



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 NOVEMBER 20, 2018 6:00 P.M.  
SELECTMEN'S CHAMBERS, TOWN HALL, IN 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 3 members present: Chairman Sue Lisio (SL), Vice-Chairman Cindy King (CK) and Clerk Wayne Miller (WM).
  - 1.2 Pledge of Allegiance
  - 1.3 SL announced the meeting is being tape recorded.
  - 1.4 Chairman's Additions or Deletions.  
SL moved to add: 2.6 Appointment for Council on Aging
  - 1.5 Public Comment Period.  
Veronica Kell asked for clarification regarding the public comment period as it relates to the agenda items. Veronica Kell stated she would like a public comment period at the beginning and end of each agenda.
- II. APPOINTMENTS OF OFFICIALS/PERSONNEL - VOTES MAY BE TAKEN:
  - 2.1 WM moved to appoint Patrick Ring as a per diem paramedic for the Townsend Fire-EMS Department for a term effective November 20, 2018 to June 30, 2019 with a one-year probationary period. CK seconded. Unanimous vote.
  - 2.2 WM moved to appoint Shayne Araujo as an on-call Firefighter for the Townsend Fire-EMS Department effective November 20, 2018 to June 30, 2019 with a one-year probationary period. CK seconded. Unanimous Vote.
  - 2.3 WM moved to appoint Anthony Micalizzi as the Department Assistant for the Treasurer/Collectors office contingent upon the passing of a medical exam and CORI with a one-year probationary period. CK seconded. WM moved to amend with effective date November 20, 2018. Unanimous vote.
  - 2.4 WM moved to appoint Donna Howard as the designated Representative for the LRTA Advisory Board. CK seconded. Unanimous Vote.
  - 2.5 WM moved Appoint Town Administrator James M. Kreidler, Jr. as Townsend's representative on the NVRD Administrative Board and Police Chief Rick Bailey as Townsend's alternate representative to the NVRD Administrative Board and to reaffirm

the appointment of Mark Boynton as a voting member of the Operations Board and Jay Sartell as an alternate member. CK seconded. SL wanted to be sure it was on record. Unanimous vote.

2.5.1 WM moved to direct the Town Administrator to notify Nashoba Valley Regional Dispatch in writing of the reaffirmation for the appointments to the Admin & Operations Boards. CK seconded. Unanimous vote.

- 2.6 WM moved to appoint Susan Dejnia as Assistant Program Coordinator for the Council on Aging contingent upon the passing of a medical exam and CORI with a one-year probationary period effective November 20, 2018. CK seconded. Unanimous Vote.

III. MEETING BUSINESS - VOTES MAY BE TAKEN:

- 3.1 WM moved to approve and sign the 2019 renewal for an All Alcoholic Restaurant liquor license #00017-RS-1286 for Mike Far Liang, Gourmet House, Inc., dba Panda Wok, Townsend, MA., contingent upon a valid certificate of inspection. CK seconded. Unanimous vote.

- 3.2 WM moved to approve and sign the 2019 renewal for a Wine and Malt Restaurant liquor license #00021-RS-1286 for Nancy J. Pappas, of Patriot Pizza and Subs, Inc., 24 Main Street, Townsend, MA., contingent upon a valid certificate of inspection. CK seconded. Unanimous vote.

- 3.3 WM moved to approve and sign the following 2019 Common Victualler Renewal License Applications:

Gourmet House, dba Panda Wok	Mike Far Liang	18 Main Street
MPACFOODS, Inc., dba Cliff's Café	Kirsten Pacaro	266-268 Main Street
Patriot Pizza & Subs	Nancy J. Pappas	24 Main Street
Energy North, dba Haffners	Michelle Wagner	197 Main Street
Townsend Pizza, Inc.	Gregory C. Frediani	237 Main Street

CK Seconded. Unanimous vote.

- 3.4 SL recused herself and left the room for the discussion/vote.

WM moved approve and sign the 2019 Common Victualler renewal application for McNabb's Pharmacy, Inc., Karen McNabb-Noon, 233 Main Street, Townsend MA. CK seconded. Unanimous vote.

- 3.5 WM moved to approve and sign the 2019 Renewal for Class III license application for Carl Cerullo, MJS Metals, 60 Turnpike Road, Townsend, MA. CK seconded. Unanimous vote.

- 3.6 WM moved approve and sign the 2019 Renewal for Class II license application for William & Jamie Baro, W. Baro Enterprises, LTD, 345 Main Street, Townsend, MA. CK seconded. Unanimous vote.

- 3.7 WM moved to approve and sign the 2019 Renewal for Class II license application for Joseph Z. Shank, Harbor Auto Body, 77 Turner Road, Townsend, MA. CK seconded. Unanimous vote.

- 3.8 WM moved to approve and sign a one-day special license for Terri Roy, V.F.W. Post #6538 in conjunction with a retirement party to be held on December 15, 2018 with sale hours from 6:00P.M. to 10:00P.M. CK seconded. Unanimous vote.

- 3.9 Review/Comment Planning Board Mandatory Referral, RE: Site Plan Review 22 West Meadow Road.

The Board reviewed the referral - please see attached. WM moved to send no comment and to thank the Planning Board for the referral for 22 West Meadow Road. CK seconded. Unanimous vote.

- 3.10 Authorize the Town Administrator, James M. Kreidler to be the signatory for the Annual Report to be submitted to DOER (Department of Energy Resources) due on December 4, 2018.

WM moved to authorize the Town Administrator, James Kreidler to be the signatory for the Annual Report to be submitted to DOER (Department of Energy Resources) due on December 4, 2018. CK seconded. Mr. Kreidler explained the report is being prepared by MRPC and they're requesting permission for the Town Administrator to sign. Unanimous vote.

- 3.13 WM moved to approve and sign a proclamation for an Eagle Scout ceremony scheduled for November 23, 2018. CK seconded. WM read the proclamation into the record - please see attached. Unanimous vote.

- 3.14 Review/Approve the Townsend Meeting Hall Policy. (second reading)

Mr. Kreidler informed the Board there were no changes from the first reading. WM moved to approve the Townsend Meeting Hall Policy, second reading. CK seconded. Unanimous vote.

- 3.15 Approve/Sign a Road Opening Permit, RE: 45 Warren Road for Unitil.

The Board reviewed the permit - please see attached.

WM moved to approve and sign a road opening permit at 45 Warren for Unitil. CK seconded. Unanimous vote.

- 3.16 Discussion, RE: Unregistered Vehicle Bylaw

- 3.16.1 Designate the Police Department to issue non-criminal disposition fines or designate a Board member to issue fines.

Mr. Kreidler reviewed the memorandum from Town Counsel - please see attached. A revision is being proposed to the bylaw that would authorize the Police Department be charged with issuing the fine however, the Board could still be the investigating authority.

WM moved to have the Police Department issue non-criminal disposition fines or designate a Board member to issue fines. CK we need to pick one either the Police or Board member. CK seconded. SL we need to do this now because bylaw has not changed yet. Mr. Kreidler confirmed. Unanimous vote.



- 3.17 Review/Discuss the Special Town Meeting Warrant and vote to sign out of session.  
Mr. Kreidler informed the Board that DOR cannot guarantee free cash will be certified. Options for Special Town Meeting were discussed. Mr. Kreidler reviewed each article with the Board of Selectmen. Highlights of the discussion included: Maintenance issues and budgeting, capital plan and amendments, funding of articles, free cash usage, reserve fund, leasing of police vehicles, West Meadow Bridge, Veterans' housing project, stabilization accounts, and additional article to be submitted for the expenses in professional service for the Treasurer's office.

SL acknowledged Representative Harrington who briefly attended the meeting.

Discussion continued regarding the clarification of "annual" appointments for the Town Properties Committee, the parking violation enforcement bylaw, the pawn broker bylaw, and the marijuana moratorium and zoning bylaw.

Lance McNally spoke on behalf of the Planning Board, stating the Planning Board has prepared two bylaws, one to address the zoning and the other a ban on retail marijuana shop which will need to be placed on a future election and town meeting vote.

CK voiced concern regarding the issue of not having a zoning bylaw article presented for the Special Town Meeting if the moratorium is turned down. Lance McNally agreed to bring back to the Planning Board to schedule a public hearing for the zoning bylaw. The Board agreed to meet on November 27<sup>th</sup> for the warrant to be finalized.

#### IV. NEW BUSINESS - VOTES MAY BE TAKEN:

- 4.1 Discussion regarding the Volunteer Response Form.  
SL would like to consider revising the volunteer form to include attaching a resume. SL would like to review how folks are appointed and selected. SL stated she would like Town Counsel to review. Lance McNally stated he heard from folks after submitting a response form that they are not acknowledged as being received.

#### V. WORK SESSION - VOTES MAY BE TAKEN:

- 5.1 Town Administrator updates and report  
- Process used for Conservation Commission Appointment Recommendations.  
Mr. Kreidler explained the process required within the Charter. The Board reviewed the correspondence received from the Conservation Commission. The Conservation Agent along with members of the Conservation Commission discussed with the Board the process they used to select the recommended appointment and voiced their preference with selecting folks interested in following the law. Mr. Henkels, Conservation Agent expressed concerns in concert with MCCA that persons who have agendas should not be selected for appointment. The Board agreed to put the appointment for the Commission on the next agenda.



