



Office of the
BOARD OF SELECTMEN
272 Main Street, Townsend, Massachusetts 01469

Sue Lisio, *Chairman*
James M. Kreidler, Jr.,
Town Administrator

Cindy King, *Vice-Chairman*

Wayne Miller, *Clerk*
(978) 597-1701

MEETING MINUTES FOR SEPTEMBER 18, 2018 5:30 P.M.
SELECTMEN'S CHAMBERS, 272 MAIN STREET, TOWNSEND, MA

I. PRELIMINARIES - VOTES MAY BE TAKEN:

1.1 The meeting was called to order at 5:30P.M.

Roll call vote taken showed 2 members present: Chairman Sue Lisio (SL) and Clerk Wayne Miller (WM).

Vice-Chair Cindy King (CK) arrived at the meeting at 5:55P.M.

SL moved to address 3.1 prior to the preliminaries.

1.2 Pledge of Allegiance

1.3 Announce that the meeting is being tape recorded.

At 6:00P.M. SL announced the meeting is being tape recorded as of 6:00P.M. as the technical difficulties were resolved.

1.4 Chairman's Additions or Deletions.

SL added under 4.2 to discuss the future meeting schedule.

1.5 Public Comment Period

There were no public comments heard from the audience members.

II. APPOINTMENTS AND HEARINGS - VOTES MAY BE TAKEN:

2.1 6:15P.M. Interview for Town Counsel services with the Law Firm, Miyares and Harrington, LLP.

The Board met with Attorney Harrington and Attorney Heep from the Law Firm Miyares and Harrington, LLP. SL handed out the process document - (please see attached). SL explained the process that will be used to conduct the interviews. Each Board member asked 3 questions and then asked the Attorney (s) if they had questions for them. SL stated they would be using the same process for each interview and hope to have a decision by the beginning of November.

III. MEETING BUSINESS - VOTES MAY BE TAKEN:

3.1 5:30P.M. Review/Discuss questions to be considered for the interview process of Town & Labor Counsel Services.

The Board reviewed the summary process presented by SL (see attached), each member reviewed the questions submitted. SL designated 3 questions per member, asking the Town Administrator to draft a summary sheet of the questions to be asked.

The Board took a brief recess while the Town Administrator drafted the questions for each member.

When CK arrived to the meeting; SL updated her on the summary process and gave her 3 questions to ask and review.

- 3.2 Review/Approve/Sign a Common Victualler license application for Jasen Girouard, The Better Foods Co., LLC. The Board reviewed the license application request. CK voiced concern the application did not appear to be signed and requested the licensee sign the application before release of the license.

WM moved to approve and sign out of session a common victualler license for Jasen Girouard, The Better Foods Co., LLC pending his signature on the application page packet. CK seconded. Unanimous vote.

- 3.3 Review/Approve/Sign an agreement with Fitchburg Gas and Electric Company, dba Unitil for Outdoor LED Light Billing. The Board reviewed the billing agreement and the recommendation from the Energy Committee. (please see attached).

WM moved to approve and sign an agreement with Fitchburg Gas and Electric Company, dba Unitil for Outdoor LED Light Billing. CK seconded. Unanimous vote.

- 3.4 WM moved to approve the request from the Energy Committee to authorize John Hume of M.R.P.C. to access and complete the reporting necessary in the MassEnergyInsight energy reporting system and to authorize the Chairman to sign letter (s) to the Regional Coordinator of the Green Communities Division granting permission to access and report in the MassEnergyInsight energy reporting system. CK seconded. Unanimous vote.

- 3.5 Review/Approve policy #5-2018, Criminal Offender Record Information (CORI). Mr. Kreidler relayed this is the second reading in accordance with the Board policies and he has not received any edits or changes from the Board members.

WM moved to approve #5-2018 Criminal Offender Record Information second reading. CK seconded. WM amended his motion; "as a Board of Selectmen policy" CK seconded. Unanimous vote.

IV. WORK SESSION - VOTES MAY BE TAKEN:

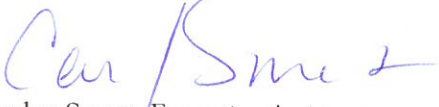
- 4.1 Town Administrator updates and reports.
There were no Town Administrator updates or reports.

- 4.2 Board of Selectmen announcements, updates, and reports.
- 4.2.1 Board Schedules: SL inquired to what dates the Board members were available. The Board together reviewed the calendar and set the following dates for meetings:
- October 2nd - regular meeting
 - October 4th - Town Counsel interviews
 - October 9th - regular meeting
 - October 23rd - work session
- SL informed the Board the Charter Committee met and organized last Thursday. SL stated she reached out to Attorney Goldberg to request information for the Charter review.
- 4.3 Clerk of the Board announcements for events - None
- 4.4 Board Correspondence
- WM stated he did receive an inquiry as to the status of a public records request. Mr. Kreidler informed the Board it was processed and in the mail to the requestor with a copy sent to the Supervisor of Public Records.
- 4.5 Approval of meeting minutes for August 21, 2018. SL questioned the motion passed under for an appointment or affirmation of the records clerk. WM moved to approve the meeting minutes for August 21, 2018. CK seconded. Unanimous vote.
- 4.6 WM moved to sign the bills payable warrant out of session. CK seconded. Unanimous vote.

V. ADJOURNMENT:

WM moved to adjourn the meeting at 7:30P.M. CK seconded. Unanimous vote.

Respectfully submitted by,


Carolyn Smart, Executive Assistant

Voted to approve the meeting minutes for the meeting of September 18, 2018, by the Board of Selectmen this
2nd day of October, 2018

Town Counsel Screening Committee Interview Process

Candidate Introduction:

The chair will welcome the Firm and the Firm's spokesperson; introduce him/her to the committee members, who will identify themselves, and then the Chair will explain the process.

THE PROCESS

Candidate's Introductory Statement:

The chair will briefly explain the process that is about to occur and then ask the candidate to "Please allowing yourself two or three minutes, tell us about your firm's experience in municipal law and the background specific experience of the attorney(s) who will be our assigned contact."

Interview Questions:

The same questions will be asked of each firm by the same committee member and in the same order.

Each member of the committee shall choose two questions prior to the interview process. Before the interview process begins, we will determine who will ask what questions. Questions should be diverse to fully explore the firm's knowledge, philosophy, values and management style.

