



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 27, 2018 - 6:00 P.M.
SELECTMEN'S CHAMBERS, TOWN HALL - 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 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 that the meeting is being tape recorded. SL inquired if anyone else would be recording.

1.4 Chairman's Additions or Deletions.

SL moved to add and update for Cable under Selectmen Reports/Updates.

1.5 Public Comment Period

Town Clerk, Kathleen Spofford announced last day to register to vote would be December 3, 2018 and the office would be open from 9:00A.M. to 8:00P.M.

Mrs. Spofford informed the public that dog licenses will be available and the number #1 dog tag contest will begin on December 3, 2018. Mrs. Spofford also informed the Board that on December 4, 2018 the Town Clerk's office will be closed at 4:00PM and reopen at 1:00PM the next day due to a conference.

Laura Dowell, Meadow Road. Mrs. Dowell voiced her concerns regarding an appointment being made to the Conservation Commission and mentioned Ward Clark was in attendance and that he wanted to be considered for appointment.

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

2.1 Consideration of Appointment to the Conservation Commission.

SL stated Ann LeCuyer was submitted for appointment by the Conservation Commission. Mr. Kreidler explained the process used and clarified the charter vacancy filling.

WM moved to appoint Anne LeCuyer to the Conservation Commission for term to expire June 30, 2020. CK seconded. WM would like to follow and be consistent in appointing process. SL would like to tighten up the policy for future use and would like resumes

submitted with the volunteer form and interviews performed. Lance Lewand inquired as to a perceived conflict of interest. SL explained there was no financial gain. Unanimous vote.

- 2.2 Consideration of Appointment of a Wiring Inspector and Alternate Wiring Inspector. WM moved to appoint Daniel Cushion, 8 Merrian Lane, Nashua NH to be wiring inspector effective November 30, 2018. CK seconded. Unanimous vote. JK to send appreciation letter to Bill Choate, whom recently retired.

WM moved to appoint Peter Martin as the alternate inspector of wires effective December 1, 2018. CK seconded Unanimous vote.

- 2.2 Discussion/Update RE: Water Pump Station bridge project

Mr. Kreidler explained the Board of Water Commissioners did come before the Board for the execution of the contract with some changes. Mr. Kreidler stated it was understood it was for the bridge project, however, it has since come to light the contract was only for the structure itself and delivery. Additional requirement included the removal of the old structure and the new structure being put in place. Mr. Rafuse, Water Superintendent sent a message to Mr. Kreidler stating the contractor had a mishap while installing the structure; stating one of the wheels went through the decking and some of the structure suffered damage. Discussion included: Contractor be required to have an engineer repair and stamp a plan, Counsel's opinion being the best course of action is to have stamped engineer plan and having the manufacture inspect the bridge with suggestions for repair.

Paul Rafuse, Water Superintendent later informed Jim at a later date that he would call the manufacturer and ask them to come inspect the bridge and suggest how to repair. Mr. Kreidler read Mr. Rafuse's response from a text message into the record:

"It doesn't look like my Commissioners can make it. In summary myself, our engineer, Paragon, and Gray Shepherd are working together to get his resolved as quickly as possible. Right now, so Paragon will honor there warranty they are requiring that sub-decking be removed (which I totally agree with) to fully assess the rest of the structure for additional damage or conclude that the damage is confined to the one particular area. Then Paragon can provide us an accurate quote for the repairs. Gary said he can remove the sub-decking and will perform any repairs in accordance to any plans Paragon designs if they don't require their people to di it We've conveyed to Paragon that time is of the essence to get the repairs done because although we've been getting by heating the pump station with propane heaters we need whatever repairs done to finish the bridge so we can have Unitil come back and stall a new gas service that will be attached to the bridge".

Mr. Kreidler informed the Board, the manufacture, Paragon, has not provided a response as of today and questions regarding who is to stamp the engineered plan and what the expense would be and who would be responsible still remain.

CK stated she was happy to hear the Contractor admitting liability and is willing to repair and is concerned with risk and not comfortable with asking for additional funds without understanding exactly who would be stamping a redesigned plan. Mr. Kreidler clarified who would be engineering has not yet been determined. Mr. Kreidler stated the contractor does not wish the town take on any additional cost and would like thicker steel and stated he would have the welds certified.

SL does not want the contractor coming up with their own solution, she would like Paragon to assess what is needed. CK concerned with rushing the project to be sure there are no issues going forward.

Lance Lewand, Water Commissioner stated they would be monitoring the situation. Tye & Bond designed the original bridge and will look after the Town's best interest.

Mr. Kreidler explained a waiver was received from DCAM to be exempt from procurement however, that does not excuse the project from not having the proper documentation for the labor portion to include liability insurance. Mr. Kreidler expressed concern that Mr. Rafuse should have sought approval from the Board of Selectmen to execute a contract as it is over 5k however, it was recently learned that no contract exists. Town Counsel will be working with Mr. Rafuse to resolve the pending issues. Mr. Kreidler stated he would like to have a conversation with the Board of Selectmen, the Water Commissioners and Mr. Rafuse regarding the issue of not having a contract and liability concerns.