SL suggested the Commission consider the possibility of requiring certain classes and training for the newly appointed persons.

CK moved to take a five minute recess.

SL called the meeting back to order.

- Non-contractual Personnel Policies and Personal Service Contracts.

Mr. Kreidler relayed there's been some conversation about melting all of our personnel documents so that union contracts are clear in their understanding. Any policy outside of the contracts can be impact bargained and incorporated. Mr. Kreidler explained the existing personnel policies are for non-contractual employees. Mr. Kreidler will be willing to continue the work and has informed Town Counsel. SL would like to follow Maynard's template. Mr. Kreidler is meeting with the new Town Administrator in Pepperell next week who happens to come from Maynard and that will be one of the issues discussed.

- Workers Compensation Audit.

Mr. Kreidler explained the workers compensation audit – please see attached.

- FY20 Budget process update.

Mr. Kreidler informed the Board the memorandum is being given out tomorrow to all departments outlining budgets will be due back in January. Further discussion regarding the updated revenue projections and process, new growth estimates, projected budgetary increases, further outlining currently we expect \$125,000.00 deficit which is an improvement from last year. SL asked if the road improvement would be part of the capital plan. Mr. Kreidler explained the town has never viewed road improvements as a part of capital, further stating he has worked within the goal set and has designated a portion of excise taxes as the source for road improvements. Future discussions can continue about debt exclusions. CK relayed her hope the marijuana bylaw can be part of a budget conversation and marijuana sales could be used as a percentage for a dedicated revenue source.

5.2 Board of Selectmen announcements, updates, and reports.

WM wished everyone a Happy Thanksgiving and safe travels.

SL attended the Turkey dinner for the seniors. SL asked if the code of conduct and social media policies could be sent to Counsel. SL announced the annual conference for MMA and that she intends on attending. SL relayed she attended the MMPA conference and she met the Lt. Governor and discussed best practices with the community compact.

Mr. Kreidler informed the Board that Bassem is working toward the goal of creating board/commission email addresses with town email addresses. Continued discussion regarding if email should be sent to the entire board/committee or just the Chairman. Lance McNally stated he would like all elected Officials to get a town email address. Additional discussion regarding subscription costs vs internal mail server.

Cindy King: Discussion of marijuana prohibition and moratorium.

5.3 Clerk of the Board announcements for events

None

5.4 Board Correspondence.

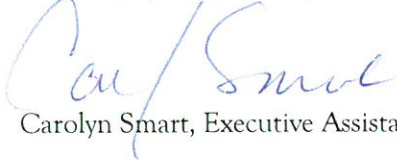
None

5.5 WM moved to review and sign the payroll and bills payable warrant out of session. CK seconded. Unanimous vote.

VI. ADJOURNMENT:

WM moved to adjourn the meeting at 8:50P.M. CK seconded. Unanimous vote.

Respectfully submitted by,

A handwritten signature in blue ink, appearing to read "Carolyn Smart", is written over the printed name.

Carolyn Smart, Executive Assistant

Voted to approve the meeting minutes for the meeting of November 20, 2018, by the Board of Selectmen this  
20<sup>th</sup> day of December, 2018

**TOWN OF TOWNSEND  
PLANNING BOARD  
272 MAIN STREET  
TOWNSEND, MA 01469**

<b>TO:</b> Zoning Board of Appeals Board of Health Conservation Commission <b>Board of Selectmen</b> Building Inspector Land Use	Police Chief Fire Chief Highway Water Department Assessors
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**REFERRAL NOTICE**

Please Review the attached application and relay to the Planning Board any questions or concerns you may have. This referral is required under §145-65 of the Townsend Zoning Bylaw. Under MGL Ch. 40A, Sec. 11, comments should be provided within 35 days. Failure to make recommendations shall be deemed lack of opposition. Ch. 40A also requires you to notify the applicant of your comments. The administrator will transmit your comments to the applicant. Thank you.

**APPLICANT:** Locke Brook Solar, LLC.  
**LOCUS ADDRESS:** 22 West Meadow Road  
**PARCEL ID:** Assessor's Map 4, Lot 15

**Date of Hearing:** December 17, 2018 @ 7:00pm  
**Date of Referral:** October 30, 2018

**Petition:** *(from legal notice)*

In accordance with MGL Chapter 40A and the Townsend Zoning Bylaw, the Townsend Planning Board will hold a public hearing on **Monday December 17, 2018 at 7:00 p.m.** at Memorial Hall, 272 Main St., on the application of **Locke Brook Solar, LLC.** for a **Site Plan Review** under Zoning Bylaw §145-86. The applicant is requesting a Site Plan Review for a ground mounted solar installation at the property located at **22 West Meadow Road. (Assessor's Map 4, Lot 15)**

**COMMENTS:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**NO COMMENT** \_\_\_\_\_

**SIGNED:** \_\_\_\_\_ **DATE:** \_\_\_\_\_







# TOWNSEND FIRE-EMS DEPARTMENT

*Proudly serving the citizens of Townsend since 1875*

PO Box 530 – 13 Elm St.  
Townsend, MA 01469

Mark R. Boynton  
Chief of Department

Headquarters: 978-597-8150

Fax: 978-597-8151

2.1 +  
2.2

**To:** Jim Kreidler, Town Administrator

**From:** Mark Boynton, Fire Chief *MRB*

**Subject:** New Hires

**Date:** November 14, 2018

Respectfully request the Board of Selectmen approve the hiring of the following people to join our team.

Both have successfully completed and interview, pre-employment physical and CORI background check.

Patrick Ring, - Per Diem Paramedic

Shayne Araujo, - On-Call Firefighter





## Carolyn Smart

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**From:** Karin Canfield Moore <kmoore@townsend.ma.us>  
**Sent:** Wednesday, November 07, 2018 11:21 AM  
**To:** 'Carolyn Smart'; jkreidler@townsend.ma.us  
**Subject:** LRTA Advisory Board Representative

2.4

Good morning,

Donna Howard, Transportation Administrator for the Townsend Counsel on Aging, would like to be designated as the LRTA Advisory Board representative for the Town of Townsend.

Please feel free to contact me, if you have any questions or concerns.

Thank you,

*Karin Canfield Moore, Director*

Townsend Senior Center/Council on Aging  
16 Dudley Road, Townsend, MA 01469  
978-597-1710

*This electronic message is confidential and intended for the named recipient only. Any dissemination, disclosure, or distribution of the contents of this communication is unlawful and prohibited. If you have received this message in error, please contact by return email or telephone (978-597-1710), and delete the copy you received. Thank you.*



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## *Council on Aging* *Townsend Senior Center*

16 Dudley Road  
Townsend, Massachusetts 01469

TEL: 978-597-1710  
BUS: 978-597-1730  
FAX: 978-597-1720

November 20, 2018

James Kreidler, Town Administrator  
Town of Townsend  
272 Main Street  
Townsend, MA 01469

Dear Mr. Kreidler,

At their meeting on November 20, 2018, the Council on Aging Board unanimously requests the appointment and hiring of Susan Dejnia as Assistant Program Coordinator for the Council on Aging. We request the Board of Selectmen approve and confirm her appointment.

Please let me know if there is any additional information you need in this matter.

Respectfully,

Karin Canfield Moore, Director  
Townsend Senior Center/Council on Aging

cc: Board of Selectmen  
Council on Aging





**Carolyn Smart**

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**From:** Select <sml412@comcast.net>  
**Sent:** Saturday, November 10, 2018 12:11 PM  
**To:** jkreidler@townsend.ma.us  
**Cc:** csmart@townsend.ma.us  
**Subject:** Board Discussion Volunteer Response Form - Agenda item for next meeting

Please add this subject to our list under New Business for the next meeting along with any instructions/policies that relate to it.

Thank you.

Sue

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This email has been checked for viruses by AVG.  
<https://www.avg.com>







2.6

## *Council on Aging*

*Townsend Senior Center*

16 Dudley Road  
Townsend, Massachusetts 01469

TEL: 978-597-1710  
BUS: 978-597-1730  
FAX: 978-597-1720

November 20, 2018

James Kreidler, Town Administrator  
Town of Townsend  
272 Main Street  
Townsend, MA 01469

Dear Mr. Kreidler,

At their meeting on November 20, 2018, the Council on Aging Board unanimously requests the appointment and hiring of Susan Dejniak as Assistant Program Coordinator for the Council on Aging. We request the Board of Selectmen approve and confirm her appointment.

Please let me know if there is any additional information you need in this matter.