Follow up questions are permissible by any committee member, however we must avoid getting bogged down on any one question.

Questions will be asked in a predetermined order.

Conclusion:

At the conclusion of the question and answer portion of the process, each firm will be given several minutes to ask questions and make a closing statement.

Simple Interview “Do and Don’t” Guidelines:

Please Do:

1. Be prepared.
2. Record as many direct quotes as possible.
3. Maintain a friendly and helpful attitude toward participants.
4. Review firm’s proposal and accompanying material.
5. Listen and observe carefully.
6. Take notes.
7. Let interviewee talk.
8. Make eye contact.
9. Ask open-ended questions (questions requiring more than a yes or no answer).
10. Be friendly.

Please Don’t:

1. Trust first impressions.
2. Ask questions about the candidate’s religion, national origin, race/ethnicity, marital/family status, age, arrest record, or other personal information.
3. Give personal feedback.
4. Render your opinion. This is not a debate. If you disagree with or are offended by an answer ask a non-confrontational follow-up question and/or consider all responses in your final evaluation.

Ideally all firms will leave with a positive image of the community, the process and a belief that they were treated fairly and with respect.

Sample Committee Questions

-
1. Please share with the committee an example of an ethical dilemma that you have been faced with in your professional life and tell us how you dealt with it.
 2. Please let us know how you would envision yourself interfacing with the Board of Selectmen, the Town Administrator, other Boards, Commissions and staff?
 3. Please tell us what you believe to be the primary role of a Town Counsel?
 4. Please describe your communication style and practices as relate to sharing information up the chain of command to the Board of Selectmen on matters ranging from the “day-to-day” up to and including the “big picture.”
 5. How do you handle a situation where you have provided legal guidance in the form of an opinion yet the Board chooses to proceed in a contrary direction?
 6. Have you ever provided an opinion related to a question you were not asked? (e.g. you witness the Board proceeding along a path that may present legal jeopardy)
 7. How do you address situations where there may be a conflict in representing the town? (e.g. dispute between us and another client community)
 8. Please describe an example of a situation where you believe your advice and guidance produced a very favorable result in a community. Conversely, please describe an example of a situation where your advice proved incorrect and produced an adverse result.
-

Candidate Evaluation Form

QUESTION SCORE SHEET

CANDIDATE: _____ **DATE:** _____ **INTERVIEWER:** _____

Scoring Key: One (1) = Unsatisfactory and Five (5) = Exemplary

1.

1 2 3 4 5

Comments: _____

2.

1 2 3 4 5

Comments: _____

3.

1 2 3 4 5

Comments: _____

4.

1 2 3 4 5

Comments: _____

5.

1 2 3 4 5

Comments: _____

6.

1 2 3 4 5

Comments: _____

**Town Counsel Screening
Town of Townsend, Massachusetts
2018**

7.

1 2 3 4 5

Comments: _____

8.

1 2 3 4 5

Comments: _____

RAW SCORE _____ divided by 8 questions = _____ AVERAGED SCORE

Committee Member Signature

Date

SAMPLE TOWN COUNSEL INTERVIEW QUESTIONS

1. Responsiveness to our queries is of course important to us. Please describe how your firm ensures that we receive prompt service.
2. Please describe the process you use to you clients updated on the ever changing laws and regulations.
3. Please describe your pricing. Also, what portion of the Town's legal matters if any, would be handled by paralegals or legal assistants?
4. What would you do if the town employee or board member refuses to accept your advice?
5. Can you and your team describe how you would go about handling a question of the law that has some ambiguity to it?
6. Can you describe a you handle a dispute between two elected boards?
7. What kinds of mediation does your firm offer?
8. Can you describe what kinds of training your firm can offer for the town and it's employees and citizens?
9. Please share with the committee an example of an ethical dilemma that you have been faced with in your professional life and tell us how you dealt with it.
10. Please let us know how you would envision yourself interfacing with the Board of Selectmen, the Town Administrator, other Boards, Commissions and staff?
11. Please tell us what you believe to be the primary role of a Town Counsel?
12. Please describe your communication style and practices as relate to sharing information up the chain of command to the Board of Selectmen on matters ranging from the "day-to-day" up to and including the "big picture."
13. How do you handle a situation where you have provided legal guidance in the form of an opinion yet the Board chooses to proceed in a contrary direction?
14. Have you ever provided an opinion related to a question you were not asked? (e.g. you witness the Board proceeding along a path that may present legal jeopardy)
15. How do you address situations where there may be a conflict in representing the town? (e.g. dispute between us and another client community)
16. Please describe an example of a situation where you believe your advice and guidance produced a very favorable result in a community. Conversely, please describe an example of a situation where your advice proved incorrect and produced an adverse result.

TOWN OF TOWNSEND
REQUEST FOR PROPOSALS
RFP #17-10
LABOR COUNSEL SERVICES

MINIMUM QUALIFICATIONS					
	KP LAW	MIRICK O'CONNELL	MEAD, TALEMAN & COSTA	MAYANES and HARRINGTON NO SUBMITTAL	
A. Bar Admissions					
B. Experience	Y	Y	Y		
C. Accessibility and Accountability	Y	Y	Y		
D. Back-up	Y	Y	Y		
E. Billing Timing and Detail		Y	Y		
F. Insurance Requirements	Y	Y	Y		

FINANCIAL INFORMATION					
Lead counsel name and hourly rate	David Jenkins \$165/\$175/\$180/\$185	Marc Terry \$195	Katherine Feodoroff \$180		
Bill for paralegals, clerical staff	Paralegals at 50% rate Clerical no charge	Paralegals at 100% rate Clerical no charge	Paralegals at 0% rate Clerical no charge		
Listing of all charges for expenses	All at cost w/o markup	All at cost w/o markup	All at cost w/o markup		
What hourly increments do you intend to bill?	1/10th	1/10th	1/10th		
Portal-to-portal basis or some other basis?	Portal to portal, IRS rate	Portal to portal, IRS rate	Capped at 1 hr/trip		
Any proposed alternative fee arrangement.	Discuss retainer	Discuss	Discuss retainer		
Other Towns- Cost containment strategies	Economy from experience	Pre-approval for use	Regular Office Hours		
Extra Services	2 free trainings, E-newsletter	n/a	2 free trainings		