III. MEETING BUSINESS - VOTES MAY BE TAKEN:

3.1 Review/Discuss/Sign/Post the Special Town Meeting Warrant.

The Board reviewed the warrant – please see attached. Mr. Kreidler stated the Special Town Meeting requires 14 day posting so it would need be posted by Thursday.

Mr. Kreidler reviewed each of the articles with the Board. SL asked Mr. Kreidler to reach out to the flag committee and ask what is operational and what would be capital. Mr. Kreidler explained his concern regarding legal expenses with the new agreement and explained the budgeted appropriated will not be enough, further informing the Board, there would be \$6,000.00 for labor and litigation after the retainer is paid and that almost \$1,000.00 was spent in just 2 weeks. Mr. Kreidler stated it would be reviewed in the spring and would not be appropriate for the STM as it is a reoccurring expense.

Mr. Kreidler explained the additional funds for police is the settlement for the police and retro. An appropriation would be needed to settle fire & clerical. Veronica Kell inquired as to what would happen if the articles were not approved. Mr. Kreidler explained the deal has been done and it would need to be paid. Mr. Kreidler stated he has inquired to Paul Rafuse what his articles were intended for and has not yet received an answer. Laurie Shifrin expressed concern with Town Counsel's response on the Housing Article, further stated that Representative Harrington has done all the preliminary work on the Housing Authority article. Ms. Shifrin made an appointment with Town Counsel for 5:00PM to review/discuss. Mr. Kreidler explained what free cash is and how it is approved.

Unregistered vehicle bylaw: SL stated a resident was unhappy how long the process was taking. SL stated by authorizing the Police Dept it will shorten the time it will take to enforce.

Mr. Kreidler asked the Board to accept warrant with the condition that approval will be contingent upon legal review of the Housing Authority and Planning Board articles and will execute warrant and post.

Mr. Kreidler stated the Planning Board is having a public hearing on December 11, 2018.

WM moved to accept the warrant contingent upon the Housing Authority and Planning Board articles being finalized and will sign and execute the warrant on Thursday, November 29th and post. CK seconded unanimous vote.

IV. NEW BUSINESS – VOTES MAY BE TAKEN:

- 4.1 Discussion/Update RE: Nashoba Valley Regional Dispatch. Membership and timeline. Mr. Kreidler and SL met with State Representatives, the Police Chief, Deputy Chief, Sheila Harrington, Senator Tram and Director of 911. SL explained the outcome out of conversation; relaying if a decision is made to develop a new agreement with Pepperell and Ashby it would be a long-term process. It will take at least a year to develop. Feasibility study needs to be done first. Mr. Kreidler explained when looking at the minutes of the Admin Board there was a belief that at a Selectmen's meeting it was stated that the regional center is failing and it was thought that Mr. Kreidler said it. Mr. Kreidler explained the word failure was used by Chief Boynton but not in that context as it was related to an intermunicipal agreement in which, it was referenced, "that if something were to fail".

V. WORK SESSION – VOTES MAY BE TAKEN:

- 5.1 Board of Selectmen announcements, updates, and reports.
SL: Cable Commission has requested to be on the next agenda and she would like Mr. Kreidler to reach out to them as she did not wish to waste their time, further stating Town Counsel is working on the issue.

SL stated she would like to have a discussion regarding the Town Properties Committee and asked it be put on a future agenda in January. SL stated she would like to provide assistance to other Boards and Committees.

- WM announced the play at high school, The Odd Couple was playing for 3 nights.
5.2 Clerk of the Board announcements for events.
5.3 Board Correspondence.
WM - Request from Senator Trans office looking for projects and any legislative action. Potential future agenda item possible - WM to forward ideas to Jim & Carolyn.

Paul Rafuse texted Mr. Kreidler during the meeting and relayed his request for an appropriation for Professional services is sought for outside contractors to come in and do digs, etc. Mr. Rafuse stated the second appropriation is for an already approved project.

Reminder: December 4th is the tax levy hearing.

- 5.4 WM moved to review and sign the bills payable warrants outside of the meeting. CK seconded. Unanimous vote

The Board tabled the executive session.

VI. EXECUTIVE SESSION- VOTES MAY BE TAKEN

Executive Session 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: Clerical, Fire, Supervisors and Police Union.

VII. ADJOURNMENT:

WM moved to adjourn at 7:40P.M. CK seconded. Unanimous vote.