Respectfully,

Karin Canfield Moore, Director  
Townsend Senior Center/Council on Aging

cc: Board of Selectmen  
Council on Aging



3.15

**TOWN OF TOWNSEND**

Highway Department  
177 Main Street  
Townsend, Massachusetts 01469  
Tel: (978) 597-1712  
Fax: (978) 597-0726

**ROAD OPENING PERMIT APPLICATION  
FOR EXCAVATION IN PUBLIC WAYS**

Date: 10/5/2018

Permit #: 7-19CD

**APPLICANT:** (Complete this section only if different than Contractor performing the work)

Name: Unitil Fitchburg Gas and Electric

Address: 357 Electric Ave

Lunenburg Ma 01462

Telephone # 978-353-3221 Fax # \_\_\_\_\_

Contact Person (if different from name listed above) Kelli Moore Gas Project Coordinator

**CONTRACTOR:**

Name: Unitil/Neuco

Address: 357 Electric Ave

Lunenburg Ma 01462

Telephone # 978-353-3260 Fax # \_\_\_\_\_

Contact Person (if different from the name listed above): Mark Dimeco Jr

Name of person performing the excavation (if different from name listed above)

\_\_\_\_\_

Name of competent person to be at the worksite (as defined by 520 CMR 14.02)

Mark Dimeco



Massachusetts Hoisting Equipment License Information;

License Number: \_\_\_\_\_

Grade: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Name and contact information of insurer (a valid, current certificate of insurance must be attached);

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**DETAILS OF EXCAVATION**

Exact Location of Excavation: 45 Warren Rd

Scope of Work:

Gas Service Installation

Length of Cut: Depth of Cut:

Start Date: \_\_\_\_\_ Estimated Working Days: \_\_\_\_\_

**NOTIFICATION DATES:**

Dig Safe: 20184407340

Detail Officer Required: Yes \_\_\_\_ No \_\_\_\_

Highway Superintendent: James D Smith Date: 11/5/18

Board of Selectmen:

Shirley Bisio  
[Signature]  
[Signature]

Date: 11/20/18

Fee Received:

Check #:

**NOTE:** Application must be completed and submitted to the Highway Department no less than 48 hours before work begins.



**Carolyn Smart**

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5.1

**From:** Jim Kreidler <jkreidler@townsend.ma.us>  
**Sent:** Sunday, November 11, 2018 10:31 AM  
**To:** csmart@townsend.ma.us  
**Subject:** Fwd: Direction for Personnel Policies and Human Resources - confidential

Sent from Jim's iPhone

Begin forwarded message:

**From:** Select <sml412@comcast.net>  
**Date:** November 11, 2018 at 7:41:06 AM EST  
**To:** jkreidler@townsend.ma.us  
**Subject:** Direction for Personnel Policies and Human Resources - confidential

Jim,

As we've discussed and advised Town Counsel Costa, especially in light of the majority of our employees belonging to unions or having Personal Contracts, it presents some practical questions in terms of Townsend's Personnel Policies, the effect of our union contracts on expectations of compliance with Personnel or other Town policies, and our specific needs for an HR position.

I would like the Board to have a discussion on the specifically on this subject and take a formal vote to ask our new Labor Counsel to attend a Board meeting and to give the Board advice on direction to take given the shift from a primarily non-union to a heavily union-based workforce. This may also beg the question of the employee matrix or perhaps how documentation of its administration might need revision?

I would ask for guidance from LC also on whether this, because of its potential effect on Union and/or Personal Contract negotiation strategies especially in light of a new union, should be at least in part discussed in executive session.

And in what case(s) if any, would you not be able to participate?

I wouldn't anticipate this initial vote to engage LC would be lengthy but because of the new union I think we should move on it. Add to agenda for the 20th?

Your thoughts?

Thank you,  
Sue





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**MEGA PROPERTY & CASUALTY GROUP INC.**  
**WORKERS COMPENSATION COVERAGE - AUDIT**

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**Insured:** TOWNSEND TOWN OF  
**Address:** 272 MAIN STREET  
TOWNSEND MA 01469  
**Member #:** X340480 00  
**Entity:** Public Entity  
**Policy #:** WCX3404800017  
**Risk Id #:** 000070517  
**FEIN #:** 046001326

**Agency:** E. BRUCE HAMAN  
11 SAUNDERS ROAD  
WEST TOWNSEND MA 01474

**MA**

**Coverage Period:** 7/1/2017 to 7/1/2018 12:01AM

**Rating ID:** 303635

<u>Code</u>	<u>Classification</u>	<u>Payroll</u>	<u>Rate</u>	<u>Premium</u>
5509	STREET/ROAD MAINTENANCE & DRVR	\$328,608	\$3.71	\$12,191
7370	TAXICAB:ALL EMPL & AMBULANCE	\$0	\$4.05	\$0
7380	DRIVERS/CHAUFFEURS/DELIVERY	\$39,107	\$6.08	\$2,378
7520	WATERWORKS OPERATION & DRIVERS	\$196,567	\$3.16	\$6,212
8810	CLERICAL OFFICE EMPLOYEES NOC	\$1,248,720	\$0.07	\$874
8831	HOSPITAL - VETERINARY & DRVRS	\$17,220	\$0.97	\$167
9015	CUSTODIAL OPERATIONS	\$91,380	\$3.17	\$2,897
9102	PARK NOC:ALL EMPLOYEES & DRVRS	\$30,922	\$2.66	\$823
9220	CEMETERY OPERATIONS & DRIVERS	\$114,825	\$3.17	\$3,640
9410	MUNICIPAL EMPLOYEES, NOC	\$198,000	\$2.48	\$4,910
Payroll		\$2,265,349	Manual Premium	\$34,092
			Increased Limits(M): 500/500/500	
			Increased Limit Adjustment	\$341
			Experience Modification	0.87
			ARAP	1.00
			Modified Premium	\$29,957
			Scheduled Credit/Debit	-15.00 % (\$4,494)
			Standard Premium	\$25,463
			Premium Discount	-5.53 % (\$1,407)
			Expense Constant	\$338
<b>Audited Policy Total:</b>				<b>\$24,394</b>

Please review the numbers for accuracy and notify immediately of any changes. Information has been supplied by insured and/or agent. Please refer to policy to determine actual coverage, limits, exclusions rights, and duties.



**MEGA PROPERTY & CASUALTY GROUP INC.**  
**INVOICE**

**Insured:** TOWNSEND TOWN OF  
**Address:** 272 MAIN STREET  
TOWNSEND MA 01469  
**Member #:** X340480 00  
**Entity:** Public Entity  
**Policy #:** WCX3404800017  
**Risk Id #:** 000070517  
**FEIN #:** 046001326

**Agency:** E. BRUCE HAMAN  
11 SAUNDERS ROAD  
WEST TOWNSEND MA 01474

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**Coverage Period: 7/1/2017 to 7/1/2018 12:01 AM**

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Audited Policy Total	\$24,394
Actual Policy Premium Paid	\$32,439

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<b>Total Refund:</b>	<b>(\$8,045)</b>
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# TOWN OF TOWNSEND

## Budget Process & Policy

Adopted by its Board of Selectmen

Carolyn Smart

Chairman, Carolyn Smart

Gordon Clark

Vice-Chair, Gordon Clark

Cindy King

Clerk, Cindy King

2/28/17  
Date

2/28/17  
Date

2/28/17  
Date





## BUDGET PROCESS

### *Operating Budget*

The Town of Townsend's budget process begins in early- to mid-fall when the Town's financial staff updates the Town's five-year financial forecast. At the same time, the Town Administrator and designated staff collect and analyze other data that may impact the Town. For example, this may include demographic, economic, socio-cultural, regulatory, legal, or technological trends. This information is presented to the Board of Selectmen, Finance Committee, and the Town's representatives on the North Middlesex Regional School District School Committee at a "Financial Summit" in early November. The Town Administrator, following the policy priorities and other directives of the Board of Selectmen, develops budgetary guidelines for department heads that are sent to all departments, boards, and commissions, along with budget forms, by the end of November. Budget requests are due to the Town Administrator by the first business day of January.

As needed, the Town Administrator works with department heads regarding their budget requests. In addition, if necessary, the Town Administrator updates the Town's revenue projections after the release of the State's House 1 budget figures and incorporates any significant change in state aid figures into his/her budget recommendation. In addition, the Town Administrator confers with the Capital Planning Committee regarding potential capital projects and any impact on the operating budget. The Town Administrator creates a balanced budget in consultation with the Board of Selectmen and submits it to the Board prior to its first regularly-scheduled meeting in February.

During the Board's two regularly-scheduled meetings in February, joint budget hearings are held with the Finance Committee. The Board of Selectmen deliberates and directs the Town Administrator to make changes as it deems appropriate. By the first day of March, the Town Administrator submits the proposed budget, inclusive of a budget message and supporting documents to the Board of Selectmen and the Finance Committee.

Additionally, elected officials shall submit to the Town Administrator, Board of Selectmen, and the Finance Committee a proposed budget with an accompanying budget message and supporting documents. The Finance Committee deliberates and prepares a report to Town Meeting with recommendations as it deems in the best interest of the Town.

According to the policy of the School Committee, the North Middlesex Regional School District's budget is submitted to the Board of Selectmen by a final date arranged cooperatively with the School Committee and Finance Committee.

The Annual Town Meeting is held on the first Tuesday in May. According to Town by-law, an attested copy of the warrant must be posted in several places at least seven days prior to the meeting. In addition the proposed budget, inclusive of the budget message and supporting documents, shall be published on the Town's website at least seven days



prior to the meeting. The final budget adopted by the Annual Town Meeting shall be published on the Town's website within seven days following the meeting.

The new fiscal year begins on July 1<sup>st</sup>.

