

**BOARD OF SELECTMEN
MINUTES AUGUST 23, 2010
APPROVED**

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

Absent: Mark W. Haddad, Town Manager

Also Present: Michael Bouchard, Acting Town Manager; Patrice Garvin, Executive Assistant

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

TOWN MANAGER'S REPORT

1. Mr. Bouchard [**Document #1-Volunteer Interest Form for Nadia Madden**] requested that the Board appoint Nadia Madden to the Conservation Commission for a term to expire June 30, 2013. Mr. Bruce Easom, Chairman of the Conservation Commission noted that the Conservation Commission voted unanimously to appoint Ms. Madden. Mr. Schulman asked why Ms. Madden was interested in serving on the committee. Ms. Madden noted that she has a background in hydrology and felt she could bring added knowledge to the committee. Ms. Eliot asked what Ms. Madden thought about using Conservation lands for agricultural purposes. Ms. Madden replied that it was a case by case basis but supported multiple ways for incorporating agriculture. Mr. Dillon thanked Mr. Addy's years of service on the committee and asked for clarification on Ms. Madden's current work. Ms. Madden explained her current work position to the Board. Mr. Cunningham asked if Ms. Madden was aware of the courses that the state provided for Conservation Commission members as well as being aware of the time commitment serving on this committee. Ms. Madden stated that she would be more than willing to take courses and does not see the time commitment as a problem. *Mr. Cunningham moved to appoint Nadia Madden to the Conservation Commission for a three year term to expire June 30, 2013. Ms. Eliot seconded the motion. Motion unanimously carried.*

2. Mr. Bouchard stated that as the Board was aware, Jane Peterson, Sewer Commission Office Assistant is retiring effective August 23, 2010. Marcy Birmingham has been appointed to the position for a thirty day trial. Mr. Bouchard asked the Board to ratify the Town Manager's appointment of Marcia Birmingham to work 12-15 hours per week in the Sewer position. Mr. Bouchard stated Ms. Birmingham wanted to see if it was a good fit for her and that she currently works 18.5 hours in the Clerk's office. Mr. Bouchard opened the issue up for questions from the Board. Mr. Schulman asked about benefits for the position. Mr. Bouchard explained that the Sewer Position had benefits and Ms. Birmingham's position in the Clerk's office does not. Ms. Birmingham would be acquiring benefits for the combined positions. Mr. Cunningham asked what the job responsibility of the Sewer job was. Mr. Bouchard stated that it was customer service, billing and paperwork and noted some work is being done by the Water Department Business Manager. Mr. Degen suggested holding off on the benefits until the position was permanent. Mr. Cunningham stated that you could not hold off benefits if a person is working the hours but clarification was needed by the Human Resource Director. Mr. Schulman stated that this would be reviewed in thirty days. *Mr. Cunningham moved to ratify the Town Manager appointment of Marcia Birmingham to the Sewer Office Assistant for 12-14 hours per week and to revisit the position in thirty days. Mr. Dillon seconded the motion. Motion unanimously carried.*

3. Mr. Bouchard stated that at the last Board meeting a letter was presented from the City of Lowell, asking the Board to consider placing a Home Rule Petition before Town Meeting authorizing the Town to gain some control over budget busting health insurance costs. Their proposal would put pressure on the State

legislature to address this budget busting issue. Mr. Bouchard read the article and requested it be placed on the Town Meeting Warrant. Mr. Cunningham stated that this type of reform was not included in the Municipal Relief Package and supported sending a message to the legislature. Mr. Cunningham added that he was doubtful that this petition would pass but should go to Town Meeting. Mr. Dillon agreed a message had to be sent and the issue needed to be discussed. Mr. Degen was unsure of the article but thought it should go to Town Meeting. Ms. Eliot was unsure whether it should go to Town Meeting. Ms. Collette stated that this article was not discussed with employees and it needed to be before it goes to Town meeting. Ms. Eliot asked if this issue was discussed at the last Department Head Meeting. Mr. Bouchard replied that it was not discussed at the Department Head Meeting. Ms. Eliot asked if this Home Rule Petition would include the schools. Mr. Bouchard was unsure if it included the schools.

Mr. Cunningham moved to place on the Fall Town Meeting Warrant the article as detailed in the Town Manager's Report. Mr. Dillon seconded the motion. Motion carried, Ms. Eliot abstained.

NEW SIGN BY-LAW PUBLIC HEARING

Mr. Dillon moved to open the public hearing for the sign bylaw at 7:35pm. Ms. Eliot seconded the motion. Meeting opened.