Respectfully submitted by,



Carolyn Smart, Executive Assistant

Voted to approve the meeting minutes for the meeting of November 27, 2018, by the Board of Selectmen this

8th day of January, 2019



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BOARD OF SELECTMEN
272 Main Street, Townsend, Massachusetts 01469

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AGENDA

NOVEMBER 27, 2018 6:00 P.M.
SELECTMEN'S CHAMBERS, TOWN HALL
272 MAIN STREET, TOWNSEND, MA

- I. PRELIMINARIES - VOTES MAY BE TAKEN:
 - 1.1 Call the meeting to order and roll call.
 - 1.2 Pledge of Allegiance
 - 1.3 Announce that the meeting is being tape recorded.
 - 1.4 Chairman's Additions or Deletions.
 - 1.5 Public Comment Period
- II. APPOINTMENTS OF OFFICIALS/PERSONNEL - VOTES MAY BE TAKEN:
 - 2.1 Consideration of Appointment to the Conservation Commission
 - 2.2 Consideration of Appointment of a Wiring Inspector and Alternate Wiring Inspector
 - 2.2 Discussion/Update RE: Water Pump Station bridge project
- III. MEETING BUSINESS - VOTES MAY BE TAKEN:
 - 3.1 Review/Discuss/Sign/Post the Special Town Meeting Warrant.
- IV. NEW BUSINESS - VOTES MAY BE TAKEN:
 - 4.1 Discussion/Update RE: Nashoba Valley Regional Dispatch. Membership and timeline.
- V. WORK SESSION - VOTES MAY BE TAKEN:
 - 5.1 Board of Selectmen announcements, updates, and reports.
 - 5.2 Clerk of the Board announcements for events
 - 5.3 Board Correspondence.
 - 5.4 Review and sign payroll and bills payable warrants
- VI. EXECUTIVE SESSION- VOTES MAY BE TAKEN
Executive Session 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: Clerical, Fire, Supervisors and Police Union.
- VII. ADJOURNMENT:

**The Commonwealth of Massachusetts
SPECIAL TOWN MEETING**

MIDDLESEX SS.

To either of the Constables of the Town of Townsend in the County of Middlesex, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the legal voters of the Town of Townsend, qualified to vote at Town Meetings for the transaction of Town affairs, to meet at the Memorial Hall, 272 Main Street, Townsend, MA for the Special Town Meeting on **December 13, 2018, at 7:00 PM**, then and there to act on the following articles:

**PRIOR FISCAL YEAR FINANCIAL ARTICLE
(9/10th Vote)**

ARTICLE 1:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$_____ for the purpose of paying prior fiscal year bills; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

**CURRENT FISCAL YEAR FINANCIAL ARTICLES
(MAJORITY VOTE)**

ARTICLE 2:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury, the sum of \$7,500.00 for the purpose of funding the costs associated with placing the American Flags along Main Street during holiday celebrations; or take any other action in relation thereto.

SUBMITTED BY: American Flag Committee

ARTICLE 3:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$35,000.00 to supplement the Legal Expense Account; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 4:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$50,000.00 to pay one-time retroactive wage settlements for police, fire and non-public safety unionized Town employees; or take any other action in relation thereto.

SUBMITTED BY: Town Administrator

ARTICLE 5:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$5,500.00 to supplement the Audit Services Expense Account; or take any other action in relation thereto.

SUBMITTED BY: Town Accountant

ARTICLE 6:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$3,900.00 to supplement the Facilities Expense Account for the purpose of repairing or replacing a relay/electronic start to the elevator for Town Hall; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 7:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$5,000.00 to supplement the Facilities Expense Account for the purpose of replacing a water pump related to the heating system for Town Hall; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 8:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$7,500.00 for the purpose of funding an update to the Roadway Pavement Management Plan; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 9:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$1,500.00 for the Town's share of the Regional Animal Control shelter; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 10:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$2,100.00 for the purpose of replacing/repairing the rifle strap on the John Birney Blood Monument; or take any other action in relation thereto.

SUBMITTED BY: Cemetery & Parks Commissioners

ARTICLE 11:

To see if the Town will vote to amend the FY18 Capital Plan by authorizing the Highway Superintendent to use the \$46,000.00 approved for Truck Mounted Ground Speed Spreader Controls towards the purchase of a Roadside Mower; as approved by the Capital Planning Committee, or take any other action in relation thereto.

SUBMITTED BY: Highway Superintendent

ARTICLE 12:

To see if the Town will vote to amend the FY 19 Capital Plan and raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$66,360.00 for the purpose of replacing Medic 1 for the Townsend Fire-EMS Department as approved by the Capital Planning Committee; or take any other action in relation thereto.

SUBMITTED BY: Fire-EMS Chief

ARTICLE 13:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$5,000.00 for the purpose of repairing or replacing a portion of the roof at 274 Main Street; also known as the "Rec Center," or take any other action in relation thereto.

SUBMITTED BY: The Recreation Commission

ARTICLE 14:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$5,000.00 for the purpose of administrative, professional and/or technical costs associated with the periodic review of and amendments to the Charter; or take any other action in relation thereto.

SUBMITTED BY: Charter Review Committee and the Board of Selectmen

ARTICLE 15:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$10,000.00 for the purpose of supplementing the Reserve Fund; or take any other action in relation thereto.

SUBMITTED BY: Finance Committee

ARTICLE 16:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$15,000 for the purpose of supplementing the FY19 police department operating budget appropriation for the lease of four (4) police cruisers; or take any other action in relation thereto.

SUBMITTED BY: Police Chief

ARTICLE 17:

To see if the Town will vote to transfer, within the Water Enterprise Fund, the sum of \$30,000.00 from free cash to the Professional Services Expense Account; or take any other action in relation thereto.