The procedure for amending the operating budget is as follows. Amendments may be made at a Special Town Meeting or the subsequent Annual Town Meeting. Also, appropriation transfers may be made at the subsequent Annual Town Meeting in accordance with Massachusetts General Law Chapter 44, Section 33B.

### ***Capital Improvement Plan***

The Town's capital improvement planning process begins in October when the Capital Planning Committee (CPC), established by Town by-law, prepares the inventory of current facilities, surveys the status of previously approved capital projects, and prepares to release capital request forms and instructions to department heads.

In November, the CPC releases capital request forms and instructions to department heads, who have until the end of that month to prepare and submit new requests and update previous requests.

In December, the CPC meets with department heads to discuss the requests. In January, the CPC evaluates the requests based on criteria established in the by-law:

1. "Risks to public safety or health
2. Deterioration of Town facilities
3. Coordination with other Capital requests
4. Requirement of state or federal law or regulation
5. Improvement in operating efficiency
6. Systematic replacement
7. Equitable provision of services and facilities
8. Protection and conservation of resource"

No later than 60 days prior to the Annual Town Meeting, the CPC shall submit the CIP to the Board of Selectmen as the recommended capital budget. The Board shall coordinate with the Town Administrator to finalize the capital budget and submit it to the Finance Committee for funding recommendation and consideration at the Annual Town Meeting.

The Town Administrator shall ensure that any impacts to the operating budget are taken into account.



## BUDGET POLICY

### Section 1. Balanced Budget

**Background:** Massachusetts municipalities are required by state law (M.G.L. c.44, §31) to prepare balanced annual budgets. The Government Finance Officers Association (GFOA) notes a true structurally balanced budget is one that supports financial sustainability for multiple years into the future.

**Policy:** The Board of Selectmen and the Finance Committee shall recommend and Town Meeting shall adopt balanced budgets in which current revenues (non-one-time) equal or exceed current expenditures. Expenditures shall be realistically budgeted and estimated revenues shall be conservatively budgeted to allow for unanticipated events. The Town shall present said estimates and assumptions behind revenue estimates along with the balanced budget at the annual town meeting.

The Town will not balance the budget by using one-time or other nonrecurring revenues to fund ongoing expenditures. One-time revenues as defined by the Town's "One-Time Revenue Policy" include but not limited to: "transfers from the stabilization fund, transfers from enterprise funds, sales of assets, special state or federal "pothole" appropriations and department turn-backs (unexpended money) from prior operating budgets." They are to be used for "capital improvements, property acquisitions, contributions to the stabilization fund, and single year casualties."

The Town will not use budgetary procedures that balance the budget at the expense of future years, such as postponing or deferring payment of expenses already incurred, accruing future year revenues, or rolling over short-term debt to avoid making principal payments.

As a general rule, no supplemental appropriations to departmental operating budgets shall be made at any special town meetings except in non-anticipatable, extenuating circumstances.

### Section 2. Revenue and Expenditure Forecasting

**Background:** A critical step in maintaining a sound financial plan is the preparation of a multi-year revenue/expenditure forecast(s). Long term financial planning, including revenue and expenditure assumptions, is one of the local government financial practices that credit rating agencies evaluate when assessing municipalities for credit quality.

The Massachusetts Division of Local Services (DLS) states that a financial forecast, or multi-year revenue and expenditure forecast, allows a municipality to evaluate the impact of various government decisions over time.

A forecast will provide decision-makers with an indication of the long-term fiscal impact of current policies and budget decisions, and will allow staff, the Finance



Committee, and the Board of Selectmen to test various "what-if" scenarios and examine the fiscal impact on future budgets.

**Policy:** Each year the Town Administrator and Town Accountant shall jointly prepare and maintain a five-year Financial Forecast for General Fund and any Enterprise Fund(s) expenditures and revenues based on current service levels and current funding sources and including the five- year Capital Improvement Program.

The forecast shall be used as a budget tool to enable Town officials to review operating needs, identify fiscal challenges and opportunities, and develop long-term budgeting policies as part of an overall strategic plan. The forecast shall be incorporated into the budgetary guidelines released to all departments as part of the annual budgeting process.

A moderately conservative approach shall be used when forecasting revenues. Upon review of historical data, conservative assumptions should be made about dollar or percentage adjustments to the current year's revenues to arrive at projections for the first forecast year. The same analysis shall be made for successive years of the forecast. As new information is available or circumstances change, the forecast shall be revised.

All assumptions shall be made transparent in the submission and presentation of the financial forecast.

### **Section 3. Position Control and Vacancies**

**Background:** The largest segment of a town's budget is its personnel costs. Failure to accurately monitor the approved personnel budget can lead to errors in budgeting, over or understaffing, incorrect grading, and other personnel costs.

**Policy:** The Town shall maintain a personnel system that accurately tracks authorized, filled, and unfilled positions as well as their funding source. Annual budgets shall be prepared that account for all the costs necessary to cover positions that the Town intends to have during that budget period.

### **Section 4. Content and Submission of Budget**

**Background:** The content and submission of the budget is governed by:

- Town Charter, Article 4 "Town Administrator, " Section 4-2 "Powers and Duties" and
- Town Charter, Article 6 "Finance and Fiscal Procedures," Section 6-2 "Submission of Budget and Budget Message," Section 6-3 "Budget Message," and Section 6-4 "The Budget" and
- General By-Laws, Chapter 41 "Finance Committee," Section 41-4 "Submission of department budgets" and Section 41-6 "Budget amendments"

**Policy:** Article 4 of the Town Charter states that is the duty of the Town Administrator "to prepare the budgets which fall directly under the Board of Selectmen. To oversee the





budgets for the Agencies under the supervision of the Selectmen, and in addition the Town Administrator will present to the Selectmen the budgets of elected Agencies and the Capital Plan in such a manner that the Selectmen have an understanding of the total budget. The Town Administrator will also work with the Finance Committee, the Accountant and the Treasurer to develop a plan for the funding of appropriations."

Article 6 of the Town Charter states that "Within the time fixed by by-law, before the Annual Town Meeting is to convene, the Town Administrator, after consultation with the Board of Selectmen, shall submit to the Finance Committee a proposed operating budget for the agencies for which the selectmen are responsible for the ensuing fiscal year with an accompanying budget message and supporting documents. Additionally, elected officials shall submit to both the Board of Selectmen and the Finance Committee a proposed operating budget for the ensuing fiscal year with an accompanying budget message and supporting documents."

Further, that "The budget message of the Board of Selectmen shall explain the budget for all town agencies both in fiscal terms and in terms of work programs. It shall outline proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major variations from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the town's debt position and include other material as the Finance Committee deems desirable, or the selectmen may reasonably require."

Further that, "The proposed operating budget shall provide a complete financial plan for all town funds and activities for the ensuing fiscal year. Except as may otherwise be required by laws of the Commonwealth, or this charter, it shall be in the form which the Finance Committee deems desirable or the selectmen may require. The presentation of the budget shall utilize modern concepts of fiscal presentations so as to furnish maximum information and the best financial control."

In addition, the Town shall strive to present to Town Meeting an annual operating budget that conforms to the high standards and best practices set forth by the Government Finance Officers Association.



RECEIVED

NOV 19 2018

BOARD OF SELECTMEN

To: James Kreidler, Town Administrator

From: Lyndsy Butler, Conservation Administrator, on behalf of the Townsend Conservation Commission

November 19, 2018

RE: Conservation Commission Recommendation for Appointment Process and the Process followed for the Recommendation of Anne Le Cuyer

The Conservation Commission's process for recommending the appointment of new members to the Commission is as follows:

- An existing member leaves the Commission.
- The Commission submits a notification of the vacancy to the Town Clerk.
- The Town Clerk posts the vacancy.
- The commission receives and reviews Volunteer Response Forms.
- Volunteers are contacted by the Conservation Administrator and informed of when they will be placed on the Commission's agenda for consideration.
- The commission reviews the Volunteer Response Forms and interviews the interested volunteers at a public meeting.
- If the Volunteer lists no, or limited experience with the regulatory process, they are generally asked to attend a few meetings to see if they remain interested in resource protection and committed to the regulatory responsibilities of the position.
- After attendance at the meetings, the Commission places the review of the Volunteer Response Form on the agenda and votes on whether or not the commission recommends the volunteer for appointment.
- If the Commission votes to make the recommendation, the recommendation is sent to the Board of Selectmen.

On August 9, 2018 Amelia Gentry resigned from the Conservation Commission.

The Conservation Administrator submitted a vacancy announcement to the Town Clerk. The Town Clerk requested revisions to the vacancy announcement. The revisions were completed and the vacancy was posted on September 5, 2018.

The Town Clerk received a Volunteer Response form from Anne Le Cuyer on September 4, 2018.

I contacted Anne Le Cuyer on September 6, 2018 and asked her if she would like to attend the next meeting on September 12<sup>th</sup>. Anne responded that she would attend. Anne's Volunteer Response Form was added as discussion to the September 12, 2018 agenda, item 4.1. The Commission asked her what her interest was and what relative knowledge she had pertaining to Conservation. Anne said that she did not have much knowledge in the area but was eager to learn and very much interested. She did have knowledge of septic systems and the permitting process, as her husband served on the Board of Health for many years. The Commission asked her to attend a few more meetings to ensure that this was something she would like to commit to. There were no objections from the audience.



