 150 Worcester Street

3. Announce the pending resignation of the Veterans' Agent, Neil Norum

Mr. Gaumond advised that he met with Mr. Norum who has indicated his intention to move on from his position, which is required by Mass General Law. He is working with Mrs. Lucier to compile a job description and hopefully we will get some good candidates.

4. Request for Roundtable for Century Drive Solar Project

Mr. Gaumond has scheduled the roundtable for February 29th at 6:00 p.m. and requested the Board designate their designee. Mr. McCormick offered to serve.

Motion Mr. Rucho to designate Mr. McCormick as the Board's designee on the Century Drive Solar Project Roundtable, seconded by Mr. O'Brien, all in favor.

5. February 29, 7:00 p.m. – first meeting of the Facilities Implementation & Strategic Planning Committee Meeting. Mr. Phillips reminded everyone to get sworn in prior to the meeting.

FUTURE AGENDA ITEMS

Mr. Rucho would like an update on a request he made a few months ago to have the ability to pay sewer bills on line.

Public Hearing: Application for a Retail Alcoholic Beverage License for a Package Store to Sell Wine & Malt Beverages Only from Central Street Market, LLC, D/B/A Central Street Market, 76 Central Street

Mr. Phillips opened the public hearing and read the following notice. The Board of Selectmen of the Town of West Boylston will hold a public hearing on the Application for a Retail Alcoholic Beverage License for a package store to sell wine & malt beverages only from Central Street Market, LLC d/b/a Central Street Market, 76 Central Street. The public hearing will be held on Wednesday, February 15, 2012 at 7:30 p.m. in Conference Room #1 of the Municipal Office Building, 127 Hartwell Street, Suite 100, West Boylston. All interested persons, groups, and agencies are invited to attend. Allen R. Phillips, Chairman, advertised on February 2, 2012.

John DeAngelis joined the Board. He explained that he is the new owner of the Central Street Market and the market has been in the community for 25 years and he would like to offer beer and wine to the residents. He noted that this side of town is not supported by another package store and other businesses in the plaza could be supported with this. You could purchase a pizza and stop by for beer or wine. Many of the customers he has have indicated their support of this request. Mr. Gaumond noted that all the departments typically checked with have reported that they have no issue with this application. Mr. Phillips asked about hours of operation. Mr. DeAngelis intends to be open Sunday 11-6, Monday to Thursday 9-6 and Friday and Saturday 9-8. It was noted that the town has five licenses available. Mr. McCormick stated that he thinks this is a great idea. There is no one present who wishes to speak on the application.

Motion Mr. McCormick to close the public hearing, seconded by Mr. Rucho, all in favor.

Motion Mr. Rucho to grant a Retail Alcoholic Beverage License for a package store to sell wine & malt beverages only from Central Street Market, LLC d/b/a Central Street Market, 76 Central Street, seconded by Mr. Quist, all in favor.

Silvio Baruzzi, DPW Director

1. Consider Proposal from International Engineering Group, LLC for testing Mixer Building and town pool

Mr. Gaumond noted that the Board asked him to begin the process of demolishing the Mixer Building and the town pool. One of the things that came up with was dealing with hazardous materials. There has been an analysis of the asbestos at the Mixer Building, however there was nothing done on the other hazardous materials. CEA gave us a price proposal which includes PCB sampling and analysis at the town pool with a price just under \$10,000 to develop a mediation plan. We would use that for the Scope of Work and it would require town meeting approval. Mr. Gaumond intends to bring forward a proposal to cover analysis and remediation. The other option would be to move some money around to cover those costs. Mr. Gaumond will be working on that issue and will have those costs. Mr. Phillips asked Mr. Gaumond to research whether DEP or DCR have any grants for hazardous materials removal. Mr. Gaumond indicated that he is not aware of any and will ask the people at Central Mass Regional Planning about Brownfield grants.

2. Consider replacement structure to be located at the DPW

Mr. Gaumond informed the Board that the three-wall shed formerly at the DPW collapsed and we will be receiving an insurance settlement in the amount of \$151,140 for a new building. They will build us a new 34x34 unheated storage building. We are looking to put it in the exactly same location or we could move it further out to allow for a greater turning radius or we could locate it to the left of

where the fuel pumps are. He asked the Board for their input. The purpose of the building is to keep heavy equipment out of the elements.

Mr. McCormick pointed out that if we do not locate it in the backyard and we put it in the front and we do something with the public safety headquarters it would not impact any of those future plans. Mr. Baruzzi noted that it is currently 40 or 50 feet away from the public safety headquarters. Mr. McCormick suggested discussing this at the first meeting of the Facilities Implementation and Strategic Planning Committee meeting. Mr. Baruzzi advised that the building will be put up in the spring.