SUBMITTED BY: Water Superintendent

ARTICLE 18:

To see if the Town will vote to transfer, within the Water Enterprise Fund, the sum of \$115,000.00 from free cash to the Meadow Road Main Replacement Capital Improvement Plan project; or take any other action in relation thereto.

SUBMITTED BY: Water Superintendent

ARTICLE 19:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$10,000.00 for the purpose of supplementing the Professional Services line item in the FY19 Treasurer Collector budget to cover the cost of the required professional services of a municipal finance consultant during the absence of the Treasurer Collector; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 20:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$100,000.00 for the purpose of funding Information Technology and telephone system upgrades for the Town Hall, the Library, the Council on Aging, the Highway Department, the Water Department and the Cemetery and Parks Department; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 21:

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds in the treasury the sum of \$_____ for the purpose of funding HVAC and lighting repairs and/or upgrades in the Library, the Meeting Hall and/or the Council on Aging building(s); or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

**REAL PROPERTY ARTICLE
(2/3 vote required)**

ARTICLE 22:

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, on such terms and conditions as the Board of Selectmen shall determine, permanent and/or temporary easements on the parcels of land shown on plans entitled "Massachusetts Department of Transportation Highway Division Plan and Profile of _____," revised through _____, 2018, prepared by _____, as said plans may be amended, said plans on file with the Town Clerk, for passage thereupon, both pedestrian and vehicular, also including, but not limited to: the construction, alteration, maintenance, improvement, repair and/or replacement of the West Meadow Road bridge; drainage, grading, clearing and slope work; erosion control; relocation of utility poles and guy wires; loaming and seeding; and landscaping; and, further, to see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money for these purposes and any expenses related thereto; and, still further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisitions and other acts authorized herein, as and upon such terms and conditions as the Board of Selectmen may deem appropriate; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 23:

To see if the Town will vote to authorize the Board of Selectmen to sign and deliver an option agreement and enter into an agreement with SoldierOn, Inc., 290 Merrill Road, Pittsfield, MA 01201, a Massachusetts Non-Profit Corporation, or other non-profit corporation for the disposition of approximately 11 acres more

or less of land and appurtenances known as "Atwood Acres," Parcel 2-B, located on Dudley Road. The Town of Townsend acquired title from the Estate of Albert J. Atwood. The property is described in a deed dated 1897 from Warren Kemp to Albert J. Atwood recorded in the Southern Middlesex County District Registry of Deeds Book 593 Page 2646. The Board of Selectmen is authorized to negotiate the consideration. Said property to be used for the development of low to moderate income housing for veterans as defined by United States Department of Housing and Urban Development, and said sale to be conditioned upon receipt of any and all local, state, and federal permits, licenses, authorities and/or approvals necessary and desirable for the construction of the aforesaid housing and all title documents evidencing the conveyance to be subject to the approval of Town Counsel. This vote is to be conditioned upon the removal of any rights of reversion or other restrictions which attach to said property except for the continuation of existing building and septic easements and rights of way for the purpose of carrying out said votes. The Selectmen are authorized to take such steps as may be found necessary including filing of special legislation or the bringing of a petition in the Courts for a declaratory judgement or petitions for any other necessary relief or take any other action in relation thereto.

SUBMITTED BY: Townsend Housing Authority

STABILIZATION ARTICLES (MAJORITY VOTE)

ARTICLE 24:

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, the sum of \$50,000.00 for the purpose of supplementing the stabilization fund, as allowed under MGL Chapter 40, Section 5B; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 25:

To see if the Town will vote to raise and appropriate or transfer from available funds in the treasury, the sum of \$200,000.00 for the purpose of supplementing the capital stabilization fund, as allowed under MGL Chapter 40, Section 5B; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

GENERAL BYLAWS AND ADOPTIONS (MAJORITY VOTE)

ARTICLE 26:

To see if the Town will vote to amend the Town's General Bylaw, Chapter 112-14, entitled "Unregistered Motor Vehicles," Subsection (c), as follows, with additions to the Bylaw underlined and deletions from the Bylaw ~~stricken through~~:

E.

The ~~Board of Selectmen~~ Police Chief, or his designee, 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~~ the Police Chief, or his designee, shall perform a site inspection and investigation and shall report his findings to the Board of Selectmen in writing. The report shall contain the vehicle(s) identification number(s) and the

Comment [AJC1]: I have a number of questions about what Article 24 seeks to achieve. Is it authorizing the conveyance of the 11 acres referenced therein, i.e. is that what's meant by "sign and deliver an option agreement and enter into an agreement..."? (Due to procurement requirements, I am concerned about identifying the entity to which the property will be sold, notwithstanding the subsequent phrase "or other non-profit corporation.") Also, it authorizes the Selectmen "to negotiate the consideration," but is an appropriation necessary? An appropriation will require a 2/3 vote. Finally, more specificity is required regarding the authorization of special legislation. The structure of Article 24 itself requires work, once these questions are answered. It should read as a single sentence; extraneous and explanatory language should be removed.

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; or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 27:

To see if the Town will vote to amend the Town's General Bylaw, Chapter 127, entitled "Town Properties Committee," as follows, with additions to the Bylaw underlined and deletions from the Bylaw ~~stricken through~~:

§ 127-1 Basic charge.