Anne Le Cuyer attended the following Conservation Commission meetings:

- September 12, 2018
- September 26, 2018
- October 10, 2018
- October 24, 2018
- November 14, 2018

On Thursday, September 20, 2018 Anne Le Cuyer participated in a site walk.

Anne Le Cuyer's appointment was item 3.2 on the October 10, 2018 agenda. During this meeting, the Commission voted unanimously to recommend Anne Le Cuyer for appointment to the Commission. The recommendation was submitted to the Board of Selectmen.

This recommendation was made following Anne's demonstration that she has both an interest in protecting natural resources and a commitment to accept the responsibilities associated with the regulatory process. There were no objections from the audience.

To this date Anne Le Cuyer's volunteer Response Form was the only Volunteer Response Form that was received following the resignation of Amelia Gentry from the Conservation Commission.







Office of the  
**CONSERVATION COMMISSION**

Town of Townsend,  
272 Main Street  
Townsend, Massachusetts 01469  
978-597-1723 978/597-1722 fax

RECEIVED  
JUL 19 2005

TOWN OF TOWNSEND  
TOWN CLERK

*John Stonefield, Vice Chairman*

*Karen Chapman, Treasurer*

*John Trovato, Clerk*

*Jennifer Pettit*

*Stanley Vladyka*

*Eric Johnson*

**Minutes**  
**Selectmen's Chambers**  
**Memorial Hall**  
**June 8, 2005 @ 7:30 P.M.**

**1. Preliminaries**

- 1.1. Open Meeting-** Vice-Chairman John Stonefield opened the meeting at 7:31 pm
- 1.2. Roll Call** – Vice-Chairman John Stonefield (JS), Karen Chapman (KC), John Trovato (JT), Eric Johnson (EJ), Stanley Vladyka (SV) were present. Jennifer Pettit (JP) arrived at 8:45 pm. Conservation Agent Mike Turgeon (MT) arrived at 7:38 pm, and Administrator Leslie Gabriliska (LG) was present.
- 1.3. Additions or deletions to the agenda** – 3.12 Discuss sand removal behind Kennedy's and Horseshoe Drive, 3.13 Referrals to other boards, 3.14 Kim Greenough's report on representing the Commission at Camp Starfish meeting
- 1.4 Chair's Report** – JS reported on efforts to protect the turtle-nesting site at Squannacook Meadows. LG called JS on 6/02/05 in response to JP's observations of turtle nesting on town property in an area of heavy recreational motorized vehicle use. Lt. Profit advised LG that the police department could not interfere with registered recreational vehicle activities on town property unless it was posted. LG asked the Water Department to post "No Motorized Vehicles Signs" around the town well, and Fisheries and Wildlife to post state property. JS notified the Selectmen that the Commission would be posting the property, and requested time on the Selectmen's 6/07/05 agenda to discuss it. JS posted the signs on 6/03/05.

On 6/07/05, JS went before the Selectmen and discussed the Commission's concerns for the turtle-nesting habitat. The site is in an Estimated Habitat of an endangered species, and turtle nesting has been observed both on the top of the banks and on the flat area between the bank and Horseshoe Drive. Jon Regosin, Natural Heritage and Endangered Species Program, recently visited the site with MT and advised the Commission that turtle nesting could occur anywhere in the area, including the flat area. In addition, the state does not allow motorized vehicles on their property adjacent to the town, and Pat Huckery, District Director of the Massachusetts Division of Fisheries and Wildlife, would be coming to update the posting on their property on 6/13/05.

JS also spoke with Conservation's representative on the Board of Selectmen, Bob Plamondon, and offered to meet with him to explain the Commission's responsibilities.

- 1.5 Administrator's Report** – comments given during hearings and work session items.



**1.6 Agent's Report** – comments given during hearings and work session items.

**1.7 Review of Minutes (5/11/05)** – KC motioned to accept the minutes of 5/11/05, seconded by EJ, all in favor, with JT abstaining.

## **2.0 Hearings and Appointments**

**2.1 7:30 - 8:00 Work Session** – Addressed work session items.

**2.2 8:00 – 8:30 Continuation Notice of Intent (DEP #308-497)**

**Applicant:** Transformations, Inc.

**Location:** 91 Highland Street

**Project:** the proposed construction of 2 detention basins in the Buffer Zone to Bordering Vegetated Wetlands

MT recused himself from the hearing.

JS reopened the hearing at 8:00pm. Dave Crossman of B & C Associates represented the owner/applicant, Carter Scott, who was also present.

A revised Notice of Intent Plan – Phase I, and the Storm Water Pollution Prevention Plan for all 3 Phases were submitted. The construction sequence and monitoring program were included. All of the provided information should comply with a NPDES permit. The NOI plan was revised to show changes in the wetland delineation, including flag 16A, which is now 10 ft from the edge of the grading of the detention basin. A Maintenance Plan was also submitted, which states that Transformations, Inc. is responsible for maintenance of the site until the town accepts the roadway.

The Commission discussed the stream status. JS advised the applicant that some Commissioners believe it to be perennial. Mr. Crossman responded that a perennial determination under the WPA regulations requires a watershed drainage area of .5 square miles, and that he calculated the watershed for this stream to be .37 sq. miles. He further noted that his engineer had calculated the watershed area to be .25 sq. miles. In arriving at the watershed area, he noted that some of the area west of Wallace Hill Road drains into the Great Swamp across the street from this property (behind 10 Adams Road).

JT indicated his concern that the entire watershed must be included in the analysis, including drainage from the east side of Wallace Hill Rd, which flows in a ditch along Wallace Hill and is culverted down Highland St.

JT motioned to hire a professional consultant to review the information to determine if the stream is perennial or intermittent, to be paid from the Wetlands Protection Act fund, seconded by SV, all in favor, with JS opposed. The motion passed. LG will contact a consultant.

The applicant agreed to add a Willow (Salix) exclusion in the Order of Conditions. Cherry (prunus) and Elm (ulnus) shall be substituted. Vaccinum and ilix (High and Low Bush Blueberry) shall be used instead of Shrub Willows (Salix), as they serve as a good nesting and food source. The Commission also discussed adding the condition that the use of salt shall not be permitted anywhere on this site.

JT motioned to continue the hearing to Wednesday, June 22, 2005 at 9:15 pm, seconded by EJ, all in favor.

**2.3 8:30 – 8:45 Request for Determination of Applicability (TWB #2005-35)**



**Applicant: David J. Wolfgang**

**Location: 1 Peach Lane**

**Project: the proposed installation of an 18 ft. by 36 ft. inground pool with surrounding cement pad and perimeter fencing within the 100 ft. Buffer Zone to a Bordering Vegetated Wetland.**

JS opened the meeting at 8:38 pm. Mr. and Mrs. David Wolfgang were present.

The pool will be approximately 75 feet from the wetland, located on the neighboring property. The site of the proposed pool is currently lawn. MT had visited the site and noted that there would be no negative impact on the wetland, and recommended approval of the project.

KC motioned to issue a Negative Determination #3, subject to the condition that the applicant install a silt fence between the pool area and property line, seconded by SV, all in favor.

Mr. Wolfgang will call MT and request an inspection when the silt fence has been installed.

JT motioned to close the meeting, seconded by EJ, all in favor.

JP arrived at 8:45 pm.

#### **2.4 8:45 – 9:00 Continuation Notice of Intent (DEP #308-498)**

**Applicant: Samantha's Realty, LLC**

**Location: 17 Elm Street**

**Project: proposed commercial development of a fast food restaurant within the 100 foot Buffer Zone to a Bordering Vegetated Wetland**

JS reopened the hearing at 8:48 pm. Nick Pauling of Goldsmith, Prest and Ringwall represented the owner/applicant, Steve Catalano, who was also present.

Mr. Pauling reported that the Natural Heritage and Endangered Species Program office called and requested that the applicant construct a wall around the back of the driveway to prevent turtles from crossing onto the proposed driveway. The proposed wall will be 29 feet from the wetland. The applicant submitted a revised plan showing the landscape wall suggested by NHESP.

Mr. Pauling also noted that 5 storm drains currently feed into a manhole, which flows into an existing pipe that discharges into the wetland behind the property.

JP requested that the applicant pull all invasive species from the site during construction; however, if the invasives are within the 35' No Disturb Zone, they will call the Commission prior to removing them. In addition, JP asked that the applicant be sure not to use any invasive species in their landscaping plan. The applicant will not plant the proposed Burning Bush. JP suggested Rugosa Rose, which can be cut down to 3-4" in the winter.

The Commission discussed adding a special condition to clarify that the 35 ft. No Disturb Buffer Zone has been waived in order to install a fence at NHESP's request that would prevent turtles from crossing the driveway.

The applicant requested a continuance in order to allow the Commission to review any revisions that may be required by the Planning Board in order to avoid the applicant having to file for an amendment. They will be presenting the same site plan to the Planning Board on Monday, June 13<sup>th</sup>.



KC motioned to continue the hearing to Wednesday, June 22, 2005 at 7:45 p.m., seconded by JT, all in favor.

