

# **EXECUTIVE SESSION MINUTES**

**2017**

**EXECUTIVE SESSION  
BOARD OF SELECTMEN MEETING  
JANUARY 9<sup>TH</sup>, 2017**

The Board went into Executive Session 7:09pm under Mass General Laws Chapter 30A, Section 21(a), Exception 2.

Chair Doug Belanger, Vice Chair Harry Brooks, 2<sup>nd</sup> Vice Chair Tom Buckley, Selectwoman Dianna Provencher, Selectmen Michael Shivick, Town Administrator Kevin Mizikar and Assistant to the Town Administrator Kristen Forsberg were in attendance.

**Exception #2: Strategy Sessions in Preparation for Negotiations with Nonunion Personnel**

Mr. Mizikar discussed the possibility of opening contract negotiations with the Library Director as he received a letter from the Library Board of Directors requesting her salary be increased by \$10,000. Contract negotiations are required for any increase over 3%. Mr. Mizikar noted the FY'18 budget is in deficit by \$50,000 at this time but does include 3% wage increases and the requested increase for the Library Director.

Contract negotiation options including holding the increase until July 1, 2017, if adjusting now not including a 3% increase for FY'18, partially increasing for the remainder of FY'17 with the balance effective July 1, 2017 or increasing it over 3 years. Mr. Mizikar noted that Town Meeting, not the Board of Selectmen, gave the Town Clerk a \$10,000 raise; the Board of Selectmen recommended a \$5,000 raise. Mr. Mizikar noted this position is the most undercompensated Department Head position in Town and based on a survey of comparable communities it is underpaid by at least \$10,000 to \$12,000. Mr. Mizikar stated that the Library Director will be in the last year of her current contract in FY'18. Ms. Hall signed her initial contract five years ago at a salary of \$45,000 and has received annual increases. Generally, the Board was in favor of an approximate \$5,000 increase, but to be negotiated by the Town Administrator in the best interest of the Town.

**Minutes of November 21, 2016**

A motion was made by Ms. Provencher and seconded by Mr. Shivick to approve the minutes of November 21, 2016.

**Vote by Roll Call:**

Brooks - Aye  
Buckley – Aye  
Provencher – Aye  
Shivick – Aye  
Belanger - Aye

The motion carried unanimously.

**Minutes of December 1, 2016**

A motion was made by Ms. Provencher and seconded by Mr. Shivick to approve the minutes of December 1, 2016.

**Vote by Roll Call:**

Brooks - Aye  
Buckley – Aye  
Provencher – Aye  
Shivick – Aye  
Belanger - Aye

The motion carried unanimously.

A motion was made by Ms. Provencher and seconded by Mr. Shivick to go out of executive session and back into open session at 7:34pm.

**Vote by Roll Call:**

Brooks - Aye  
Buckley – Aye  
Provencher – Aye  
Shivick – Aye  
Belanger - Aye

The motion carried unanimously.

**EXECUTIVE SESSION  
BOARD OF SELECTMEN MEETING  
FEBRUARY 13<sup>TH</sup>, 2017**

The Board went into Executive Session 8:58PM under Mass General Laws Chapter 30A, Section 21(a), Exceptions 2 and 3 and to review the executive session minutes of January 9, 2017.

Chair Doug Belanger, Vice Chair Harry Brooks, 2<sup>nd</sup> Vice Chair Thomas E. Buckley, III, Selectwoman Dianna Provencher, Selectmen Michael Shivick, Town Administrator Kevin Mizikar and Assistant to the Town Administrator Kristen Forsberg were in attendance.

**Exception #2: Strategy Sessions in Preparation for Negotiations with Nonunion Personnel**

Mr. Mizikar met with Library Director Suzanne Hall regarding her salary, which is currently set at \$52,000. Mr. Mizikar recommended increasing her salary to \$57,500 effective January 1, 2017 which would have a \$2,911 impact on the FY'17 budget. Mr. Mizikar recommended annual increases of 5% instead of the current 3% which would take Ms. Hall to \$60,000 on July 1, 2017, \$63,400 on July 1, 2018 and \$66,565 on July 1, 2019. By giving her \$57,500 she is still the most underpaid department head by more than \$3,000. Mr. Mizikar stated that Ms. Hall is agreeable to these numbers. Mr. Buckley stated this is reasonable and Mr. Shivick added that the new library is a benefit to the library director. Mr. Belanger noted that this does not have a huge impact on the budget. Mr. Buckley noted that this endeavor is not, however, about everyone make the same amount of money.