The Board of Selectmen shall annually appoint a seven-member committee to be known as the Town Properties Committee (TPC) charged with ~~assisting~~ advising the Board of Selectmen with maintenance, acquisition and sales of all Town-owned properties.

§ 127-2 Membership and appointment.

[Amended 5-4-1999 A/TM by Art. 25]

The seven-member Town Properties Committee (TPC) shall be appointed by the Board of Selectmen. The Board of Selectmen shall first appoint the five members as follows: one member of the Planning Board, one member of the Finance Committee, one member of the Board of Assessors, one member of the Conservation Commission and one member of the Highway Department. If a member of any board, committee, commission or department declines an appointment, then the Board of Selectmen may substitute a member from the public-at-large. In making such substitution, the Board shall consider the recommendation of the respective board, committee, commission or department declining the appointment. The remaining two members shall appointed from the public-at-large. All members of the TPC shall be annually appointed or reappointed ~~at the Board of Selectmen's first scheduled meeting in March on or~~ before the last week of June.

§ 127-3 Property inventory.

The Board will maintain a standing inventory list of Town-owned real estate and personal property. Such inventory will be annually updated with each Town department notifying the Committee of newly acquired and recently disposed of property. The Committee will annually furnish the Town Accountant with an updated inventory listing.

§ 127-4 Property maintenance proposal and budget.

The TPC will prepare for the Board of Selectmen an annual property maintenance proposal and a proposed budget.

§ 127-5 Property acquisitions and sales.

TPC is charged with assisting the Board of Selectmen in reviewing all proposals for the acquisition or sale of real estate. Within 90 days after receiving written notification by the Board of Selectmen of a proposal to acquire or sell real estate, the TPC will report back to the Selectmen with a report containing recommendations as follows:

- A. The property's strategic value to the Town;
- B. The findings of any appraisals prepared to determine the property's worth;
- C. Findings of site visits, engineering studies, and environmental assessments;

- D. A post-acquisition management plan to ensure ongoing property maintenance;
 - E. Proposed language for Town Meeting articles; and
 - F. Suggested means for funding the acquisition.
- § 127-6 Advisory role.
The role of the TPC shall be advisory only and shall not supersede the role or duty of any other board or officer empowered by statute;
or take any other action in relation thereto.

SUBMITTED BY: Board of Selectmen

ARTICLE 28:

To see if the Town will vote to amend the Town's General Bylaw, Chapter 124, entitled "Town Meeting," Subsection 6, as follows, with additions to the Bylaw underlined and deletions from the Bylaw ~~stricken through~~:

Notice of all Town Meetings shall be given by posting an attested copy of the warrant thereof at Memorial Hall at the Center, 272 Main Street, the Police/Communication Center Station, 70 Brookline Road, North Middlesex Regional High School, 19 Main Street Harbor Fire Station, 47 Main Street, West Townsend Fire Station, 460 Main Street West Townsend Reading Room, 264 Dudley Road and Harbor Church 80 Main Street, in said Townsend, seven days at least before the time of holding the said meeting. Note: MGL c.39 §10 specifies Special Town Meetings require 14 days before for posting of the warrant;
or take any other action in relation thereto.

SUBMITTED BY: Town Clerk

ZONING BYLAWS
(2/3rd Vote)

ARTICLE 29:

To see if the Town will vote to approve a zoning bylaw that would provide as follows, and further to amend the Table of Contents to add Section 145-89 "Temporary Moratorium on Recreational Marijuana Establishments," or take any action in relation thereto.

TEMPORARY MORATORIUM ON RECREATIONAL MARIJUANA ESTABLISHMENTS,

§ 145-89

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new G.L. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 and (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017) requires a Cannabis Control Commission to issue regulations regarding the licensing of commercial activities by March 15, 2018 and to begin accepting applications for licenses no later than April 1, 2018. Currently under the Zoning Bylaw, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 94G, §1, is not specifically addressed in the Townsend Zoning Bylaw.

The regulation of recreational marijuana raises novel legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Townsend Zoning Bylaw regarding regulation of Recreational Marijuana Establishments. This temporary moratorium on the use of land and structures in the Town for Recreational Marijuana Establishments will allow sufficient time to address the effects of such structures and uses in the Town and to enact bylaws in a consistent manner.

A. Definition

“Recreational Marijuana Establishment” shall mean a “marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of licensed marijuana-related business.”

B. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a Recreational Marijuana Establishment and other uses related to recreational marijuana. The moratorium shall be in effect through June 28, 2019 or until a bylaw is earlier approved. During the moratorium period, the Planning Board, on behalf of the Town of Townsend, shall undertake a planning process to address the potential impacts of recreational marijuana in the Town, and to consider the Cannabis Control Commission regulations regarding Recreational Marijuana Establishments, and shall consider adopting new Zoning Bylaws in response to these new issues.

Comment [JK2]: This requires additional work with counsel.

SUBMITTED BY: Planning Board

ARTICLE 30:

To see if the Town will vote to approve a zoning bylaw that would provide as follows, and further to amend the Table of Contents to add Section 145-90 “Recreational Marijuana Establishment Zoning,” or take any action in relation thereto.