**2.5 9:00 – 9:30 Continuation Notice of Intent (DEP #308-499)**

**Applicant: Tony Genova**

**Location: 139 Highland St**

**Project: construction of a single-family house and septic system within 100 feet of a Bordering Vegetated Wetland**

JS reopened the hearing at 9:05 p.m.

Owner/applicant Mr. and Mrs. Genova were present.

Mr. Genova noted that the water drains down the north side of Highland Street through a 30" pipe. MT spoke to Ben Cutone, Nashoba Board of Health, about the feasibility of installing the septic system at the front of the property. Mr. Cutone advised MT that the best location is where it is currently proposed. The septic mound would be high if located in the front because the water table is so high.

Mr. Genova also advised the Commission that he would be extending the driveway pad out in back of the house an additional 20-35 ft in order to allow space for a basketball net.

KC marked the 35 ft. No Disturb Buffer Zone on the plan.

The Commission discussed the best method of permanently demarcating the 35 ft. No Disturb Zone on the site; however, no conclusion was reached. The applicant did agree to work with the Commission to find a mutually agreeable method of demarcation.

MT advised the applicant that he will need to be notified when the hay bales are ready for inspection.

KC motioned to issue the standard Order of Conditions, seconded by JS, all in favor.

KC motioned to close the hearing, seconded by JT, all in favor.

**3.0 Work Session**

**3.1. Election of Conservation Commission officers for FY06 –**

JT motioned to nominate KC as Chairman, effective 7-01-05, seconded by SV, with KC abstaining, all in favor.

KC motioned to nominate JS as Vice-Chairman, seconded by SV, with JS abstaining, all in favor.

KC motioned to elect EJ as Clerk, effective 7-01-05, seconded by JT, with EJ abstaining, all in favor.

**3.2. Discuss Conservation Commission vacancy –** JS motioned to recommend that the Board of Selectmen appoint Michele Cannon pending receipt of any other applications from qualified applicants, seconded by EJ, all in favor, with SV abstaining.

**3.3. Vote on Certificate of Compliance, DEP #308-461, Town of Townsend landfill closure project. –** KC motioned to issue the Certificate of Compliance for DEP #308-461, seconded by JT, all in favor. MT stated that hay bales are to remain in place around the active transfer station and around the back of the landfill between the landfill and the stream.

**3.4. Discuss change in Conservation Commission starting time –** Commission meetings in July will be posted to begin at 7:00 pm.





- 3.5. **Discuss Deer Run Planning Board meeting on Monday, June 13<sup>th</sup> at 7:30 pm** - KC will not be able to attend the Planning Board meeting. JS will attend for the Commission.
- 3.6. **Discuss posting of Squannacook Meadows** – see 1.4
- 3.7. **Vote on Certificate of Compliance for DEP #308-495, 36 Worcester Road** – MT inspected the site and recommended issuing the Certificate of Compliance. JT motioned to issue the COC for DEP #308-495, seconded by KC, all in favor.
- 3.8. **Discuss additional meeting to review draft revised rules and regulations** – tabled.
- 3.9. **Vote and sign Emergency Certificate – Pearl Brook State Park** – MT recommended issuing another Emergency Certificate, as DCR had been unable to obtain a contractor within the 30-day time period of the original Certificate. KC motioned to issue the Emergency Certificate, seconded by JT, all in favor.
- 3.10 **Discuss Planning Board memo re: Zoning Bylaw revisions, Squannacook River Area of Critical Environmental Concern** – Commission will review during meeting on 6/22/05.
- 3.11 **Vote on Certificate of Compliance for DEP #308-488, 101 East Haynes Drive** - KC motioned to issue a Certificate of Compliance for DEP #308-488, seconded by EJ, all in favor.
- 3.12 **Discuss sand removal behind Kennedy's and Horseshoe Drive** – The Commission discussed the observance of several turtles nesting that are a Species of Special Concern, and numerous predated turtle nests, including those of state-listed species, at Squannacook Meadows. Pat Huckery, District Director of the Massachusetts Division of Fisheries and Wildlife, will visit the site with the Commission on Monday, June 13<sup>th</sup> to post the state's property in an effort to provide additional protection. (see 1.4)  
Before the Kennedy's or the town can remove any sand and gravel from the site, they will have to file under the Massachusetts Endangered Species Act.
- 3.13 **Referrals to other boards** – tabled.
- 3.14 **Kim Greenough's report on representing the Commission at Camp Starfish meeting** – Kim Greenough reported that Jule Melbin (Townsend Conservation Land Trust), Emily Norton (President of the Friends of Willard Brook), and Al Futterman (Nashua River Watershed Association) are planning to meet with the new owner of Camp Starfish in an effort to obtain as much protection for the area as possible. Ms. Greenough requested authorization to represent the Commission on their behalf. JT motioned to authorize Ms. Greenough to represent the Townsend Conservation Commission on all activities concerning Camp Starfish, seconded by EJ, all in favor.
- 4.0 **Correspondence** - noted
  - 4.1. **NHESP Rare Animal Observation Form, Mike Hallisey**
  - 4.2. **Forest Cutting Plan, Ed and Mary West, Boutelle Road**
  - 4.3. **Town Clerk notification of former Chairman Kim Greenough's resignation**
  - 4.4. **Public Notice of Vacancy**
  - 4.5. **Michele Cannon's Volunteer Response Form**
  - 4.6. **Planning Board letter to John Mangano and Robert Pondelli re: request to transfer Conservation funds to pay for unpaid Planning Board expenses**
  - 4.7. **NHESP comments re: proposed DCR forest cutting work in Townsend State Forest on Old Meetinghouse Road**
  - 4.8. **Town Accountant June budget figures**
  - 4.9. **Board of Selectmen notice of Department head meeting, Tuesday, June 14<sup>th</sup> @ 11 am**
  - 4.10 **Board of Selectmen Memo re: office space rearrangement**
- 5.0 **Advertisements and Conferences** - noted
  - 5.1. **Open Space Committee meeting, Thursday, June 9<sup>th</sup> @ 7 pm**
  - 5.2. **Townsend Water Department preconstruction conference, Thursday, June 23<sup>rd</sup> @ 10 am., Townsend Water Department office**
  - 5.3. **Squannacook Elementary School River Mural Grand Opening, Thursday, June 16<sup>th</sup> @6:45 pm**
  - 5.4. **NRWA Events**
- 6.0 **Next Meeting – Wednesday, June 22, 2005**



6-08-05 draft minutes

**7.0 Adjournment**

KC motioned to adjourn at 9:50 pm, seconded by JS, all in favor.

Minutes respectfully submitted by,

Leslie W. Gabriliska  
Administrative Assistant



vote, a resolution declaring that the particular matter should be acted upon at that meeting.

**(c) Rules and Minutes**

Each multiple member body shall determine its own rules and order of business unless otherwise provided by this charter or by-law and shall provide for keeping minutes of its proceedings. These rules and minutes shall be public records, and copies shall be placed on file in the office of the Town Clerk and for the convenience of the public, kept available for public inspection in the office of the Town Clerk.

**(d) Voting**

Except on procedural matters all votes of all multiple member bodies shall be taken by a call of the roll and the vote of each member shall be recorded in the minutes, provided, however, that if the vote is unanimous only that fact need be recorded.

**(e) Quorum**

A majority of the members of the multiple member body then in office shall constitute a quorum, except where otherwise provided by law, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the multiple member body. No other action of the multiple member body shall be valid or binding unless ratified by the affirmative votes of the majority of the full multiple member body.

**(f) Filing of Vacancies**

Whenever a vacancy shall occur in the membership of an appointed multiple member body the remaining members shall forthwith give written notice of such vacancy to the appointing authority. If, at the expiration of thirty days following the delivery of such notice, the appointing authority has not appointed some person to fill the vacancy, the remaining members of the multiple member body shall fill such vacancy for the remainder of any unexpired term by majority vote of the remaining members. The Town Clerk and the appointing authority shall be notified in writing when the vacancy is filled.

**(g) Composition of Multiple Member Bodies**

All multiple member bodies when established shall be composed of an odd number of members. Whenever the terms of office of a multiple member body are for more than one year such terms of office shall be so arranged that as nearly an equal number of terms as is possible will expire each year.

**Section 7-10. Notice of Vacancies**

Whenever a vacancy occurs in any town office, position or employment, or whenever by reason of a pending retirement or expiration of a fixed term a vacancy can be anticipated, the appointing authority shall forthwith cause public notice of such vacancy to be posted on the town bulletin board for not less than ten days. Such notice shall contain a description of the duties of the office, position or employment and a listing of the necessary or desirable



The Town Administrator prepares background material for the meeting and should make an effort to have such material available at least four days before any regularly scheduled meeting. If background information is insufficient or complicated or if complex memos or motions are presented at the meeting which were not in the Board's meeting packet, any member should feel free to request the tabling of the item to allow careful study of the material presented or the motion proposed.

The agenda shall be available to the public and the press at the Selectmen's office at least two days before the meeting date and shall be posted with the Town Clerk in accordance with the charter on the town's posting board and the town website.

Copies of the minutes of the previous meeting and all important correspondence, reports and other pertinent background materials shall be forwarded with the agenda to Board members.