SELF RATING KEY				
1.	No experience			
2.	Limited experience			
3.	Moderate experience			
4.	Advanced experience			
5.	Extensive experience			

LABOR EXPERIENCE				
Personnel Law:	PRINCIPAL*	PRINCIPAL	PRINCIPAL	PRINCIPAL
Collective Bargaining:	5	5	5	
Grievance Arbitration:	5	5	5	
Disciplinary Hearings:	5	5	5	
Labor Relations Commission matters:	5	5	5	
MCAD matters; and	5	5	5	
All other specialties:	5	5	4	

COURT AND ADMINISTRATIVE EXPERIENCE				
Trial before State Courts (Superior Court)	PRINCIPAL*	PRINCIPAL	PRINCIPAL	PRINCIPAL
Trial before Federal District Courts	5	5	4	
Appeals before Massachusetts Appeals Court	5	5	3	
Appeals before Massachusetts SJC	5	5	4	
Arbitration Proceedings	5	5	1	
Mediation Proceedings	5	5	5	
Administrative Proceedings DALA	5	5	5	

*KP lists firm experience

TOWN OF TOWNSEND
REQUEST FOR PROPOSALS
RFP #17-10
TOWN COUNSEL SERVICES

MINIMUM QUALIFICATIONS	KP LAW	MIRICK O'CONNELL	MEAD, TALERMAN & COSTA	MIYARES and HARRINGTON
A. Bar Admissions	Y	Y	Y	Y
B. Experience	Y	Y	Y	Y
C. Accessibility and Accountability	Y	Y	Y	Y
D. Back-up	Y	Y	Y	Y
E. Billing Timing and Detail	Y	Y	Y	Y
F. Insurance Requirements	Y	Y	Y	Y

FINANCIAL INFORMATION				
Lead counsel name and hourly rate	David Jenkins \$160/\$170/\$175/\$180	Brian Falk \$195	Adam Costa \$180	J. Raymond Miyares \$205
Bill for paralegals, clerical staff	Paralegals at 50% rate Clerical no charge	Paralegals @ 0% rate Clerical no charge	Paralegals at 0% rate Clerical no charge	\$90 Clerical no charge
Listing of all charges for expenses	All at cost w/o markup	All at cost w/o markup	All at cost w/o markup	All at cost w/o markup
What hourly increments do you intend to bill?	1/10th	1/10th	1/10th	1/10th
Portal-to-portal basis or some other basis?	Portal to portal, IRS rate	"normally"	Capped at 1 hr/trip	Portal to portal @ \$80/hr.
Any proposed alternative fee arrangement.	Discuss retainer	Discuss options	Discuss flat fee retainer	Discuss flat fee retainer
Other Towns- Cost containment strategies	Economy from experience	Control Access	Office Hours	Early consultation
Extra Services	2 free trainings, E-newsletter		2 free trainings	

SELF RATING KEY

1. No experience
2. Limited experience
3. Moderate experience
4. Advanced experience
5. Extensive experience

TOWN COUNSEL EXPERIENCE	PRINCIPAL*	PRINCIPAL	PRINCIPAL	PRINCIPAL
General Law	5	5	5	5
Municipal Finance	5	5	3	5
Bylaws and Regulations	5	5	5	5
Open Meeting, Public Records, Conflict. Exec. Sess.	5	5	5	5
Zoning and Land Use	5	5	5	5
Real Estate	5	5	5	5
Town Meeting	5	5	4	5
Special Legislation	5	5	2	5
Procurement	5	5	2	5
Affordable Housing	5	5	5	5
Subdivision Control	5	5	5	5
Community Preservation Act	5	5	4	5
Wetlands	5	5	5	5
Environmental	5	5	5	5
Election Law	5	5	2	5
Licensing	5	5	4	5
Appellate Tax Board	5	5	5	5
Insurance Coverage Issues	5	5	3	5
First Amendment free speech issues	5	5	2	5

COURT AND ADMINISTRATIVE EXPERIENCE	PRINCIPAL*	PRINCIPAL	PRINCIPAL	PRINCIPAL
Trials before State Courts (Superior and Land Court)	5	5	5	5
Trials before Federal District Courts	5	5	2	3
Appeals before Massachusetts Appeals Court	5	5	4	4
Appeals before Massachusetts SJC	5	5	2	3
Arbitration Proceedings	5	5	1	5
Mediation Proceedings	5	5	3	4
Administrative Proceedings ATB	5	5	4	3
Administrative Proceedings DEP	5	5	3	5
Administrative Proceedings ABCC	5	5	4	3
Administrative Proceedings HAC	5	5	3	2
Administrative Proceedings DALA	5	5	2	5

*KP lists firm experience



Office of the
BOARD OF SELECTMEN
272 Main Street - Townsend, Massachusetts 01469

Sue Lisio, Chairman
James M. Kreidler, Jr.,
Town Administrator

Cindy King, Vice-Chairman

Wayne Miller, Clerk
Office (978) 597-1701

Town Counsel Interview Process - Town of Townsend 2018

1. Candidate Introduction by Chair
2. Review of the process by the Chair:
 - a. Please allow yourself 2-3 minutes to tell us about your firm's experience in municipal law and specific background and experience of the attorney(s) who would be assigned to work with Townsend
 - b. Each Select Board member will ask 3 predetermined and numerically assigned questions of the firm
 - c. Follow-up questions may be asked by Board members in the same predetermined order. The Chair will monitor the time and insure that the process continues in an efficient manner to enable covering all the topics
 - d. The Board will entertain questions from the firm's representatives
 - e. The firm will finish with a closing statement

Question 1:

Board Member: _____

Circle one: 1 2 3 4 5

Notes: _____

Question 2:

Board Member: _____

Circle one: 1 2 3 4 5

Notes: _____

Question 3:

Board Member: _____

Circle one: 1 2 3 4 5

Notes: _____

Question 4:

Board Member: _____

Circle one: 1 2 3 4 5

Notes: _____

Question 5:

Board Member: _____

Circle one: 1 2 3 4 5

Notes: _____

Question 6:

Board Member: _____

Circle one: 1 2 3 4 5

Notes: _____

Question 7:

Board Member: _____

Circle one: 1 2 3 4 5

Notes: _____

Question 8:

Board Member: _____

Circle one: 1 2 3 4 5

Notes: _____

Question 9:

Board Member: _____

Circle one: 1 2 3 4 5

Notes: _____

RAW SCORE: _____

DIVIDE BY 9: _____

AVERAGED: _____

MINIMUM QUALIFICATIONS		KP LAW	MEAD, TALERMAN & COSTA	MIYARES and HARRINGTON
A. Bar Admissions		Y	Y	Y
B. Experience		Y	Y	Y
C. Accessibility and Accountability		Y	Y	Y
D. Back-up		Y	Y	Y
E. Billing Timing and Detail		Y	Y	Y
F. Insurance Requirements		Y	Y	Y

FINANCIAL INFORMATION		KP LAW	MEAD, TALERMAN & COSTA	MIYARES and HARRINGTON
Lead counsel name and hourly rate		David Jenkins \$160/\$170/\$175/\$180	Adam Costa \$180	J. Raymond Miyares \$205
Bill for paralegals, clerical staff		Paralegals at 50% rate Clerical no charge	Paralegals at 0% rate Clerical no charge	\$90 Clerical no charge
Listing of all charges for expenses		All at cost w/o markup	All at cost w/o markup	All at cost w/o markup
What hourly increments do you intend to bill?		1/10th	1/10th	1/10th
Portal-to-portal basis or some other basis?		Portal to portal, IRS rate	Capped at 1 hr/trip	Portal to portal @ \$80/hr.
Any proposed alternative fee arrangement.		Discuss retainer	Discuss flat fee retainer	Discuss flat fee retainer
Other Towns- Cost containment strategies		Economy from experience	Office Hours	Early consultation
Extra Services		2 free trainings, E-newsletter	2 free trainings	

TOWN COUNSEL EXPERIENCE	KP LAW PRINCIPAL*	MEAD, TALERMAN & COSTA PRINCIPAL	MIYARES and HARRINGTON PRINCIPAL
General Law	5	5	5
Municipal Finance	5	3	5
Bylaws and Regulations	5	5	5
Open Meeting, Public Records, Conflict. Exec. Sess.	5	5	5
Zoning and Land Use	5	5	5
Real Estate	5	5	5
Town Meeting	5	4	5
Special Legislation	5	2	5
Procurement	5	2	5
Affordable Housing	5	5	5
Subdivision Control	5	5	5
Community Preservation Act	5	4	5
Wetlands	5	5	5
Environmental	5	5	5
Election Law	5	2	5
Licensing	5	4	5
Appellate Tax Board	5	5	5
Insurance Coverage issues	5	3	5
First Amendment free speech issues	5	2	5

COURT AND ADMINISTRATIVE EXPERIENCE	PRINCIPAL*	PRINCIPAL	PRINCIPAL
Trials before State Courts (Superior and Land Court)	5	5	5
Trials before Federal District Courts	5	2	3
v	5	4	4
Appeals before Massachusetts SJC	5	2	3
Arbitration Proceedings	5	1	5
Mediation Proceedings	5	3	4
Administrative Proceedings ATB	5	4	3
Administrative Proceedings DEP	5	3	5
Administrative Proceedings ABCC	5	4	3
Administrative Proceedings HAC	5	3	2
Administrative Proceedings DALA	5	2	5

*KP lists firm experience

SUE'S SUBMITTED - TC INTERVIEW QUESTIONS

1. Responsiveness to our queries is of course important to us. Please describe how your firm ensures that we receive prompt service.
2. Please describe the process you use to keep your clients updated on the ever-changing laws and regulations.
3. Please describe your pricing. Also, what portion of the Town's legal matters if any, would be handled by paralegals or legal assistants?
4. What would you do if the town employee or board member refuses to accept your advice?

THE COMMONWEALTH OF MASSACHUSETTS

TOWN OF TOWNSEND

This is to certify that: **Jasen Girouard**

THE BETTER FOOD CO., LLC 53 MAIN STREET

IS HEREBY GRANTED A
COMMON VICTUALLER LICENSE

in said Town of Townsend and at that place only and expires December 31, 2018 unless sooner suspended or revoked for violation of the laws of the Commonwealth respecting the licensing of common victuallers. This license is issued in conformity with the authority granted to the licensing authorities by General Laws, Chapter 140 and amendments thereto.

In Testimony Whereof, the undersigned have hereunto affixed their official signatures.

Date: 9-18-18

THE TOWNSEND BOARD OF SELECTMEN

Sue Lizio

[Signature]

**Company Owned Outdoor LED Light Billing Agreement Between
Fitchburg Gas and Electric Light Company d/b/a Unitil
and the Town of Townsend, Massachusetts**

THIS AGREEMENT is made and entered into this 18 day of Sept, 2018, by and between Fitchburg Gas and Electric Light Company d/b/a Unitil (hereinafter the "Company") and the Town of Townsend, Massachusetts (hereinafter the "Customer").

WHEREAS, Customer wishes to receive service for one or more Light Emitting Diode ("LED") lamps not provided in the Company's tariff for Outdoor Lighting Delivery Service – Company Owned Equipment, Schedule SD, as filed and approved by the Massachusetts Department of Public Utilities ("MDPU"); and

WHEREAS, Company's tariff for Outdoor Lighting Delivery Service – Company Owned Equipment has the following provision: "The Company shall calculate the quarterly kWh as needed for light types that do not conform to this list based on equipment specifications by the customer";

Now, THEREFORE, in consideration thereof, the Company and the Customer agree as follows:

LED LIGHT FIXTURES: The following LED light types (see **note 1 below**) shall be installed and maintained by the Company in accordance with Schedule SD and shall be billed the following monthly kWh by the Company, which has been calculated based upon the fixtures Wattage. The kWh shown on Customer's monthly bill may differ slightly due to proration of charges between rate periods or number of days in the monthly billing cycle:

<u>Description of LED Equipment</u>	<u>Lum. Chg.</u>	Feb-Apr	May-Jul	Aug-Oct	Nov-Jan
		kWh	kWh	kWh	kWh
RSWS-A-HT-2ME-3L-30K-7-UL-GY-N 28W	\$7.16	9	7	9	12
BXSPR-B-HT-2ME-A-30K-UL-SV-R 54W	\$8.17	18	13	17	22
BXSP1-HO-HT-3ME-100W-30K-UL-xx-R 99W	\$11.36	32	25	32	41
BXSP2-HO-HT-3ME-165W-30K-UL-xx-R 160W	\$15.80	52	40	52	66

EFFECTIVE DATE: This Agreement is effective as of the above-indicated date.