[TO BE FINALIZED TOMORROW AFTER PLANNING BOARD CHAIR MEETS WITH COUNSEL]

And you are directed to serve this Warrant, by posting up attested copies thereof at MEMORIAL HALL, 272 MAIN STREET at the Center, WEST TOWNSEND FIRE STATION, 460 MAIN STREET in West Townsend, POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD, NORTH MIDDLESEX REGIONAL HIGH SCHOOL, 19 MAIN STREET, and HARBOR CHURCH, 80 MAIN STREET in said Town, at least FOURTEEN (14) days before the time of holding said meeting.

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of the meeting, as aforesaid.

Given under our hands this 27th day of November, in the year TWO THOUSAND EIGHTEEN.

SELECTMEN OF TOWNSEND

Sue Lisio, Chairman

Cindy King, Vice Chairman

Wayne Miller, Clerk

A true copy. ATTEST:

CONSTABLE

MIDDLESEX, SS.

PURSUANT TO THE WITHIN WARRANT, I have notified and warned the inhabitants of the Town of TOWNSEND by posting up attested copies of the same at: MEMORIAL HALL, 272 MAIN STREET AT THE CENTER, WEST TOWNSEND FIRE STATION, 460 MAIN STREET IN WEST TOWNSEND, POLICE/COMMUNICATIONS CENTER, 70 BROOKLINE ROAD, NORTH MIDDLESEX REGIONAL HIGH SCHOOL, 19 MAIN STREET, and HARBOR CHURCH, 80 MAIN STREET, AT LEAST FOURTEEN (14) DAYS BEFORE THE DATE OF THE MEETING, AS WITHIN DIRECTED.

Constable of TOWNSEND

SIGNATURE

LOCATION	TIME	MONTH	DAY	YEAR
MEMORIAL HALL	_____	_____	_____	_____
WEST TOWNSEND FIRE STATION	_____	_____	_____	_____
NORTH MIDDLESEX REGIONAL HIGH SCHOOL	_____	_____	_____	_____
POLICE/COMMUNICATIONS CENTER	_____	_____	_____	_____
HARBOR CHURCH	_____	_____	_____	_____

COUNSEL APPROVED DRAFT



BUILDING DEPARTMENT
272 Main Street
Townsend, Massachusetts 01469

Richard D. Hanks C.B.O
Building Commissioner

Zoning Enforcement Officer
Office (978) 597-1709

ADA Coordinator
Fax (978) 597-8135

November 26, 2018

To: Board of Selectmen

From: Richard D. Hanks, Building Commissioner

Re: Appointment of Wiring Inspector

Dear Honorable Board of Select People,

I formally request that Daniel A. Cushion, 8 Marian Lane, Nashua, NH 03064 be appointed as the Inspector of Wires Effective November 30, 2018. Mr. Cushion has been our Alternate Wiring Inspector for the past 7 years.

Mr. Cushion has done a terrific job thus far as the Alternate Inspector, covering inspections for Mr. Choate and also the plans review and inspections that he has done on the new North Middlesex Regional High School project.

I'm confident that Mr. Cushion will continue to be a great asset to our inspection team.

Should you have any questions regarding this appointment please let me know.

Respectfully submitted,

Richard D. Hanks
RDH

C.c. Daniel Cushion
Appointment File
Binder



BUILDING DEPARTMENT
272 Main Street
Townsend, Massachusetts 01469

Richard D. Hanks C.B.O
Building Commissioner

Zoning Enforcement Officer
Office (978) 597-1709

ADA Coordinator
Fax (978) 597-8135

November 26, 2018

To: Board of Selectmen

From: Richard D. Hanks, Building Commissioner

Re: Appointment of Alternate Wiring Inspector

Dear Honorable Board of Select People,

I formally request that Peter Martin, 2 Peach Lane, Townsend, MA 01469 be appointed as the Alternate Inspector of Wires, effective December 1, 2018.

Mr. Martin has great qualifications and is also the Wiring Inspector for the Town of Dunstable. I believe that Mr. Martin will be a great asset to our team.

Should you have any questions regarding this appointment please let me know.

Respectfully submitted,

Richard D. Hanks
RDH

C.c. Peter Martin
Appointment File
Binder

ICMA Open Access Benchmarking Key Performance Indicators

The Performance Management Advisory Committee selected these 80 metrics for nationwide benchmarking. Definitions, instructions, and related data are available online—no charge, do data submittal deadlines, and no software requirements.