#### **16-19: MINUTES:**

The Town Administrator and/or their designee shall record open meetings of the Board unless no such persons are available, then the responsibility will rest with the Clerk of the Board. The minutes of the Board of Selectmen constitute the official record of the Board under Federal, State and Local Law.

Minutes shall be circulated to the members of the Board before the meeting for approval by the Board. By unanimous consent, minor corrections may be made to the minutes without advance circulation of such corrections.

Minutes shall contain a full statement of all motions made and voted by the Board and of the disposition of all proposals for action. Approved minutes with all attached documentation and materials presented and/or discussed will be forwarded forthwith to the Office of the Town Clerk and uploaded to the town's website. No such material discussed or presented will include any confidential or sensitive matters before redacting such in order to protect and respect the rights of individuals.

#### **16-20: APPOINTMENTS:**

The Board makes numerous appointments each year. Appointments are generally made for one or three years in length. In no case, may appointments be made for more than three years unless specifically allowed by statute. Appointments generally are made on or before June 30th of each year.

**Committee Appointments:** Whenever possible the Board will seek variety in backgrounds, interests, ages, sex and geographic areas of residents, so that a true cross section of the community will be reflected. In order to attract qualified and interested persons, vacancies will be made public as far in advance of appointment as practicable.





It is the practice of the Board to accept the recommendation of the sitting committee members for appointment of new members.

**16-21: ADVISORY COMMITTEES OF THE BOARD OF SELECTMEN:**

The Board may appoint standing or ad hoc advisory committees to aid on matters under the Board's jurisdiction. The use of such advisory committees provides greater expertise and more widespread citizen participation in the operation of government. Charges to advisory committees shall be in writing and shall include the work to be undertaken, the time in which it is to be accomplished and the procedures for reporting to the Selectmen.

Each committee must report in writing at least annually to the Selectmen. The Board will discharge committees upon the completion of their work. In addition, each Committee shall be provided with a Committee Handbook addressing issues such as conduct and law. This Committee Handbook should be reviewed every two (2) years.

**16-22: RELATIONS WITH TOWN BOARDS, COMMITTEES AND COMMISSIONS:**

The Board of Selectmen is aware that coordination and cooperation is needed among the Town's Boards, Committees and Commissions not only in the day to day operations but also to:

- A. Set town wide goals and priorities,
- B. Identify and anticipate major problems and working together towards their resolution, and
- C. Develop a process for dealing with federal, state and county government.

Therefore, as the executive board that is historically responsible for the overall leadership and coordination of town affairs, the Selectmen will require that the Town Administrator to:

At least two times each year schedule meetings with Boards, Committees, and Commissions to carry out functions listed above. One meeting, shall, if possible, be held between the annual election and the start of town meeting for the purpose of reviewing the warrant and expediting town meeting.

On behalf of the Board, the Town Administrator is responsible for inter-board communications in the day to day operations of government. The Town Administrator shall develop a process for exchange of information and the provision for advice and recommendations among the Boards, Committees and Commissions with common interest, which shall include but not be limited to the exchange of minutes, the establishment of a central repository for data, studies and reports and the appointment of members or staff of boards, committees or commissions as liaison with one another around common projects.



## Carolyn Smart

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3.10

**From:** Sue412 Selectman Account Lisio <sml412@comcast.net>  
**Sent:** Friday, November 09, 2018 10:33 AM  
**To:** Carolyn Smart  
**Cc:** James Kreidler  
**Subject:** Re: FW: Energy Committee Recommendation

Ok

On November 9, 2018 at 9:32 AM Carolyn Smart <csmart@townsend.ma.us> wrote:

Hi Sue: See below emails.

The Energy Committee asked if they could enter into an agreement with MRPC to submit the required reporting to DOER. Jim agreed with the proposal and will be signing.

MRPC is asking you (and the Board) to authorize Jim to sign the report to submit to DOER. The report itself will not be done in time for the meeting on the 20<sup>th</sup>.

Do you have any issue with me putting on the 20<sup>th</sup>'s agenda authorization for Jim to sign the annual report for DOER?

---

**From:** Carolyn Smart [mailto:csmart@townsend.ma.us]  
**Sent:** Friday, November 09, 2018 9:27 AM  
**To:** 'John Hume' <jhume@mrpc.org>  
**Subject:** RE: Energy Committee Recommendation

Hi John: I will ask the Chairperson for her permission to put that on the November 20<sup>th</sup>'s agenda, I can't imagine it would be an issue. I will let you know.

Thank you

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**From:** John Hume [mailto:jhume@mrpc.org]  
**Sent:** Friday, November 09, 2018 8:38 AM  
**To:** Carolyn Smart <csmart@townsend.ma.us>  
**Cc:** 'Brent Carney' <brcarney1015@gmail.com>  
**Subject:** RE: Energy Committee Recommendation

Hi Carolyn:

I will email you a contract later this morning. Thanks, and I look forward to working with the town on its annual report! One thing that I did want to mention: The deadline to submit the annual report is December 3<sup>rd</sup> and the selectmen meet December 4<sup>th</sup> and the annual report needs to be signed by the BOS chair before it is submitted. At the next BOS meeting prior to December 3<sup>rd</sup>, could the BOS vote to let Jim sign the annual report – Kelly Brown with DOER said that would be perfectly fine.

John Hume  
Planning and Development Director  
Montachusett Regional Planning Commission  
(978) 345-7376 Ext. 302

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**From:** Carolyn Smart <[csmart@townsend.ma.us](mailto:csmart@townsend.ma.us)>  
**Sent:** Thursday, November 8, 2018 3:23 PM  
**To:** John Hume <[jhume@mrpc.org](mailto:jhume@mrpc.org)>  
**Subject:** FW: Energy Committee Recommendation

Hi John: Mr. Kreidler would like to sign the proposal for assistance with the Annual Report. Do you have a template signatory for the project or should I create one?

---

**From:** Brent Carney [<mailto:brcarney1015@gmail.com>]  
**Sent:** Thursday, November 08, 2018 10:34 AM  
**To:** Carolyn Smart <[csmart@townsend.ma.us](mailto:csmart@townsend.ma.us)>  
**Cc:** Kathy Thompson <[kthomp261@gmail.com](mailto:kthomp261@gmail.com)>; Michael Brown <[mbrown.galaxy@yahoo.com](mailto:mbrown.galaxy@yahoo.com)>; Ron Montgomery <[ron.montgomery2016@gmail.com](mailto:ron.montgomery2016@gmail.com)>; Ed Hermann <[edward.hermann@gmail.com](mailto:edward.hermann@gmail.com)>  
**Subject:** Energy Committee Recommendation

Hi Carolyn,

Could you please distribute this recommendation from the Energy Committee as you feel it is appropriate. It is for a matter with the state that has a December 3, 2018 deadline for completion. I suspect this deadline will be difficult to meet, but I believe the state is likely to work with us if we move forward in this manner.

Thanks  
-Brent



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*The Leader in Public Sector Law*

## **MODEL MARIJUANA ESTABLISHMENT BAN WARRANT ARTICLES FOR TOWNS REQUIRING A BALLOT VOTE**

### **ZONING BYLAW ARTICLE:**

To see if the Town will vote to amend the Town's Zoning Bylaw by adding a new Section [INSERT BYLAW SECTION REFERENCE HERE], **MARIJUANA ESTABLISHMENTS**, that would provide as follows, with the understanding that in accordance with G.L. c.94G, §3(a)(s) such bylaw must also be approved by the voters of the Town at an election:

#### **Section [INSERT BYLAW SECTION REFERENCE HERE]**

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical "marijuana establishments" as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of \_\_\_\_\_.

Or take any action relative thereto.

### **GENERAL BYLAW ARTICLE:**

To see if the Town will vote to amend the Town's General Bylaw by adding a new Section [INSERT BYLAW SECTION REFERENCE HERE], **MARIJUANA ESTABLISHMENTS**, that would provide as follows, with the understand that in accordance with G.L. c.94G, §3(a)(2) such a bylaw must also be approved by the voters of the Town at an election:

#### **Section [INSERT BYLAW SECTION REFERENCE HERE]**

Consistent with G.L. c.94G, § 3(a)(2), all types of non-medical "marijuana establishments" as defined in G.L. c.94G, §1, including marijuana cultivators, independent testing laboratories, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of \_\_\_\_\_.