**Exception #3 – Discuss Strategy with respect to Collective Bargaining**

Mr. Mizikar noted that police negotiations are ongoing and he has agreed to start negotiations with the Highway Department for their new 3-year agreement. The Fire Department is also coming up on 3 years. Mr. Mizikar noted that Highway will push for some form of light duty and that having someone who is injured but could take on jobs such as operating a plow truck would be a huge help, especially has the department has been faced with somewhat moderate injuries the past couple of winters without the option of light duty. Mr. Mizikar felt the police negotiations will be difficult as they took on additional duties when dispatch relocated. Mr. Mizikar is pushing hard for further restrictions on sick bank buyback. The current proposal is that any employee having more than 3 sick days in the 18 months prior to leaving would not get the full 60-day sick bank buyback and/or maybe receive a significant decrease in days paid out (e.g. 20 days less). Mr. Belanger recommended creating something that doesn't affect incumbents but that her just new hires because otherwise you are asking people to give up something they have bargained for. Mr. Shivick noted that through work with Judy Conroy and the Personnel Board a cap on sick days was instituted for non-union employees.

**Minutes of January 9, 2017**

A motion was made by Mr. Shivick and seconded by Ms. Provencher to approve the minutes of January 9, 2017.

**Vote by Roll Call:**

Brooks - Aye

Buckley – Aye

Provencher – Aye

Shivick – Aye

Belanger – Aye

The motion carried unanimously.

A motion was made by Mr. Buckley and seconded by Ms. Provencher to go out of executive session and back into open session at 9:18pm.

**Vote by Roll Call:**

Brooks - Aye

Buckley – Aye

Provencher – Aye

Shivick – Aye

Belanger - Aye

The motion carried unanimously.

**EXECUTIVE SESSION  
BOARD OF SELECTMEN MEETING  
MARCH 20<sup>TH</sup>, 2017**

The Board went into Executive Session 8:54pm under Mass General Laws Chapter 30A, Section 21(a), Exception 3 and to review the executive session minutes of January 9, 2017.

Chair Doug Belanger, Vice Chair Harry Brooks, 2<sup>nd</sup> Vice Chair Thomas E. Buckley, III, Selectwoman Dianna Provencher, Selectmen Michael Shivick, Town Administrator Kevin Mizikar and Assistant to the Town Administrator Kristen Forsberg were in attendance.

**Minutes of February 13, 2017**

A motion was made by Ms. Provencher and seconded by Mr. Brooks to approve the minutes of February 13, 2017 with one amendment:

Mr. Shivick stated the new library is a benefit to the library director.

**Vote by Roll Call:**

Brooks - Aye  
Buckley - Aye  
Provencher - Aye  
Shivick - Aye  
Belanger - Aye

The motion carried unanimously.

**Exception #3 – Discuss Strategy with respect to Collective Bargaining**

Mr. Mizikar discussed contract negotiations with the police officers' union including proposed wage increases over 3 years, a 10% increase in educational stipends, a \$100 increase in the clothing allowance in the form of a store credit and increasing detail pay from \$45 to \$50 per hour (paid by vendors). Sick leave buyback requirements were discussed along with caps on physical training/firearms stipends and capping the detail overtime rate at \$75. Mr. Mizikar pointed out the officers' clothing allowance has not been increased in five years and there have been years without salary increases.

The Board discussed 3% wage increases for each of the 3 contract years rather than one 3% increase and two 3.5% increases as proposed. Mr. Belanger polled the Board and they were in favor of the proposed 3%, 3.5% and 3.5% increases 3:2 with Mr. Shivick and Mr. Buckley opposed.

A motion was made by Mr. Brooks and seconded by Mr. Buckley to go out of executive session at 9:43pm.

**Vote by Roll Call:**

Brooks - Aye  
Buckley - Aye  
Provencher - Aye  
Shivick - Aye  
Belanger - Aye

The motion carried unanimously.