Code Enforcement

Code Enforcement cases resolved through forced compliance

Average calendar days, Inspection to forced compliance

Average calendar days, Inspection to voluntary compliance

Percentage of cases resolved through forced compliance

Total code cases available for resolution during the reporting period

Facilities

Admin/office facilities, Custodial expenditure per square foot

Finance

Percentage of accounts payable transactions processed ≤ 30 calendar days

Fire/EMS

EMS: Total BLS and ALS Responses

Expenditure: Total fire/EMS personnel and operations

Residential 1-2 Family Structures: Percentage Confined to Object or Room of Origin

Fire Incidents: Residential: Total 1-2 family, multi-family, and other

Hours paid, Sworn fire/EMS, including OT

% of cardiac patients w/pulsatile rhythms upon delivery to a hospital

Survey: Fire Service Quality, Among all respondents: % Excellent or Good

Emergency fire travel time: % 4 Min or under: From turnout to arrival on scene

Emergency fire response time: % with a total time of 6 minutes, 20 seconds and under from call entry to arrival on scene

Residential population: Fire suppression

Residential population of area served: EMS

General Government

Expenditures: General fund personnel and operations

Median household income

Percentage of Housing units that are vacant

Percentage of population below poverty level

Percentage of population (≥ 25) w/bachelor's degree or higher

Percentage of population 17 or under

Population: Residential population of jurisdiction

Population: Peak daytime or seasonal total (may incl. non-residents)

Square miles of land area served

Survey: Quality of all local government services: % Excellent or Good

Unemployment rate

Highways

Expenditures, Road rehab.: Paved lane miles

Paved lane miles for which the jurisdiction is responsible

Paved Lane Miles Assessed as Satisfactory as a Percentage of Miles Assessed

Human Resources

Hours paid to all jurisdiction staff

Percentage of new full-time employees completing probationary period

Sick Leave Hours Used: All Employees

Sick Leave Hours Used: Sworn Fire/EMS

Sick Leave Hours Used: Sworn Police

Turnover rate: All full-time employees

Turnover rate: Full-time public safety

Information Technology

Expenditures: Information technology personnel and operations

Help desk (IT): Number of requests received

IT: Number of endpoints served

Percentage of help desk requests resolved within 4 work hours

Library

Expenditures: Library personnel and operations

Library: Circulation for all library facilities (hard copy materials)

Library: Circulation for all library facilities (electronic materials)

Number of library visits

Number of registered borrowers

Parks and Recreation

Developed park acreage: Total

Park maintenance expenditures

Recreation Community Centers: Class/program/facility registrants

Survey: Parks: Quality of Parks: % Excellent or Good

Permits

Development inspections: Number of Commercial/industrial

Development inspections: Number of Residential

Development permits: Average calendar days from application to issuance: Commercial

Development permits: Average calendar days from application to issuance: Residential

Development: Average calendar days from request to inspection: Commercial

Development: Average calendar days from request to inspection: Residential

Police

DUI Arrests

Number of traffic accidents involving fatalities

Number of traffic accidents involving alcohol with fatalities

Expenditures: Sworn police overtime

Expenditures: Sworn police salaries and benefits (excluding OT)

Hours Paid: Sworn police staff

Percentage of property crimes cleared

Percentage of violent crimes cleared

Police calls: Calls for service resulting in a unit being dispatched

Residential population of area served: Police

Top Priority calls: Average time, dispatch to arrival on scene (in seconds)

Top Priority calls: Average time from receipt to dispatch (in seconds)

UCR Part I Property Crimes: Reported

UCR Part I Violent Crimes: Reported

Procurement

Dollar amount of purchases made via purchasing card/credit card as a percentage of all purchases

Risk Management

Workers compensation, Number days lost to injury: All departments

Workers compensation, Number days lost to injury: Sworn Fire/EMS

Workers compensation, Number days lost to injury: Sworn Law Enforcement

Number of accidents, marked police vehicles per 100,000 miles driven

Workers compensation claims: Number

Solid Waste

Expenditures, Refuse collection and disposal, per account

Sustainability

Waste Diversion: Percentage diverted

For more information on ICMA Open Access Benchmarking, including complete definitions and instructions and the related list of county-specific metrics, please visit icma.org/benchmark.

The ICMA logo is displayed in a large, bold, sans-serif font. The letters are black and have a slight shadow effect, giving them a three-dimensional appearance. The logo is positioned in the bottom right corner of the page, above a decorative graphic of overlapping squares in various shades of gray.



Open Access Benchmarking

What is Open Access Benchmarking?

One of the significant challenges to benchmarking is getting everyone on the same page – not just in terms of what to measure, but how to measure it, and how to collect and analyze the data. Through its Performance Management Advisory Committee, ICMA has been working to bring some consistency to that approach, while also limiting the need for centralized control.

The result is what's been termed "Open Access Benchmarking." As the name implies, this initiative removes the barriers to jurisdiction benchmarking. It does not assume that ICMA, a state association, or any other organization would dictate the methods, timeframe, or software by which jurisdictions enter, analyze, or report their performance data. Rather, it focuses on a set of definitions that were developed by the Advisory Committee and a working group of jurisdictions around the

What is the goal?

ICMA recognizes performance management as a leading management practice and is promoting this approach in order to increase the adoption of benchmarking throughout local government and expand the availability of data for a consistently-defined set of key indicators.

How can I use this data?

Jurisdictions are welcome to download a copy of this dataset, use it internally or with a software provider of their choice, and to report their performance and applicable benchmarks to the public. In return, we would encourage all such jurisdictions to share their own data with ICMA (in Excel or CSV formats) so that we may

What is required?