Mr. Schulman read the legal notice for the public hearing. Mr. Schulman gave a brief background to the sign bylaw and the need for a revision and the new appeals process for applicants. Mr. Jason Kauppi, Sign Committee Chairman thanked all of those involved with revising the bylaw. The largest problem with the sign by-law is the temporary signs and enforcement. Mr. Kauppi stated that under the new sign by law there is greater flexibility for businesses while maintaining the character of the community. Ms. Eliot commended the working group for their efforts. Mr. Cunningham asked if real-estate signs were considered temporary signs under the new bylaw. Mr. Kauppi stated that real-estate signs were temporary. Mr. Schulman commented on the increase in political signs and how they are on Town owned property. Ms. Berta Erickson stated that enforcement was a problem and suggested that a Land Use Department member sit on the sign committee. Mr. Kauppi acknowledged areas in Town that needed to be cleaned up that were over-signed. Ms. Collette suggested that current business owners take a picture of their sign to have record once the new sign bylaw is in effect. Ms. Connie Sartini asked about maintenance on existing signs and if that was addressed in the new bylaw. Mr. Easom asked about illumination on signs and the need for light to be shown down. Mr. Kauppi explained the illumination guidelines under the new bylaw. Mr. Bouchard asked about the 60 day requirement in the bylaw under political signs and if it could be 75 days. Mr. Degen stated that for a local election it was customary that 30 days prior to an election was sufficient for political signs.

Mr. Cunningham moved to close the public hearing for the sign bylaw at 7:10pm. Mr. Dillon seconded the motion. Motion unanimously carried.

TOWN MANAGER REPORTS CONTINUED

4. Mr. Bouchard noted that at the last meeting the Board was presented with a letter from the lottery commission notifying the Town that AL Prime is qualified to apply for a Keno-To-Go license. The Board had 21 days from receipt of the notification to object to the issuance of such a license. At the Board's request Ms. Garvin submitted a memo concerning other communities and their reasons for allowing or rejecting Keno-To-Go. Mr. Degen rejected the idea of having Keno-To-Go based on his discussion with a retailer in Town and requested a letter be sent to the Lottery rejecting the license.

Mr. Degen moved to send a letter to the MA Lottery Commission rejecting Keno-To-Go at Al Prime located at 619 Boston Road. Ms. Eliot seconded the motion. Motion unanimously carried.

5. Mr. Bouchard stated that more information is being gathered on the Jenkin's Road issue. Mr. Haddad would report back to the Board at the September 7, 2010 meeting.
6. Mr. Bouchard noted that the RFP for the Tarbell School will be re-advertised and would continue to update the Board.
Mr. Degen moved to authorize the Town Manager to re-advertise the RFP for Tarbell School effective August 25, 2010 and due on September 30, 2010. Mr. Dillon seconded the motion. Motion unanimously carried.
7. Mr. Bouchard presented the Board with information regarding the EMS in town and noted that Mr. Haddad would bring it back to the September 7, 2010 meeting.
8. Mr. Bouchard presented a memo from the Town Treasurer and noted that it was for information purposes only and no action was needed.

OTHER BUSINESS

Mr. Bouchard asked the Board to call the primary being held on Tuesday, September 14, 2010.

Mr. Degen moved to sign the state election warrant for Tuesday, September 14, 2010. Ms. Eliot seconded the motion. Motion unanimously carried.

LIAISON REPORT

Mr. Degen stated that the final Building Commissioner interviews were held and an offer is on the table. Mr. Degen noted that the Building Commissioner would be appointed at the September 7th Board of Selectmen's Meeting. Mr. Cunningham noted that the Army Community Task Force met and is putting together a directory for military families in town. Mr. Dillon noted that the next meeting for the task force would be September 16, 2010 at 6pm. Ms. Eliot reported that she attended a regionalization meeting in Ayer that gathered input for towns to coordinate services.

MINUTES

Ms. Eliot moved to approve the executive session meeting minutes of May 24, 2010 to release. Mr. Dillon seconded the motion. Motion unanimously carried.

Mr. Cunningham moved to approve the executive session minutes of June 7, 2010 to release. Ms. Eliot seconded the motion. Motion carried, Mr. Degen abstaining.

Mr. Cunningham moved to approve and not release the Executive session minutes of June 21, 2010. Ms. Eliot seconded the motion. Motion unanimously carried.

Ms. Eliot moved to approve the regular meeting minutes of July 29, 2010. Mr. Degen seconded the motion. Motion carried, Mr. Dillon and Mr. Cunningham abstaining.

Mr. Degen moved to approve and not release the executive session minutes of July 29, 2010. Ms. Eliot seconded the motion. Motion carried, Mr. Dillon and Mr. Cunningham abstaining.

Mr. Cunningham moved to approve the regular meeting minutes of August 9, 2010. Mr. Dillon seconded the motion. Motion carried, Mr. Degen abstaining.

ADJOURNMENT

Ms. Eliot moved to adjourn the meeting at 8:36 p.m. Mr. Dillon seconded the motion. Meeting adjourned.

Approved: _____
George F. Dillon, Jr., Clerk

_____ respectfully submitted,
Patrice Garvin
Executive Assistant to the Town Manager

Date Approved: 9-7-10