TERM OF SERVICE: Service under this Schedule shall be for an initial period of three years from the effective date, with automatic one year extensions thereafter until canceled by either party giving the other notice in writing at least 30 days prior to the end of any contract year.

TERMS AND CONDITIONS: The Company's "Terms and Conditions for Distribution Service" and the provisions of its tariff "Schedule SD," in effect and as approved or superseded from time to time in accordance with the rules and regulations of the Massachusetts Department of Public Utilities, where not inconsistent with any specific provisions hereof, are incorporated herein and shall govern this Agreement.

COMPLETE AGREEMENT: This Agreement constitutes the complete agreement between the Customer and the Company on the subject matter identified herein. Any modifications to this Agreement must be made in writing and signed by both Parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

Town of Townsend, Massachusetts

By: [Signature]

Title: POS

Town of Townsend, Massachusetts

By: [Signature]

Title: _____

Town of Townsend, Massachusetts

By: [Signature]

Title: _____

Fitchburg Gas and Electric Light Company
d/b/a Unitil

By: _____

Title: _____

(Note 1: Unitil will replace the existing HPS street lights with the above identified LED street lights as a one-to-one exchange. Unitil does not provide lighting design services to compare photometrics, light distribution patterns, etc.)

**Company Owned Outdoor LED Light Billing Agreement Between
Fitchburg Gas and Electric Light Company d/b/a Unitil
and the Town of Townsend, Massachusetts**

THIS AGREEMENT is made and entered into this _____ day of _____, 2018, by and between Fitchburg Gas and Electric Light Company d/b/a Unitil (hereinafter the "Company") and the Town of Townsend, Massachusetts (hereinafter the "Customer").

WHEREAS, Customer wishes to receive service for one or more Light Emitting Diode ("LED") lamps not provided in the Company's tariff for Outdoor Lighting Delivery Service – Company Owned Equipment, Schedule SD, as filed and approved by the Massachusetts Department of Public Utilities ("MDPU"); and

WHEREAS, Company's tariff for Outdoor Lighting Delivery Service – Company Owned Equipment has the following provision: "The Company shall calculate the quarterly kWh as needed for light types that do not conform to this list based on equipment specifications by the customer";

Now, THEREFORE, in consideration thereof, the Company and the Customer agree as follows:

LED LIGHT FIXTURES: The following LED light types (see note 1 below) shall be installed and maintained by the Company in accordance with Schedule SD and shall be billed the following monthly kWh by the Company, which has been calculated based upon the fixtures Wattage. The kWh shown on Customer's monthly bill may differ slightly due to proration of charges between rate periods or number of days in the monthly billing cycle:

<u>Description of LED Equipment</u>		<u>Lum. Chg.</u>	<u>Feb-Apr</u> kWh	<u>May-Jul</u> kWh	<u>Aug-Oct</u> kWh	<u>Nov-Jan</u> kWh
RSWS-A-HT-2ME-3L-30K-7-UL-GY-N	28W	\$7.16	9	7	9	12
BXSPR-B-HT-2ME-A-30K-UL-SV-R	54W	\$8.17	18	13	17	22
BXSP1-HO-HT-3ME-100W-30K-UL-xx-R	99W	\$11.36	32	25	32	41
BXSP2-HO-HT-3ME-165W-30K-UL-xx-R	160W	\$15.80	52	40	52	66

EFFECTIVE DATE: This Agreement is effective as of the above-indicated date.

TERM OF SERVICE: Service under this Schedule shall be for an initial period of three years from the effective date, with automatic one year extensions thereafter until canceled by either party giving the other notice in writing at least 30 days prior to the end of any contract year.

TERMS AND CONDITIONS: The Company's "Terms and Conditions for Distribution Service" and the provisions of its tariff "Schedule SD," in effect and as approved or superseded from time to time in accordance with the rules and regulations of the Massachusetts Department of Public Utilities, where not inconsistent with any specific provisions hereof, are incorporated herein and shall govern this Agreement.

COMPLETE AGREEMENT: This Agreement constitutes the complete agreement between the Customer and the Company on the subject matter identified herein. Any modifications to this Agreement must be made in writing and signed by both Parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

Town of Townsend, Massachusetts

By: [Signature]

Title: POS

Town of Townsend, Massachusetts

By: [Signature]

Title: _____

Town of Townsend, Massachusetts

By: [Signature]

Title: _____

Fitchburg Gas and Electric Light Company
d/b/a Unitil

By: _____

Title: _____

(Note 1: Unitil will replace the existing HPS street lights with the above identified LED street lights as a one-to-one exchange. Unitil does not provide lighting design services to compare photometrics, light distribution patterns, etc.)



Office of the
BOARD OF SELECTMEN
272 Main Street Townsend, Massachusetts 01469

Sue Lisio, *Chairman*

Cindy King, *Vice-Chairman*

Wayne Miller, *Clerk*

James M. Kreidler, Jr.,
Town Administrator

Office (978) 597-1701
Fax (978) 597-1719

POLICY #5-2018

BOARD OF SELECTMEN

Purpose: To be in compliance with MGL Chapter 6, Section 172

Policy: Criminal Offender Record Information (CORI) Policy

This Criminal Offender Record Information (CORI) Policy is intended to allow the Town of Townsend to fulfill its due diligence obligation and to minimize the Town's liability exposure from actions by its employees, representatives, and agents. As such, this policy is applicable to the criminal history screening of prospective and current employees, subcontractors, volunteers, interns, and professional licensing applicants.

Where CORI may be part of a general background check for employment, volunteer work, internships, licensing, or sub-contracted work the following practices and procedures will be followed.

The Town Administrator and/or his/her Executive Assistant are responsible to ensure that the Town is complying with CORI regulations as defined in Chapter 256 of the Acts of 2010 and MGL Chapter 6, Section 172.

1. CONDUCTING CORI SCREENINGS:

All CORI obtained from the Massachusetts Department of Criminal Justice Information System (DCJIS) shall remain **CONFIDENTIAL**, and CORI may only be disclosed to those individuals who have a "need to know" the information in order to fulfill their duties. This may include hiring managers, staff submitting the CORI requests, and staff charged with processing applications. However, every effort will be made to limit the number of individuals authorized to access or receive CORI. The Employer must maintain and keep a current list of each individual authorized to have access to, or view, CORI. This list must be updated every six (6) months and is subject to inspection upon request by the DCJIS at any time.

