

**BOARD OF SELECTMEN  
MINUTES FEBRUARY 14, 2011  
APPROVED**

**Present:** Stuart M. Schulman, Chairman; Anna Eliot, Vice Chairman; George Dillon, Jr., Clerk; Peter Cunningham; Joshua A. Degen

**Also Present:** Mark W. Haddad, Town Manager; Patrice Garvin, Executive Assistant

*Mr. Schulman called the regular meeting to order at 7:00pm and reviewed the agenda for the public.*

**TOWN MANAGER'S REPORT**

1. Lisa Larabee, of the Housing Authority requested a letter of support for the CPC application from the Housing Authority to purchase two condominiums at Mill Run. Brooks Lyman, Housing Authority member stated that the authority was requesting \$120k from the CPC to assist in the purchase. Ms. Larabee stated that buying these two units would add to the affordable housing inventory in Town, and that they would be rental units. Mr. Schulman asked where the rest of the money would come from to purchase the two units. Ms. Larabee replied that the rest of the money would be through a mortgage. Mr. Schulman pointed out that there are affordable units at Mill Run. Mr. Lyman replied that other units were not rental units. Mr. Schulman asked who the landlord would be for the rentals. Ms. Larabee stated that the authority would be the landlord. Mr. Lyman has had some discussion with Carrie Fischer the Housing Coordinator about the potential to work together on one project. Ms. Eliot was concerned with creating competition between the Housing Authority and Housing Trust. Mr. Dillon stated that a protocol needed to be established to eliminate competition and that there needs to be dialog back and forth. Mr. Dillon asked how the condo fees would be paid. Ms. Larabee replied that condo fees would be factored into the rent. Mr. Dillon asked how much money the CPC had in affordable housing to distribute. Mr. Haddad stated that he would have to get the board the exact amounts in the CPC funds. Mr. Cunningham asked if the Authority has looked at others sources for money. Ms. Larabee stated that the Authority is looking for alternative resources. Mr. Degen agreed rentals were needed in Town but he was concerned with investing in the Mill Run property due to the developer and their history in Town. Mr. Lynman acknowledged Mr. Degen's concerns. Mr. Schulman thanked Ms. Larabee and Mr. Lyman and stated the Board would take the request under advisement once the CPC funding amounts are distributed.
  
2. Mr. Haddad stated that he had spoken to Town Counsel about Jenkins Road in more detail. The Board had asked for an opinion as to whether or not the Town should place an article on the Spring Town Meeting Warrant to reaffirm the vote to discontinue Jenkins Road from the Farmers and Mechanics Property to Fitch's Bridge and what reasons can a public official enter the Jenkins Road. Town Counsel has informed Mr. Haddad that there is no legal reason to reaffirm the vote. The discontinuance vote has already been taken according to Town records and it does not need to be taken again. As far as reasons for entering Jenkins Road, from Town Counsel's perspective, the Town's rights are rights of passage, or travel, over the roadway. In general, counsel believes that the Town, through its employees and officials, has the right to travel on the roadway for the purposes for which roadways are used. For example, passage for emergency vehicles would be included, but Town Counsel would not take the position that the Town's rights are limited to emergency purposes. Having a survey done may not be a normal reason to be on the property. Mr. Dillon noted that there were three choices for the Board:
  1. The Board does not act on this matter.
  2. The Town moves toward summary judgment.
  3. Continue to discuss this issue with the Friedrichs. Mr. Haddad suggested designating a member of the Board to keep discussions going with the Friedrichs. Mr. Schulman and Mr. Dillon volunteered to continue ongoing discussions with the Friedrichs.

**FEBRUARY 28, 2011 SPECIAL TOWN MEETING-DISCUSSION**

Mr. Haddad stated that there was a quorum requirement of 147 for the Special Town Meeting, which is 2% of registered voters.

1. Mr. Haddad stated that the Town is close to settling terms for the purchase of the Sacred Heart Church site. Mr. Haddad asked the Board to take positions on Article 1. The Board decided to hold off until after hearing the new terms in Executive Session.
2. Mr. Haddad noted that Article 2 was for the exclusive use of sewer by Thomas More and asked the Board to take positions. The Board decided unanimously to support Article 2 and that all costs be the responsibility of the college.
3. Mr. Haddad reminded the Board that they supported Article 3 to purchase a new ambulance.

### **TOWN MANAGER'S REPORT CONTINUED**

3. Mr. Haddad stated that the Finance Committee vacancy was advertised. All interest forms will be forwarded to the Finance Committee Chairman, as well as the selectmen as soon as interest forms are received.
4. Mr. Haddad stated that the Board received a letter from the Electric Light Commission informing the Board that they are forming a Cooperative in order to construct their new office and garage facility. The Town is awaiting Town Counsel's opinion on this issue before discussing it with the selectmen. Town Counsel has explained that there is no case law one way or the other on whether or not this is acceptable and that State Law does in fact allow for the information of Cooperatives by any number of Municipal Electric Light Departments.

Mr. Haddad stated that GELD has already advertised the RFP and they plan to move forward to construct the building. Ms. Eliot stated that there was no Town participation in the RFP. Mr. Dillon asked if this could affect the land swap of the Town. Mr. Degen stated that the Town meeting vote was to swap land with the Electric Light and not the Cooperative, which could be a problem. Mr. Haddad stated that he would get Town Counsel's opinion.

5. Mr. Haddad requested that the Board sign the deed for the purchase of the Baddacook land approved at the 2010 Fall Town meeting. Mr. Cunningham wanted to see specifics prior to voting for the signing of the deed.
6. Mr. Haddad asked the Board to authorize the Town manager to sign the Intermunicipal agreement between the Town and the Deven's Collection Program.  
*Mr. Cunningham moved to allow the Town manager to sign the Intermunicipal Waste Collaborative Agreement, contingent on the fee to join. Mr. Dillon seconded the motion. The motion was not approved due to more information needed.*

### **SELECTMAN LIAISON REPORTS**

Ms. Eliot stated that she attended the School budget meeting and the Master Plan Workshop. Mr. Dillon also attended budget meetings and the Veterans Breakfast. Mr. Cunningham met with DCR to discuss the Squannacook River Rail Trail and an MOU is underway to construct a trail. Mr. Degen noted that the Housing Trust met last week and that the development of 134 Main Street was discussed. Mr. Haddad noted that there would be a public meeting on the proposed project on 134 Main Street.

### **EXECUTIVE SESSION**

*Mr. Dillon moved to exit into Executive Session at 7:00pm for the purpose of considering the purchase, exchange, lease or value of realstate pursuant to MGL c. 30A sec. 21. Mr. Cunningham seconded the motion. Roll Call- Degen-yes; Dillon-yes; Cunningham-yes; Eliot-yes; Schulman yes.  
At 7:25pm the Board exited Executive Session and returned back into Open Session.*

*Mr. Degen moved to sign the P&S for the Sacred Heart Church Property located at 279 Main Street, Gorton MA as presented in the final P&S Agreement. Mr. Dillon seconded the motion. Motion unanimously carried.*

*Mr. Cunningham moved to support Article of the Special Town Meeting Warrant. Ms. Eliot seconded the motion. Motion unanimously carried.*

**ADJOURNMENT**

*Mr. Dillon moved to adjourn the meeting at 7:30pm. Mr. Cunningham seconded the motion. Meeting adjourned.*

Approved: \_\_\_\_\_  
George F. Dillon, Jr. Clerk

\_\_\_\_\_ respectfully submitted,  
Patrice Garvin  
Executive Assistant to the Town Manager

Date Approved: 3-21-11