

**BOARD OF SELECTMEN  
MINUTES JULY 9, 2012  
APPROVED**

**Present:** Stuart M. Schulman Chairman; Peter Cunningham, Vice Chairman; John G. Petropoulos; Joshua A. Degen; Anna Eliot

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

Mr. Schulman called the meeting to order at 7:00pm

**TOWN MANAGER'S REPORT**

1. Mr. Haddad read into the record a letter from Susan Horowitz concerning a statement made at the June 18<sup>th</sup> Board meeting about Cynthia Swezey during the Board's deliberations on appointments to the Conservation Commission. [Document 1: Ltr. From Susan Horowitz dated 6/26/12] Mr. Schulman apologized and recognized that volunteers are the lifeblood of the community. Mr. Degen also expressed his displeasure with comments directed at Ms. Swezey.
2. Mr. Haddad asked the Board to ratify his appointments to various Boards.

*Mr. Cunningham moved to ratify the following:*

Don Black	Fire Station Building Committee	June 30, 2013
John Crowell	Weed Harvester Committee	June 30, 2013
Tyngsborough Police Dept.	Special Police Officers (List attached)	June 30, 2013
Westford Police Dept.	Special Police Officers (List attached)	June 30, 2013
John Murphy	Gas and Plumbing Inspector	June 30, 2013
John Templeton	Alternate Gas and Plumbing Inspector	June 30, 2013
Michelle Collette	ADA Coordinator	June 30, 2013
Stephen Fredericks	Special Police Officer (Chelmsford PD)	June 30, 2013
Jeffrey Blodgett	Special Police Officer (Chelmsford PD)	June 30, 2013
David MacKenzie, Jr.	Special Police Officer (Chelmsford PD)	June 30, 2013
Katherine Francois	Lifeguard – Pool and Golf Center	June 30, 2013
Emilie Mahr	Lifeguard – Pool and Golf Center	June 30, 2013
Jillian Onishi	Lifeguard – Pool and Golf Center	June 30, 2013
Mark Traganos	DPW – Temporary Summer Laborer	June 30, 2013
Deborah L. Richardson	Police Matron	June 30, 2013

*Ms. Eliot seconded the motion. Motion unanimously carried.*

*Ms. Eliot moved to ratify the appointments of Monica Kleeman, Assistant camp director \$15/hour and Emily Hoch, Camp Counselor \$8/hour to the Pool and Golf Center and Valerie Jenkins as the Interim Finance Director/Accountant. Mr. Cunningham seconded the motion. Motion unanimously carried.*

3. Mr. Haddad stated that it was time to open the Warrant for the Fall Town Meeting. [Document 2: Fall Town Meeting Schedule] The Spring Town Meeting amended the Town Meeting Bylaw. Basically, the Fall Town Meeting is normally held on the third Monday of October, unless the Selectmen choose a different date in the months of September, October, or November. Mr. Haddad proposed that the Selectmen call for the Meeting to be held on Monday, October 15, 2012. However, the Board may want to consider calling for the meeting to be held on a Saturday in October to see if that impacts attendance. Mr.

Haddad requested that the Board open the warrant. The Board decided that Town Meeting should be held on Monday October 15<sup>th</sup>. The Board discussed the possibility of having a Town Meeting on Saturday and thought that the Special Meeting in January may be a good time to try it out.

*Mr. Degen moved to schedule the Fall Town Meeting on October 15, 2012. Ms. Eliot seconded the motion. Motion unanimously carried.*

*Mr. Degen moved to open the Fall Town Meeting Warrant and close on August 23<sup>rd</sup>. Mr. Cunningham seconded the motion. Motion unanimously carried.*

### **REQUEST FOR WINERY LICENSE TO SELL AT A FARMER'S MARKET-STILL RIVER**

**WINERY** [Document 3: Application from Still River Winery]

Mr. Wade addressed the Board and stated that he was TIPS certified and that other Towns charged a \$50 fee. The Board debated the idea of a fee. Mr. Petropoulos supported waiving the fee. The Board decided that a \$50 fee would need to be collected.

*Mr. Cunningham moved to approve the Special License to sell at Farmers Market to Still River Winery to expire at the end of the season, \$50 and TIPS training needed. Mr. Degen seconded the motion. Motion unanimously carried.*

### **REQUEST FOR WINERY LICENSE TO SELL AT A FARMER'S MARKET-ZOLL CELLARS .**

[Document 4: Application from Zoll Cellars]

Mr. Zoll wished to sell at the market.

*Mr. Cunningham moved to approve the Special License to sell at Farmers Market to Zoll Cellars to expire at the end of the season, \$50 and TIPS training needed. Mr. Degen seconded the motion. Motion unanimously carried.*

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

4. At the last meeting the Board appointed Bob Pine to the Wetland's Bylaw Advisory Committee and John Smigelski to the Conservation Commission. Both Mr. Pine and Mr. Smigelski are local businessmen who sometimes have the need to appear before the Conservation Commission on matters pertaining to their business. They both contacted the Ethics Commission and it was recommended to them by the Commission that the Board of Selectmen votes to designate both the Conservation Commission and the Wetlands Bylaw Advisory Committee as Special Municipal Employees. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours. An employee holding a position designated as special may be paid by others, act on behalf of others before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility. This will eliminate potential conflicts as they will not be considered regular employees of the Town.