This approach to benchmarking is free of charge and does not presume adoption of any particular software package. There is no requirement to report on all the questions - please share data on as many as are relevant to your organization or fit your available staff time.

When is the reporting deadline?

There is no reporting deadline. Jurisdictions may share data at any time and are encouraged to share updates to that data as numbers may change or to delete any numbers that are found to be inaccurate. While ICMA encourages internal tracking of performance on a monthly or quarterly basis, only data for your full fiscal year should be shared as part of this effort. Jurisdictions are welcome to start reporting data at any time, and can also edit or correct their data at any time. The Performance Management Advisory Committee recommends that jurisdictions that are reporting for the second or subsequent fiscal years attempt to report their data within 100 days of the end of their fiscal year so that benchmark data is available to others in a timely manner. This is a guideline only. It should also be noted that if you have older data available (e.g., from 2-3 fiscal years ago), that data is also welcome as it can assist in identifying year-to-year trends.

Can I use this with any other software?

Yes, you are welcome to upload the data presented here into whatever software you choose for further reporting, analysis or forecasting. ICMA is working with leading vendors in the field, many of which have already uploaded the data and are supporting the analysis of these measures through their own software tools. If you prefer, you may also use the data via Excel or other off-the-shelf products.

How were the measures and definitions determined?

The metrics were chosen based on the work of the Performance Management Advisory Committee, with input from others involved in consortia and workshops. Related discussions took place from 2015-2017.

[Link: Performance Management Advisory Committee](#)

Where did the initial data come from?

Participants in the Performance Management Advisory Committee and others assisting with the related working groups provided the initial pilot data for these measures. Where the definitions for measures also aligned with indicators collected through ICMA Insights, some historical data is also included for prior fiscal years.

How are the data cleaned or verified?

As jurisdictions use the response templates, pre-programmed warning flags will indicate whether a response is outside of the expected range. Jurisdictions are also encouraged to review their data compared to prior year performance. You may also wish to compare your initial responses against the overall average (left of the jurisdiction responses on the "Data-General" tab, or the minimum and maximum values thus far reported (to the right of the jurisdiction responses). If a figure your jurisdiction reported is later determined to be inaccurate, you are also encouraged to request such figures be deleted or submit updates.

Will the measures change?

The goal of this effort is to provide a consistent set of definitions to local government for year-to-year benchmarking. While most measures are anticipated to remain unchanged, the Advisory Committee will continue to monitor the list in case changes in the methods of delivering services dictate changes in measures as well.

How do I add my own jurisdiction's data?

and fourth worksheets below) - You may then e-mail a copy of this file to gyoung@icma.org. Please note that the "County" form contains services that are typically provided by counties, but that some of these services may be provided by other jurisdictions as well. As upgrades are made to the data upload process, revised instructions will be posted online.

How do I edit my data?

If you have previously submitted data and wish to update it, simply send a new submission with the same fiscal year and the revised value. There is no need to re-enter any other values that are not changing. If you wish to delete any data, leave the appropriate data entry field on your new submission blank, but use the corresponding line in the comments column to indicate "Delete the prior response for this question."

What fiscal year should I use?

All data should be reported according to your own fiscal year calendar. If your fiscal year starts July 1, then the FY2017 response would be for all activity from July 1, 2016-June 30, 2017. If your fiscal year starts on October 1, January 1, or a different date, then please use that fiscal year calendar in your reporting. The goal is to capture expenditures, incidents, efficiencies, and other data in a way that is consistent with your budget, CAFR, or other reports, so there is less possibility of inconsistent reporting, estimation, or miscalculation. Please be sure to list the fiscal year of your data along on your response form(s) at the top of column G.

Should we report budgeted or actual data?

Please report only actual data for the full fiscal year, not budgeted or estimated amounts, sample data, or partial-year results.

What if I have a question for another jurisdiction?

to gyoung@icma.org.

Why are there some services for which there are either no measures (or very few) listed?

Performance management must strike a balance between measuring all that is capable of being measured and making the best use of scarce staff time. Rather than collect significant depth of data across all possible services, the Advisory Committee settled on this short list as a means of providing at least some key data for commonly-provided services. Jurisdictions are encouraged to use these benchmarks as one part of their overall performance management program, and to include greater depth of reporting around their own jurisdiction's internal tracking of progress against strategic goals, monthly or quarterly trends, comparisons to budget, customer or employee satisfaction ratings, CRM/311 responsiveness, major project timelines, or contractor/franchisee compliance with service standards.

Where is this data posted online?

For a brief program overview, suitable for sharing with other jurisdictions, go to: <https://icma.org/benchmark>

For a direct link to the most up-to-date data (the online version of this document), click here:
<https://icma.org/documents/icma-key-performance-indicators>

Further questions?

Email [Gerald Young](mailto:Gerald.Young@icma.org) at gyoung@icma.org

Date posted or updated: 6/25/2018

If you've downloaded prior versions of this database, you may note a few changes:

- * Average responses shown to the left (col E)
- * Minimum and maximum values shown to the right (after 2013 responses)
- * Edits to initial data based on data verification efforts
- * Clarifications to instructions and FAQ based on inquiries received