**EXECUTIVE SESSION  
BOARD OF SELECTMEN MEETING  
APRIL 3<sup>RD</sup>, 2017**

The Board went into Executive Session 8:52pm under Mass General Laws Chapter 30A, Section 21(a), Exception 2 and to review the executive session minutes of March 20, 2017.

Chair Doug Belanger, Vice Chair Harry Brooks, Selectwoman Dianna Provencher, Town Administrator Kevin Mizikar and Assistant to the Town Administrator Kristen Forsberg were in attendance.

**Executive Session Minutes of March 20, 2017**

A motion was made by Mr. Brooks and seconded by Ms. Provencher to approve the minutes of March 20, 2017. Vote by Roll Call: All Ayes. The motion carried unanimously.

**Exception #2 – Conduct strategy sessions in preparation for negotiations with nonunion personnel**

Chief Hurley wants to renegotiate his contract. His current agreement goes through June 30, 2018. Mr. Mizikar recommended extending his contract for 1 year but did not recommend increasing his compensation. Chief Hurley will receive \$138,462 on July 1, 2017 which is a 3% increase over FY'17. Once the Chief provides notice that he will retire in one year, he will receive a 5.5% increase for this one year only. The salary would revert to the previous year's total if he decides to stay on longer than that year and he only gets it if he gives one year notice.

A motion was made by Ms. Provencher and seconded by Mr. Brooks to go out of executive session at 9:07pm. Vote by Roll Call: All Ayes. The motion carried unanimously.

**EXECUTIVE SESSION  
BOARD OF SELECTMEN MEETING  
APRIL 19<sup>th</sup>, 2017**

The Board went into Executive Session 8:53pm under Mass General Laws Chapter 30A, Section 21(a), Exception 2 and to review the executive session minutes of April 3, 2017.

Chair Doug Belanger, Vice Chair Harry Brooks, 2<sup>nd</sup> Vice Chair Tom Buckley, Selectwoman Dianna Provencher, Selectman Michael Shivick, Town Administrator Kevin Mizikar and Assistant to the Town Administrator Kristen Forsberg were in attendance.

**Executive Session Minutes of April 3, 2017**

A motion was made by Mr. Brooks and seconded by Ms. Provencher to approve the minutes of April 3, 2017. Vote by Roll Call: All Ayes with one abstention from Mr. Shivick.

**Exception #2 – Conduct strategy sessions in preparation for negotiations with nonunion personnel**

Chief Hurley has asked to extend his contract for another additional year through June 30, 2020. He has asked to be paid out for up to 15 days of sick leave. Under his current contract, he does not get paid out for any sick leave upon retirement. Mr. Mizikar noted other members of the police department get up to 60 days of sick leave paid out. Mr. Mizikar noted the Chief will receive a 5.5% salary increase for his last year upon giving a one year notice of retirement. Mr. Mizikar discussed paying out 10 days at the higher rate and the Board was in favor of this option.

A motion was made by Ms. Provencher and seconded by Mr. Buckley to go out of executive session at 9:05pm. Vote by Roll Call: All Ayes. The motion carried unanimously.



**EXECUTIVE SESSION  
BOARD OF SELECTMEN MEETING  
JUNE 5, 2017**

The Board went into Executive Session 7:23pm under Mass General Laws Chapter 30A, Section 21(a), Exceptions 3 and 6 and to review the executive session minutes of April 19, 2017.

Chair Doug Belanger, Vice Chair Harry Brooks, 2<sup>nd</sup> Vice Chair Tom Buckley, Selectwoman Dianna Provencher, Selectman Michael Shivick, Town Administrator Kevin Mizikar and Assistant to the Town Administrator Kristen Forsberg were in attendance.