*Mr. Cunningham moved to make the Conservation Commission and the Wetland Bylaw Advisory Committee Special Municipal Employees. Ms. Eliot seconded the motion. Motion unanimously carried.*

### **LOST LAKE SEWER ADVISORY COMMITTEE-UPDATE ON PROJECT AND COST**

Carol Quinn addressed the Board and commented on the questionnaire that will go out with the July GELD Bills. Mr. Haddad asked for an update on the inter-basin transfer with Ayer. Ms. Blacquier of Woodward and

Curran gave a brief update and stated that they are currently filing with the state and following the environmental notification plan. Also a plan for stream flow was needed. There will be a pre-file meeting with MA DEP and the answers that are needed for Town Meeting will be given at that time. Mr. Rafferty of Woodward and Curran stated that the inter-municipal agreement is moving forward and meetings need to occur. Mr. Cunningham asked if there were any letters of support that were needed. Mr. Haddad replied that letters to representatives have been sent. In regards to the questionnaire it was vital to get information from vested residents. Ms. Garger stated that the awareness was needed and to hopefully get support from the tax base. Mr. Haddad stated that an additional certified letter will go out to all residents in the Lost Lake area whose properties will be affected. Mr. Haddad directed the Board to some costs schedules if the town goes out to bond. Mr. Haddad stated that a betterment rate will have impact on residents. Mr. Cunningham asked if Ayer had the capacity. Mr. Rafferty said that capacity was not a problem.

Mr. Petropoulos asked how accurate the cost numbers were at this point in time. Mr. Rafferty stated that the numbers were conservative. Mr. Haddad stated that an unknown at this time was whether the town wanted to contribute and that the worst case scenario was a twenty year bond at 2% for 12 million dollars would be \$725k payment per year. Mr. Haddad stated that the Town would also be going out to bond on another expensive project with the fire station. Mr. Haddad stated that some money can be set aside to put towards the sewer project as well as debt exclusion.

Mr. Cunningham was unsure what the Town could give and more information was needed. Ms. Quinn stated that they needed something from the Board soon. The rest of the Board agreed that they needed more information to decide on the support percentage, if any towards the project. The questionnaire may also give the Board more information they are seeking. Mr. Haddad stated that he would bring this issue back to the Board once more information is gathered.

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

5. Mr. Haddad stated that the last meeting the Board voted to create an underground Utility Study Committee. Mr. Haddad asked the Board to consider appointing various individuals as listed in his report.

*Mr. Cunningham moved to appoint the following to the Underground Utility Study Committee: Anna Eliot (BOS); Scott Wilson (Planning Board); Robert Delany (DPW); Gina Perini (HDC); Kevin Kelly (GELD); Ellen Cummings (Verizon); William Sahinis (Charter). Mr. Degen seconded the motion. Motion unanimously carried.*

6. Mr. Haddad reported that he has met with Robin Kane to negotiate a lease for the Tarbell School. The negotiations are on-going and a proposal to the Board will be provided in the near future. Mr. Haddad stated that it was his understanding that since the Town Meeting had voted to sell the building to Country Kids and now the Town would be entering into a lease with them a Town meeting vote would be needed to authorize the lease. Mr. Haddad discussed this issue with Town Counsel and Counsel has stated that no Town Meeting action is required. Town Counsel has stated that since the Board has been authorized by Town Meeting to sell the property, and hold the property for the purpose of sale, it is Counsels' opinion that the selectmen have the authority to convey a lesser interest, such as a lease, without a new Town Meeting vote. The selectmen have the authority to lease public buildings under their jurisdiction for a term of up to 30 years without Town Meeting authorization as long as we

advertise an RFP requesting proposals on a long term lease. Mr. Cunningham asked if this meant work can be done on the building by Ms. Kane. Mr. Haddad stated work could be done as long it is in the terms of the lease. Mr. Haddad stated that this also eliminated the sell back issue. Mr. Petropoulos asked about the insurance on the building and liability. Mr. Haddad stated that he would look into the liability issue. Mr. Petropoulos asked if it may be a good idea to put out an RFP to buy the building. Mr. Haddad stated that this had been done three times and only one bid from Country Kids came in.

7. Mr. Petropoulos had a few more edits to the document before it can be adopted. Mr. Petropoulos wanted to reflect how people are treated when addressing the selectmen. [Document 5: Board of Selectmen Policy and Procedures]

*Mr. Cunningham moved to adopt the Board of Selectmen Policy and Procedures, as amended. Ms. Eliot seconded the motion. Motion unanimously carried.*

8. Mr. Haddad wanted to schedule the Board's annual goal setting meeting. The Board stated that they would schedule the meeting at the next meeting.
9. Mr. Haddad gave the Board a Building Committee update. Mr. Haddad stated that the price of the OPM was absurd and a need to go to another choice would occur. Mr. Haddad hoped to have this wrapped up soon.

#### **OTHER BUSINESS**

Ms. Eliot referred to House Bill 3886 and the need to write letters to support its passage. The bill refers to a Conservation Restriction issue.

*Ms. Eliot moved to authorize the Town manager to compose a letter to support House Bill 3886. Mr. Cunningham seconded the motion. Motion unanimously carried.*

#### **LIAISON REPORTS**

Mr. Cunningham commented that the Wetland Bylaw committee wanted to update its charge.

Mr. Cunningham moved to amend the charge of the wetland bylaw committee to review the regulations of the Conservation Commission. Ms. Eliot and Mr. Degen were concerned with expanding that charge. Mr. Cunningham stated that the committee wished to just look at the regulations to see if they matched the bylaws. The Board decided to look at the changes and discuss it at their next meeting.

#### **MINUTES**

*Ms. Eliot moved to approve the meeting minutes of June 18, 2012, as amended. Mr. Degen seconded the motion. Motion unanimously carried.*

#### **ADJOURNMENT**

*Mr. Cunningham moved to adjourn at 9:00pm. Ms. Eliot seconded the motion. Meeting adjourned*

Approved: \_\_\_\_\_

John G. Petropoulos, Clerk

\_\_\_\_\_ respectfully submitted,

Patrice Garvin

Executive Assistant to the Town Manager

Date Approved: 8-6-12