3. Condition of Gazebo

Mr. Gaumond and Mr. Baruzzi have both received reports from the Building Inspector on the condition of the Gazebo. The stairs are not code compliant, handrails need to be installed on both sides, the pine trim work that covers the posts needs to be replaced with a limited maintenance product such as Azak, all of the guard rails need to be replaced with a limited maintenance product, the 1" trim around the copula needs to be replaced, the copula needs to be painted, the electrical repairs we started need to be completed and the repairs to the ramp need to be completed. Some of this could be done in house or through donated labor from the Worcester County House of Corrections. The estimate is \$7,000 to \$9,000 for materials. Mr. Gaumond will try to find funds at the May town meeting. Mr. McCormick asked about CPA money for the project. Mr. Gaumond will look at that.

4. Update on trees

Mr. Baruzzi reports that the first batch of trees are almost done. We are going out to bid for the second list soon. This contract is for \$18,000 plus police detail and we should have sufficient funds in the appropriation for the second list of trees.

Mr. Baruzzi informed the Board that our insurance carrier gave the DPW a class on how to inspect playground equipment and they will do a playground safety inspection this spring.

Public Hearing: Petition of the Municipal Lighting Plant to Move Existing Utility Pole #3 at 242-250 Woodland Street

Mr. Phillips opened the public hearing and read the following notice. The Board of Selectmen of the Town of West Boylston will hold a public hearing on Wednesday, February 15, 2012 7:45 p.m., on the petition of the Municipal Lighting Plant to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures along and across the following public ways: Move existing utility pole #3 at 242-250 Woodland Street approximately 18' from its current location in front of 250 Woodland Street. The public hearing will be held at Conference Room #1, 127 Hartwell Street, West Boylston, MA. Allen R. Phillips, Chairman advertised on February 6, 2012.

John Fitch, Manager of the Municipal Light Plant joined the Board. He reports that they were able to speak with the developer of the proposed project and the DPW Director and they will keep the pole movement down to about two feet and put it in the middle of the property line dividing 250 and 242 Woodland Street. Mr. Baruzzi noted that this will allow people to take the turn without hitting the pole. Mr. Rucho stated that his understanding is that the home owner had concerns about where the pole was going to go. Mr. Fitch advised that the last time he spoke with the home owner it was via email and he indicated that the move was going to be four feet.

Patrick Hayes, 250 Woodland Street voiced his concerns about moving the pole at all because of the nature of the street. It is a very busy street and he uses the area for parking, which is always a

concern when he has a family gathering. Moving the pole closer to the side of the house will eliminate the parking. He did note that moving it two feet is much better than the originally proposed 18 feet. He stated that he could live with two feet. His other concern is the line of sight and he would like more of a buffer zone. He also questioned how close the driveway could be to his property as he read the driveways regulations they require a minimum of ten feet for a commercial driveway. Mr. McCormick pointed out that the driveway and the building do not have the normal property line set back. His understanding is there was a porch added on some time ago and a variance was granted from the set back requirement. Mr. Haynes reports that they just had an accident yesterday and he is concerned about the line of sight testing that they did. He doesn't know how they could do line of sight analysis because there was no current driveway there. He parks his vehicles in front of his house. The Board advised Mr. Hayes that he needs to address these issues with the Planning Board as this hearing is for the telephone phone relocation only. Mr. Phillips asked him if he would have a problem with moving the pole two feet. Mr. Hayes indicated that he would not a problem with the two feet.

Motion Mr. Rucho to close the public hearing, seconded by Mr. McCormick, all in favor.

Motion Mr. McCormick to approve the request of the Municipal Lighting Plant to move existing utility pole #3 at 242-250 Woodland Street approximately two feet from its current location in front of 250 Woodland Street, seconded by Mr. Rucho, all in favor.

NEW BUSINESS (cont.)

5. Town Administrator's presentation on Route 110 incident

Mr. Gaumond provided a power point presentation on the incident which took place on January 17th on Route 110 at 3:32 p.m. The town received multiple calls reporting the accident and crushed cars were along the road. Sgt. Balvin was the first officer at the scene. A truck hauling approximately 18 crushed junk cars tipped over dumping a considerable amount of diesel fuel on the highway and snapping two utility poles. At 3:39 the Fire Chief requested the Department of Public Works respond to the scene to assist in capturing the diesel fuel from the tractor trailer fuel tanks which was running down the hill towards the catch basins on the street. At that time he also notified the Department of Environmental Protection. They used snow until the speedi-dri arrived. Sgt. Balvin requested the Department of Public Works move cars to enable the Municipal Light Plant and emergency responders to work at the scene. The Department of Environmental Protection requested Lovey's tow company remove the fuel from the truck's fuel tank.