**Executive Session Minutes of April 19, 2017**

A motion was made by Ms. Provencher and seconded by Mr. Buckley to approve the minutes of April 19, 2017. Vote by Roll Call: All Ayes

**Exception #3 – Discuss Strategy with Respect to Collective Bargaining**

Mr. Mizikar reviewed the draft 3-year agreement with the highway union which reduces sick day buyback upon retirement from 30 to 21 days, increases the minimum day from 3 to 4 hours, increases the clothing allowance from \$475 to \$550 then \$650 in the following year, includes a 3% wage increase in years 1 and 3 and a 2.5% wage increase in year 2 and includes provisions for light duty. The board was supportive of the strategy. A motion was made by Mr. Buckley and seconded by Mr. Shivick to support the agreement as presented. Roll call: All Ayes

Mr. Mizikar reviewed the draft 3 year agreement with the Firefighters Association which provides 3% wage increases each year, time and a half for any weekend training upon completing two weekend trainings, 2 hour minimum pay for responding on a State holiday, time and a half if they work more than 8 hours in one day (which is rare and only when a State of Emergency is issued), educational stipends of \$100-\$300 for attending up to 3 trainings and adds \$1250 for new firefighters upon completion of the first two required courses. A motion was made by Mr. Buckley and seconded by Ms. Provencher to support the strategy. Roll call: All Ayes

**Exception #6 – Consider the Purchase, Exchange, Lease or Value of Real Property**

Mr. Mizikar presented an offer to purchase 1078 Main Street as is for \$50,000. The property was appraised at \$140,000. The seller cites at least \$130,000 of code and general improvements that need to be made to the building. Mr. Mizikar looked at the school facility study which estimates the cost to improve this building at \$850,000. A notice will have to be published in the Central Register, if approved, to explain that the benefit to the Town outweighs the low selling price. A motion was made by Mr. Shivick and seconded by Ms. Provencher to reluctantly accept the offer (will have to be voted in public session). Roll call: All Ayes.

Mr. Mizikar noted the Town drives the closing date but the Town is obligated to close within 6 months which is November 30<sup>th</sup>. Mr. Shivick felt the sale of the building is of benefit to the Town because of the cost of repairs and the ability to return the property to the tax rolls.

A motion was made Ms. Provencher and seconded by Mr. Shivick to go out of executive session at 8:06pm. Vote by Roll Call: All Ayes. The motion carried unanimously.

**EXECUTIVE SESSION  
BOARD OF SELECTMEN MEETING  
JUNE 19, 2017**

The Board went into Executive Session under Mass General Laws Chapter 30A, Section 21(a), Exception 6.

Chair Doug Belanger, Vice Chair Harry Brooks, 2<sup>nd</sup> Vice Chair Tom Buckley, Selectwoman Dianna Provencher, Selectman Michael Shivick and Town Administrator Kevin Mizikar were in attendance.

**Exception #6 – Consider the Purchase, Exchange, Lease or Value of Real Property**

The Board discussed a request from the tenants at Hillcrest Country Club to extend their lease through November 30, 2019.

A motion was made Ms. Provencher and seconded by Mr. Brooks to go out of executive session. Vote by Roll Call: All Ayes. The motion carried unanimously.

**EXECUTIVE SESSION  
BOARD OF SELECTMEN MEETING  
AUGUST 14, 2017**


The Board went into Executive Session at 6:32pm under Mass General Laws Chapter 30A, Section 21(a), Exceptions 3, 6 and to review executive session minutes.

Chair Harry Brooks, Vice-Chair Dianna Provencher, 2<sup>nd</sup> Vice-Chair Sandy Wilson, Selectman Doug Belanger, Selectman Brian Green, Interim Town Administrator Jim Purcell and Assistant to the Town Administrator Kristen Forsberg were in attendance.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to approve the executive session minutes of June 5, 2017. Vote by Roll Call: All Ayes with two abstentions (Ms. Wilson and Mr. Green).

**Exception 3# - To Discuss Strategy with Respect to Litigation**

Mr. Purcell handed out a memo from Town Counsel Joe Cove regarding the Verizon Cell Tower lawsuit. Mr. Purcell noted that the Springfield judge had done his homework and knew everything about the case so the hearing was lightning fast. Mr. Cove appeared in Springfield District Court on August 3<sup>rd</sup> and argued on behalf of the Town for the dismissal of the Verizon lawsuit. No questions were asked by the judge and Mr. Cove