2. ACCESS TO CORI:

All CORI obtained from DCJIS is **CONFIDENTIAL** and access to the information must be limited to those individuals who are authorized by the State of Massachusetts and DCJIS.

3. CORI TRAINING:

An informed review of a criminal record requires training. According, all personnel authorized in the town of Townsend to conduct criminal history background checks, review CORI information, or have any access to CORI information will review and be familiar with the educational and relevant training materials regarding CORI laws and regulations made available by DCJIS.

4. USE OF CRIMINAL HISTORY IN BACKGROUND SCREENING:

CORI used for employment purposes shall be accessed for applicants who are otherwise qualified for the position for which they have applied. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on background checks will be made consistent with this policy and applicable law or regulations.

5. VERIFYING A SUBJECT'S IDENTITY:

If a criminal record is received by DCJIS, the information is to be closely compared with the information on the CORI acknowledgement form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. If the information in the CORI record provided does not exactly match the identification information provided by the applicant, a determination is to be made by the individual authorized to make such determinations based on a comparison of the CORI record and documents provided by the applicant.

6. INQUIRING ABOUT CRIMINAL HISTORY:


In connection with any decision regarding employment, volunteer opportunities, or professional licensing, the subject shall be provided with a copy of the criminal history record if requested and prior to questioning the subject about his/her criminal history.

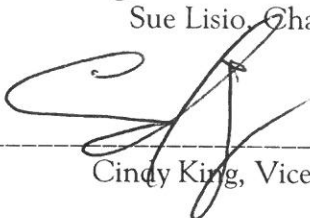
7. DETERMINING SUITABILITY:


If a determination is made, based on the information as provided in Section 5 of this policy, and the criminal record belongs to the subject, and the subject does not dispute the record's accuracy, then the determination of suitability for the position, licenses or

maintained electronically or on paper in the same secure manner as other CORI information; and are subject to audit by DCJIS.

ADOPTED BY THE BOARD OF SELECTMEN ON Sept 18, 2018.


Sue Lisio, Chairman


Cindy King, Vice-Chair


Wayne Miller, Clerk

contracting work will be made. Unless otherwise provided by law, factors considered in determining suitability may include but are limited to the following:

- A. Relevance of the record to the position sought;
- B. The nature of the work to be performed;
- C. Time since conviction;
- D. Age of the candidate at the time of the offense;
- E. Seriousness and specific circumstances of the offense;
- F. Number of offenses;
- G. Consideration of any pending charges;
- H. Any relevant information, including information submitted by the candidate or requested by the organization. The applicant is to be notified of the decision and the basis for it in a timely manner.

8. ADVERSE DECISIONS BASED ON CORI

If an authorized official is inclined to make an adverse decision based on the results of the criminal history background check, the applicant will be notified immediately. The subject shall be provided with a copy of the CORI policy and a copy of the criminal history. The subject will then be provided with an opportunity to dispute the accuracy of the CORI record. Subjects shall also be provided a copy of the DCJIS' *Information Concerning the Process for Correcting a Criminal Record*.

All CORI information, including CORI Acknowledgment Forms and copies of government-issued identification, will be maintained in a secure fashion. This means that hard copies will be stored in a separate, locked, location; electronically-stored CORI will be password protected and encrypted. CORI and CORI Acknowledgment Forms shall be destroyed within seven years from the date of hire or date of entrance into volunteer service. Destruction shall occur by shredding or other similar means (hard copies), prior to disposal. Electronically-stored CORI shall be deleted from all hard drives on which they are stored and from any system used to back up the information. Appropriate measures shall be taken to "clean" any computer used to store CORI, prior to disposal or repurposing of such a computer.

9. SECONDARY DISSEMINATION LOGS:

All CORI obtained from the DCJIS is **CONFIDENTIAL** and can only be disseminated as authorized by law and regulation. A central "secondary dissemination log" shall be used to record any dissemination of CORI outside this organization, including dissemination at the request of the subject. That log must contain the following information: 1) the applicant/subject's name; 2) the applicant/subject's date of birth; 3) the date and time of dissemination; 4) the name of the person to whom the CORI was disseminated, including the name of the organization for whom the person works (if applicable); and 5) the specific reason for the dissemination. These logs must be maintained for at least one year from the date of dissemination; they may be

APPLICANT INFORMATION

Please complete this section using the information of the person whose CORI you are requesting.

First Name:	Last Name:	Middle Name:	Suffix:
Former Last Name #1:		Former Last Name #2:	
Former Last Name #3:		Former Last Name #4:	
Date of Birth (MM/DD/YYYY)	Place of Birth:	Last SIX (6) digits of your SSN:	
Gender (M or F)	Height (feet, inches)	Eye Color	Race
Driver's License # or ID #		State of Issuance	
Father's Full Name:		Mother's Full Name:	
CURRENT ADDRESS			
Street:	City/Town:	State:	Zip:



Criminal Offender Record Information
(CORI) Acknowledgment Form

The town of Townsend is registered under the provisions of MGL to receive CORI for the purpose of screening current and otherwise qualified prospective employees, subcontractors, volunteers, license applicants, or current licensees.

As a prospective or current employee, subcontractor, volunteers, license applicant, or current licensee, I understand that a CORI check will be submitted with my personal information to DCJIS. I hereby acknowledge and provide permission to the town of Townsend to submit a CORI check for my information to DCJIS. The authorization is valid for one year from the date of my signature. I may withdraw this authorization at any time by providing the town of Townsend with written notice of my intent to withdraw consent to a CORI check.

I also understand, that the town of Townsend may conduct subsequent CORI checks within one year of the date this form was signed by me.

By signing below, I provide my consent to a CORI check and affirm that the information provided on page 2 of this acknowledgment form is true and accurate.

Signature of CORI subject

Date

If the employee, subcontractor, volunteer, license applicant or current licensee is under the age of eighteen, permission must also be sought by the parent and/or guardian.

Parent/Guardian

Date



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Office (978) 597-1701
Fax (978) 597-1719

September 18, 2018

Kelly Brown, Regional Coordinator
Green Communities Division
627 Main Street
Worcester, MA 01103

RE: User Authorization - MassEnergyInsight

Dear Ms. Brown:

I, Sue Lisio, as the Chief Elected Official for the Town of Townsend hereby authorize:

John Hume
Planning and Development Director
Montachusets Regional Planning Commission
464 Abott Avenue
Leominster, MA 01453
Email: jhume@mrpc.org

to receive full access to the energy data of the Town of Townsend that is included in the Massachusetts Department of Energy Resources MassEnergyInsight energy reporting system.