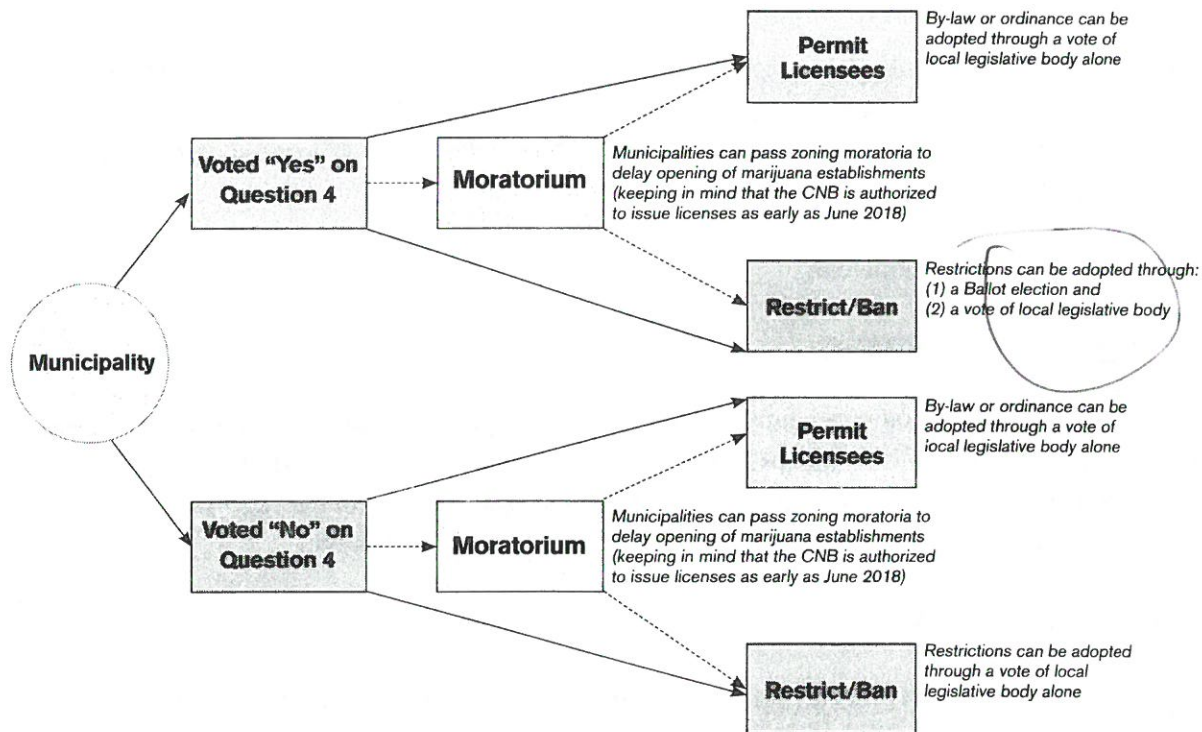
This Section shall be effective upon passage by the voters at a Town Election.

Or take any action relative thereto.



- **Option #2 – Postpone:** Municipalities can pass a temporary moratorium to postpone the issuance of licenses in order to have more time to develop a by-law or ordinance. While December 2018 currently serves as the longest timeframe for moratoriums as approved by the Massachusetts Attorney General, we would recommend that municipalities move forward expeditiously with adopting the appropriate ordinances/by-laws given that the Cannabis Control Commission may begin issuing licenses as early as June 1, 2018.
- **Option #3 – Restrict/Ban:** With the exception of RMDs that received a Provisional Certificate of Registration (PCR) or a Final Certificate of Registration (FCR) prior to July 1, 2017 (see p. 25), municipalities can pass an ordinance or by-law to ban all marijuana establishments, ban one or more types of marijuana establishments, or restrict the number of marijuana retailers to fewer than 20 percent of the number of liquor licenses for off-premise consumption. If a city or town voted “yes” on Question 4, then this measure must be passed both by a ballot election and through a local legislative body (i.e. a City Council, Town Council, or Town Meeting). If a city or town voted “no” on Question 4, then this measure can be passed through a local legislative body alone.

**Figure 12: Local Control Policy Framework**



Beyond the critical decision of whether to open the door to the cannabis industry, local governments can also adopt regulations that “govern the time, place and manner of marijuana establishment operations.” Such matters include zoning, taxation, signage, and the licensee selection process. Local governments can also negotiate host community agreements with marijuana establishments. All of these issues are addressed in a later section.

## Carolyn Smart

**From:** Adam J. Costa <adam@mtclawyers.com>  
**Sent:** Thursday, November 08, 2018 12:31 PM  
**To:** Carolyn Smart  
**Cc:** jkreidler@townsend.ma.us  
**Subject:** RE: Unregistered Vehicles  
**Attachments:** Town of Wakefield, MA.pdf; unregistered-vehicles.pdf; Unregistered%20Motor%20Vehicles%20Bylaw%20(PDF).pdf

Carolyn:

The recommended method of enforcement would be noncriminal disposition: under Article II, Section 1-1.D of your General Bylaws:

### § 1-1 Fine schedule and enforcing officers.

As an alternate to initiating criminal proceedings for violations of the following by-laws, and regulations, the enforcing officers may use the procedure provided in MGL c. 40, § 21D. For the purpose of this article the specific penalty which is to apply for violations of each section shall be listed below, and the municipal officers or employees whose titles are listed under each section shall be deemed to be the enforcing officers for each such section.

#### D. Unregistered Motor Vehicles Bylaw

[Added 10-21-2003 STM by Art. 33]

- (1) First offense: written warning.
- (2) Second offense: \$100 per day.

Unlike (every) other subsection(s) of § 1-1, Subsection D doesn't specify the enforcing officer. While I'd usually defer to the Police Department, I note that stringent language of Section 112-14, below, that "[n]o other Town official shall have the authority to enforce th[is] section." I'd therefore recommend that either a designated member of the Board issue the citation; or, if deemed more appropriate (which I can appreciate), the Board identify another designee, which could be an officer of the Police Department, to do so. We'd argue that such designee isn't acting as an "other Town official," but rather as designee of and on behalf of the Selectmen.

As for amendment of the Bylaw, you could replace the Selectmen with most any other official or department, as enforcing authority. The Police Department or the Building Commissioner would be the norm. See attached examples of different approaches by municipalities.



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 Think before you print.



**From:** Carolyn Smart [mailto:csmart@townsend.ma.us]  
**Sent:** Wednesday, November 7, 2018 1:20 PM  
**To:** Adam J. Costa <adam@mtclawyers.com>  
**Cc:** jkreidler@townsend.ma.us  
**Subject:** Unregistered Vehicles

Hi Adam: Sorry to be bothering you so soon, however, I was hoping you could help me an issue. For the first time since I have worked here, this office is going to issue a fine.

We have two properties for which reports were done and certified letters sent (see attached). We've not received a response and to my knowledge the vehicles are still on the property. How do I issue fines as outlined in the bylaw (below) - Do I just create an invoice or ask the Police to issue a non-criminal disposition?

Since we are on the subject, as you heard last night, the Selectmen wish to change the bylaw so they are not in charge of enforcement. Do you have any suggestions?

Thank you,

§ 112-14 Unregistered motor vehicles.

[Added 3-16-1966 ATM by Art. 27; amended 5-4-1987 ATM by Art. 70; 10-21-2003 STM by Art. 32]

A. No person or entity shall keep or permit to be kept on any premises within the Town of Townsend more than one unregistered motor vehicle assembled or disassembled unless said vehicles are stored within an enclosed building. The one unregistered motor vehicle shall be no closer than 75 feet to a public way, and no closer than 75 feet to the property line of another.

B. For good cause shown, the Board of Selectmen may issue a permit to keep more than one unregistered motor vehicle on any premises not within an enclosed building, after a duly called public hearing to which all abutters to the premises have received a notice if it finds that such keeping:

(1) Will not adversely affect the neighborhood;

(2) Will not be a nuisance; or

(3) The keeping of such vehicles will not be in conjunction with a use that is:

(a) Otherwise not permissible in the zoning district; or

(b) Is permissible by a special permit from the Zoning Board of Appeals but no permit has been granted.

C. All permits granted shall limit the number of unregistered motor vehicles to be kept on the premises by the permit holder, shall not run with the land, and shall be limited to a reasonable length of time to be determined by the Board of Selectmen.

D. The provision of Subsections A through E, inclusive, of this section, shall not apply to motor vehicles designed and used for farming purposes, nor to persons or entities in the lawful exercise of licenses granted under MGL c. 140, §§ 58 and 59.

E. The Board of Selectmen shall enforce this section. No other Town official shall have the authority to enforce the section. No other Town official shall investigate any potential violations. Upon a written complaint to the Board of Selectmen a designated member of the Board shall perform a site inspection and investigation and shall report his findings to the Board in writing. The report shall contain the vehicle(s) identification number(s) and the property address on which the vehicles(s) is located. If the report finds that the vehicle(s) is in a violation of this section, the Board of Selectmen



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E. The Board of Selectmen shall enforce this section. No other Town official shall have the authority to enforce the section. No other Town official shall investigate any potential violations. Upon a written complaint to the Board of Selectmen a designated member of the Board shall perform a site inspection and investigation and shall report his findings to the Board in writing. The report shall contain the vehicle(s) identification number(s) and the property address on which the vehicle(s) is located. If the report finds that the vehicle(s) is in a violation of this section, the Board of Selectmen shall send a certified letter to the owner of the land, on which said vehicle(s) is parked, and the property owner will have 30 days to remove said vehicle. Whoever violates any provisions of this section of the Townsend General Bylaws shall be liable for a penalty of \$100 per day for each day of violation. Violations will be calculated from the date of the certified mailing. No penalty will be assessed if the vehicle(s) is removed within 30 days and there are no subsequent violations on the same property.

Carolyn Smart  
Executive Assistant to the Town Administrator

Board of Selectmen's Office  
272 Main Street, Townsend, MA 01469  
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