The cause of the accident was speed and the driver failing to secure his load property. He was issued a citation at the scene for that in addition to driving without a license. There were questions asked of Mr. Gaumond about the incident including who authorized the DPW to respond, how much did this cost the town and liability to the town. The incident cost was \$5,200 and the town will pay nothing of the costs as the driver was responsible. Regarding liability to the town, Mr. Gaumond consulted with the town's Loss Control Representative, Robert Marinelli, and our employees are covered by the town's insurance policy and any claims would be aggressively pursued against the responsible party.

He added that we were fortunate that no one was injured and no cars were coming in the opposite direction. Mr. Gaumond asked everyone if the incident happened today would they have done anything different.

Mr. Phillips contacted the Ethics Commission to see whether he could speak on this and they assured him he could. He thanked the police, fire, DPW, Municipal Lighting Plant and surrounding towns for dealing with the incident like they did. He noted that public safety was the primary concern.

Mr. Quist asked if they held a debriefing after the incident and was there any way it could have been handled any better. Chief Minnich stated that he couldn't think of a better response. He thinks it went very smooth and these days with NIMS (National Incident Management System) training you know how to command a situation. It was a bad situation that could have been a lot worse and our response was excellent. Mr. Gaumond advised that after the ice storm we had several wrap up meetings. We do have wrap up meeting.

Mr. Rucho noted that he brought up this question. If he had half of the information he learned tonight he would not have had a problem. He has no problem with anyone helping out in an emergency. His question was when the town trucks were on hand how we were called. In regards to the DPW removing the contaminated snow is that our responsibility or someone else. Chief Pauley explained that it started out as a day above freezing and then we had a little mix and the diesel fuel was coming down the hill. If we didn't remove it then and the diesel fuel mixes in with that it would have gone into the storm drain. This mitigated a long-term issue. Mr. Rucho noted that the report says the DPW was called out to sand. Michael Kittredge, DPW Foreman advised that the second call to the DPW was to bring in sand. Mr. Phillips added that it was requested by the MDOT.

Mr. O'Brien thinks the extent of the damage was much worse than he expected. He commended everyone for their response and thanked them for their work. He gets concerned that because of questions from the Board of Selectmen that the guys are looking over their shoulders to see if they are doing the right thing. He added that if it happens again, do the same thing you did as he is not going to second guess them. Mr. McCormick also supports them as there are times when you need to make a decision and unless you are there you do not know what it is like. He appreciates their efforts. Mr. Quist thanked them.

6. Review of Town Counsel opinion on Open Meeting Law

Mr. Gaumond advised that there have been several important changes to the Open Meeting Law which will be forwarded to the Town Clerk and all boards and committees in town. The new version of the law requires that the Chairman of the public body prepare a meeting notice listing all those topics that the chair reasonably anticipates will be discussed at the meeting. Mr. Phillips noted that he thought it would be good to have Mr. Gaumond review the highlights of the updates.

Mr. Gaumond explained that the Attorney General's Division of Open Government interprets this requirement in a consistently strict manner. The earlier version of the Open Meeting Law required only the date, time and place of the meeting. The new law requires the notice also include a listing of topics that the chairman reasonably anticipates will be discussed at the meeting. The regulations promulgated by the Attorney General provide further that public bodies are required to list such topics with sufficient specificity to reasonably advise the public of the issues to be discussed at the meeting. In the future when we do our annual appointments or renew business licenses we will need to attach a list of everyone we are appointing and every license we are issuing. The Freetown Soil Conservation Board was required to list each permit with the name of the applicant and the location under consideration for renewal. Under Negotiations with Non-Union Personnel, exemptions 2 and 3, the name and office of the non-union personnel must be included in the meeting notice. A board entering executive session pursuant to exemption #1 may omit from the meeting notice the name of the individual to be discussed provided that the public body otherwise preserves the privacy rights of that individual by not disclosing private information concerning that person. With regard to approval of contracts in executive session, the Division offers two strategies for approving contracts. You should reconvene in open session to approve or ratify the contract agreed to in the executive session. We

follow that as well when the Board signed a contract with the police for example. The alternative is the body may approve the contract subject to a vote in open session to ratify the contract.

With regard to posting meetings, during the meeting things could come up that are not on the posted agenda and according to the law, you could bring it up at the meeting and whenever possible, carry it over to another meeting. Be mindful that the Attorney General can encourage public bodies to put off matters not reasonably anticipated, such action is not required by the Open Meeting Law. Mr. Gaumond noted that the Board does have a policy on how agenda items are put on the agenda. Exemption 7 to the Open Meeting Law allows a public body to go into executive session to comply with a general or special law or a federal grant-in-aid requirement. The body must specify the law on which it is relying.