Sincerely yours,

Sue Lisio, Chairman
Board of Selectmen

c.f. Townsend Energy Committee
John Hume, MRPC



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September 18, 2018

Kelly Brown, Regional Coordinator
Green Communities Division
627 Main Street
Worcester, MA 01103

RE: Data Sharing Authorization - MassEnergyInsight

Dear Ms. Brown:

I, Sue Lisio, as the Chief Elected Official for the Town of Townsend grant permission to:

Montachusets Regional Planning Commission
464 Abott Avenue
Leominster, MA 01453

And it's authorized users, pursuant to the most recent user authorization letter on file with the Department of Energy Resources (DOER), to access the energy data of the Town of Townsend that is included in the MassEnergyInsight energy reporting system.

Sincerely yours,

Sue Lisio, Chairman
Board of Selectmen

c.f. Townsend Energy Committee
John Hume, MRPC



4.5

Office of the
BOARD OF SELECTMEN
272 Main Street, Townsend, Massachusetts 01

Sue Lisio, Chairman
James M. Kreidler, Jr.,
Town Administrator

Cindy King, Vice-Chairman

Wayne Miller, Clerk
(978) 597-1701

MEETING MINUTES FOR AUGUST 21, 2018 - 6:00 P.M.
SELECTMEN'S CHAMBERS, TOWN HALL
272 MAIN STREET, TOWNSEND, MA

- I. PRELIMINARIES - VOTES MAY BE TAKEN:
 - 1.1 The meeting was called to order at 6:00P.M.
Roll call vote taken showed 2 members present: Chairman Sue Lisio (SL) and Vice-Chairman Cindy King (CK). Remotely participating was Clerk, Wayne Miller.
 - 1.2 Pledge of Allegiance.
 - 1.3 SL announce that the meeting is being tape recorded and inquired if anyone else was taping as else.
 - 1.4 Chairman's Additions or Deletions.
SL deleted 2.2: to be rescheduled.
SL moved agenda item 6.1.9 to 2.3 as Unutil Representatives were present to discuss.
 - 1.5 Public Comment Period
Resident, John Page commented he would like all legal/litigation posted on the Town's website. SL asked Mr. Kreidler to check with Town Counsel.
- II. APPOINTMENTS AND HEARINGS - VOTES MAY BE TAKEN:
 - 2.1 6:00P.M. Senator Dean Tran, RE: Update for Capital Bond Bill and other Projects.
The Board met with Senator Dean Tran. Senator Tran announced the earmarks for Townsend all survived the Governor's veto powers and have been approved. Senator Tran informed the Board; there's \$7,100.00 for a Veterans' Memorial, \$80,000.00 for Town Common improvements, \$125,000.00 for a Masterplan, and \$500,000.00 for the renovations of the Hart Free Library.

Senator Tran informed the Board the next step would be to ask/request the Governor to release the funds, suggesting to the Board they pick one project to advocate for. After discussion the Board agreed to advocate for the \$80,000 for the Town Common improvements. CK advocated for the Library renovations stating the Town has the funds for the Common but cannot afford the construction cost for the Library. CK also reminded the Board of the ability to receive a \$250,000 disability grant that will help bring the building in compliance with ADA requirements. SL & WM agreed the Board should advocate for the Town Common and directed the Town Administrator to prepare a letter for signature of the Board at the next meeting. WM moved to sign letter for the Baker

Bond to release funds for the Town Common sidewalk replacement. CK seconded. SL & WM (YES) and CK (NO).

- 2.2 6:20P.M. American Flag Committee, RE: Mission Statement and Updates
SL moved to add 2.2 back on the agenda as the Chairman of the Committee, Todd Arsenault was present. Mr. Kreidler reviewed the draft document as attached with the Board members and the Chair of the Flag Committee, explaining the history of the actions taken over the last few years in regards to hanging the flags up. Additional discussion included: Flag etiquette, new safety laws, lighting for the flags, and if the Committee should be donation based or should they develop a budget for Town Meeting to adopt.

CK moved to identify the Townsend American Flag Committee as having 5 members with 3 year terms consistent with the fiscal year and to adopt the mission statement as the goal of the Town of Townsend American Flag Committee for the display of flags is to ensure proper flag etiquette in the Town Center while promoting patriotism in the community, the display of flags shall support the objectives of the Town and present the Town in a positive and professional manner. WM seconded. Unanimous vote.

III. APPOINTMENTS OF OFFICIALS/PERSONNEL - VOTES MAY BE TAKEN:

- 3.1 CK moved to appoint Robert Thompson to the Townsend Historic District Commission effective August 21, 2018 to June 30, 2021 and moved to appoint Susan Gerken to the Townsend Historic District Commission effective August 21, 2018 to June 30, 2021. WM seconded. Unanimous vote
- 3.2 See 3.1
- 3.3 CK moved to appoint Michele Grenier as Land Use Coordinator effective August 21, 2018 contingent upon the passing of a CORI and medical exam with a one-year probationary period. WM seconded. Inquiry regarding the interview/meeting process ensued. Ms. Shifrin spoke in favor of the appointment. Unanimous vote.

IV. MEETING BUSINESS - VOTES MAY BE TAKEN:

- 4.1 Review/Approve job description/classification for Water Department RE: Office Assistant. Mr. Kreidler informed the Board the position was reviewed and updated job description completed. The Board reviewed the description and classification documentation as attached. Mr. Rafuse asked the Board to declare the position vacant.
CK moved to declare the position of part time Office Assistant vacant. WM seconded. Lance Lewand, Chairman of the Water Commissioners informed the Board the position was 19 hours per week. Unanimous vote.
- 4.2 CK moved to approve and sign the road opening permits for 460 Main Street and 33 New Fitchburg Road. WM seconded. Unanimous vote.
- 4.3 CK read the 100th Birthday Proclamation for Catherine Warner Proctor, Boyes, Wilson.
CK moved to approve and sign the proclamation. WM seconded. Unanimous vote.

- 4.4 CK read the proclamation for an Eagle Scout into the record. CK moved to approve and sign the proclamation. WM seconded. Unanimous vote.
- 4.5 Disposal of Surplus Property declaration, RE: Townsend Public Library to be transferred to care and custody of the IT Department.

The Board reviewed the attached request for declaration of surplus. CK moved to declare surplus the property as attached and to transfer to the care and custody of the IT Department. WM seconded. Unanimous vote.

- 4.6 Review/Approve Change Order #6 in the amount of \$6,814.28 for the West Townsend Fire Station contingent upon the approval of the Town Accountant.

The Board reviewed the change order (see attached) Mr. Kreidler explained the change order as requested by the Fire-EMS Chief. CK moved to approve Change Order #6 in the amount of \$6,814.28 for the West Townsend Fire Station contingent upon the approval of the Town Accountant. WM seconded. Unanimous vote.

- 4.7 Discussion, RE: Treasurer/Collector Interim Services

Mr. Kreidler informed the Board; interviews were conducted with four applicants, resulting in 2 applicants to be deemed viable. One candidate took a position in another town and the other stayed in her current position due to the lower wage scale and due the retiree health care benefit issue. Mr. Kreidler asked the Board's permission to solicit interim services. Additional discussion included: bringing certain positions up to market value, review of the matrix and comp/class plan, contractual vs matrix position and the differences.

CK moved to authorize the Town Administrator to initiate the recruitment for Interim Collector/Treasurer services. WM seconded. Unanimous vote.

SL moved to recess for five minutes.

- V. OLD BUSINESS - VOTES MAY BE TAKEN:
N/A

- VI. WORK SESSION - VOTES MAY BE TAKEN:

- 6.1 Town Administrator updates and reports:

6.1.1 Cable Update

Mr. Kreidler reviewed Special Counsel's comments as attached. Discussion of the request to recruit additional folks for the PEG Access Corp ensued. CK moved to put out a call for volunteers to be part of the nonprofit PEG Access Corp. WM seconded. Unanimous vote.

Mr. Kreidler suggested the Board meet with Special Counsel to discuss the able extension. The Board agreed to invite Special Counsel and the Cable Committee to the September 18, 2018 meeting.

- 6.1.2 Affirm the hiring of Marcie Furlong as the Records Clerk for the Townsend Police Department.

SL requested a legal opinion regarding the charter appointing vs hiring of employees. Staff to forward legal opinions received on the issue to the Selectmen for review.

CK moved to affirm and/or appoint Marcie Furlong as the Records Clerk for the Townsend Police Department. WM seconded. WM clarified to affirm or appoint based on the legal opinion. CK & WM (YES) SL (NO)

- 6.1.3 Reception for BOS – September 11, 2018 from 5:00P.M. to 6:00P.M.

Mr. Kreidler stated in the future this will be done after the annual election for newly elected Officials.

- 6.1.4 Volunteer Fair – November 13, 2018.

(Permission to close town hall to the public)

Mr. Kreidler informed the Board, the fair will be held in the Meeting Room/Library/Senior Center and requested the Board close Town Hall to the public on November 13, 2018 to allow departments to participate. CK moved to close Town Hall's evening hours on November 13, 2018. WM seconded. Unanimous vote.

- 6.1.5 West Meadow Bridge, Town Meeting Warrant Article.

The Board reviewed the draft article as attached.

- 6.1.6 Town Administrator Goals & Objectives.

The Board reviewed the updated spreadsheet (see attached) Discussion included dedicating new revenues for road maintenance. Mr. Kreidler informed the Board he would post on the Town's website for folks interested in reviewing.

- 6.1.7 Update RE: Job Description Executive Assistant.

Mr. Kreidler informed the Board he did review the description and it is similar with all comparable communities as identified by HRS. Mr. Kreidler stated he was working with SL and she did forward some other descriptions he intended to review. Mr. Kreidler stated he would have draft description completed for the next meeting, noting the position is underfunded.

- 6.1.8 Community Compact Best Practices Grant.

Mr. Kreidler gave the Board information regarding all the Best Practices and different financial data software packages available. (See attached)

~~6.1.9 Update, RE: Tree Cutting/Unitil. SEE 2.3~~

6.1.10 Charter Review Committee Update.

Currently seven members appointed, still awaiting Finance Committee's appointments. SL asked if Staff could reach out to newly appointed members and try to schedule a first meeting.

6.2 Board of Selectmen announcements, updates, and reports. (NONE)

6.3 Board Correspondence. (NONE)

6.4 CK moved to approve the meeting minutes for July 10, 2018, July 31, 2018, and August 7, 2018.

WM remote participation was interrupted temporarily.

6.5 CK moved to approve the bill payable warrant and sign out of session. SL seconded. Unanimous vote.

VII: EXECUTIVE SESSION - VOTES MAY BE TAKEN:

CK moved to enter into Executive Session pursuant to GL c. 30A, s. 21(a)(2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. RE: Police Lieutenant, Contact review of Town Administrator, SRO Officer MOU, Paramedic MOU, Interim Police Chief and Building Commissioner MOU and pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining position or litigating position and the chair so declares. RE: Fire Union, Supervisory Union, Clerical Union and Highway-Water Union and pursuant to GL c. 30A, s. 21(a)(3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining position or litigating position and the chair so declares. Normington, Clark, Eaton and to adjourn from Executive Session. The Chair declared an open meeting would have a detrimental effect. SL seconded. Roll call vote taken SL (YES), WM (YES) and CK (YES).

Respectfully submitted by,

Carolyn Smart, Executive Assistant

Voted to approve the meeting minutes for the meeting of August 21, 2018, by the Board of Selectmen this _____ day of _____, 2018.

List of anticipated agenda items for October. Some may be better handled in work session?

1. TA Report to include
 - a. Goals and Associated Tasks
 - i. A specific timeline for each goal
 - ii. Approach for each
 - iii. What has been achieved to date on each
 - b. Update on Agenda Posting on Website
 - c. Work efficiencies - VADAR
2. Police Report
 - a. Progress to date on Certification
 - b. Progress to date on Department Policies
3. Communications – NVCC Update
4. IT Report and update on work progress and items completed to date
5. Website functionality and user-friendly assessment – subcommittee
6. Cable Access Next Steps
7. Cable Corporation Next Steps
8. Town Properties Committee Discussion on roles, charge, structure
9. Other normal town business