The revised Open Meeting Law specifically defines the term deliberation to include email. However, the law exempts from the definition the distribution of a meeting agenda, scheduling information, or distribution of documents that might be discussed at a meeting provide that no opinion of a member is expressed. You can request to have something put on an agenda but you cannot say why you think the item should be on the agenda. When requesting agenda items, therefore, care must be taken to ensure that the reasons for requesting the inclusion of the agenda item not be shared via email among a quorum of members of a public body. The Attorney General indicates that the following matters constitute deliberations and must appear on a properly posted meeting to be discussed by the members of a public body: organization and leadership of the public body, committee assignments, rules or bylaws for the body and discussions of whether the body should consider or take action on specific topics at a future meeting. Mr. Rucho questioned whether when somebody wants to be on a committee and they let another member of the Board know of the interest would be allowed. It was agreed that one to one conversations are allowed.

Intentional Violations of the law allow for imposing a civil penalty of \$1,000 against a public body for each intentional violation. With regard to Cure and Redial Action, to cure a violation of the Open Meeting Law, a public body must make an independent deliberative action, and not merely a ceremonial acceptance or perfunctory ratification of a secret decision. Kopelman and Paige provided the Board with a check list and sample votes for use by public bodies when calling for and holding meetings. There are no questions from the Board at this time.

7. Review of Town Counsel opinion on revised Technology policies

Because of changes in technology they are proposing changes in the policies for use of computers and electronic communications and social media. Town counsel's advice is employers need to regulate non-work related use of its computers and electronic communications system particularly during work time. Mr. Gaumond noted that we do not allow people to go onto eBay or face book during work hours. In the package are two sample policies which govern the use of smart phones and tablets. If we decide we are going to use social media we should have a clearly defined policy about who is allowed to make the posts and the content of the posts which are subject to the public records law. Mr. Rucho asked if text messages are all backed up. Mr. Gaumond advised that they are not, however, now we will have to establish criteria on how we can either keep those or cease using those as a medium on public equipment. It could apply to Mr. Gaumond using his municipal phone issued to him by the Town of West Boylston. The package also contains a sample Social Media Policy and Electronic Communications and Computer Usage Policy.

Motion Mr. Rucho to enter into executive session under the provisions of Massachusetts General Laws, Chapter 30A, Section 21(A), Part 1 to discuss the complaints or charges brought against

a public officer, seconded by Mr. Quist.

Mr. McCormick stated that before the Board votes on this, he has some reservations about the process. He does not know why we are going in. There are certain rules that apply and things we can discuss and cannot discuss about personnel and to enter into executive session with no knowledge of what we are going to discuss he finds troubling. Mr. Gaumond stated that having had this question asked of him he did ask town counsel for advice. Kopelman and Paige says the motion is a proper one and she cautioned us on what types of discussion could be held as discussions on matters of professional competence or performance brought against a town officials falls within the exemption which as long as it does not get into competence in their job it will be incumbent upon the Board to ensure that the topic sticks to that. Mr. O'Brien has read the open meeting law information from Kopelman and Paige and he did research yesterday to feel comfortable. He found something from a different community that discussion the reasons to use this exemption. His understanding is this individual does not report to this body and the issue to be raised is not going to be new to the Town Administrator. He has concerns as to why we are going into executive session and is concerned with fairness and consistency issues. Mr. Rucho added that everyone he talked with knew who we were going to discuss. Mr. Gaumond provided a copy of the notice he provided to the individual.

Vote on the motion – Mr. Quist yes, Mr. McCormick no, Mr. O'Brien no, Mr. Rucho yes, Mr. Phillips has to abstain so it is a tie vote, which is not a majority to enter into executive session. Mr. Rucho stated that the issue he had he brought up to the Town Administrator in an email the only way that you can bring this forward is this process. Mr. Gaumond explained that Mr. Rucho has raised issues with him over an appointment of the Town Administrator in his or her issues this individual has been involved in recently. He does not believe this is the responsibility of the Board of Selectmen. His feeling is he is capable of handling these situations and if the Board feels they would like to have a conversation with him as far as his performance as the Town Administrator he is willing to have that discussion. If there are policy discussions, which the Board feels would help them, they have a policy book which was established to help the Town Administrator perform his duties. He is happy to work with the Board of Selectmen on policies that would work for them. Mr. McCormick noted that there were a number of emails between Mr. Gaumond and Mr. Rucho that were never made known to anyone else and he questions if they were private. Mr. Rucho stated that he would have no problem releasing them. He brought this to Mr. Gaumond which is not unusual or out of the ordinary. Mr. Gaumond agrees that Mr. Rucho has not done anything out of the ordinary.

With no further business to come before the Board, motion Mr. McCormick at 8:50 p.m. to adjourn, seconded by Mr. O'Brien, all in favor.

Respectfully submitted,

Approved: March 7, 2012

Nancy E. Lucier, Municipal Assistant

Allen R. Phillips, Chairman

Kevin M. McCormick

John J. O'Brien, Vice Chairman

Steven J. Quist, Selectman

Christopher A. Rucho, Clerk