**Exception #6 – Consider the Purchase, Exchange, Lease or Value of Real Property**

Mr. Purcell presented an updated use and occupancy agreement with Trusted Home Solutions for 1078 Main Street for the Board's consideration. This version is more favorable to the Town as it reduces the rent from \$1250 to \$1000 and allows the Town to lease the building for 10 months instead of 8 months. Mr. Purcell presented the following 3 options:

- 1) Sign an unconditional extension of the closing date which is currently set for tomorrow. Mr. Purcell cautioned that Mr. Olivo will not go along with this based on his counterproposal but it is an option the Board could exercise
- 2) Approve the proposed use and occupancy agreement
- 3) Walk away from the deal as the new owner is asking the School Administration to allow construction work to go on while they are conducting business and also to deal with construction work at the Town Hall from the 3<sup>rd</sup> floor renovation and elevator/accessibility projects all for a mere \$40,000.

Mr. Purcell stated that he wouldn't be doing his job if he didn't discuss all of the possibilities with the Board. Mr. Purcell stated his reasoning on the 3<sup>rd</sup> option is that the Town's management capacity is stretched right now with the fire station and the elevator project will not be done in 8 months with the public bidding requirements and grant paperwork. The net savings of this new agreement is only \$500 but picking up another 60 days' time is a good option. The revised agreement also removed snow plowing for the list of owner priorities and the Town will continue to do this.

Mr. Purcell recommended the Board sign the use and occupancy agreement. Ms. Wilson noted under this agreement the School Department would not have to move for an entire school year. Mr. Belanger noted

this agreement gives the Town flexibility if the construction gets in the way but we need to be sure that the School Administration understands the possibilities and is glad they are here to weigh in.

A motion was made by Mr. Brooks and seconded by Ms. Provencher go out of executive session at 7:31pm.  
Vote by Roll Call: All Ayes. The motion carried unanimously.

**EXECUTIVE SESSION  
BOARD OF SELECTMEN MEETING  
October 2, 2017**

The Board went into Executive Session at 9:20pm under Mass General Laws Chapter 30A, Section 21(a), Exception 3 and to review executive session minutes.

Chair Harry Brooks, Vice-Chair Dianna Provencher, 2<sup>nd</sup> Vice-Chair Sandy Wilson, Selectman Doug Belanger, Selectman Brian Green, Interim Town Administrator Jim Purcell and Assistant to the Town Administrator Kristen Forsberg were in attendance.

A motion was made by Ms. Wilson and seconded by Ms. Provencher to approve the executive session minutes of July 29, 2017 and August 14, 2017. Vote by Roll Call: All Ayes

**Exception 3# - To Discuss Strategy with Respect to Collective Bargaining**

Mr. Purcell discussed the lieutenant promotion. In the past, the Town has conducted an Assessment Center for promotion from Officer to Sergeant. An RFP for a consultant to do the Assessment Center has been drafted along with a job description which the union has looked at. Mr. Purcell noted that if the Board wants to make the lieutenant position a union position they will need to impact bargain, the sergeants union would need to be changed to a "full time superior officers" union to include the lieutenant, Mr. Purcell would not recommend touching the benefits section, and a price point must be arrived at. The FY'18 budget anticipates an 18% increase above the Sergeants salary.

A motion was made by Ms. Wilson and seconded by Ms. Provencher go out of executive session at 9:57pm. Vote by Roll Call: All Ayes. The motion carried unanimously.

**EXECUTIVE SESSION  
BOARD OF SELECTMEN MEETING  
October 16, 2017**

The Board went into Executive Session at 6:36pm under Mass General Laws Chapter 30A, Section 21(a), Exception 2.

Chair Harry Brooks, Vice-Chair Dianna Provencher, 2<sup>nd</sup> Vice-Chair Sandy Wilson, Selectman Doug Belanger, Interim Town Administrator Jim Purcell and Assistant to the Town Administrator Kristen Forsberg were in attendance.

**Exception #2 – Strategy Sessions in Preparation for Negotiations with Nonunion Personnel**

The Board discussed contract negotiations with the selected Town Administrator David Genereux and reviewed the proposed contract which was negotiated over a 2 week period. The starting salary would be \$130,000. Professional expenses would be reimbursed at \$300/mo. There is no deferred compensation contribution from the Town. Mr. Genereux was concerned about the contract not including sick time buyback but Mr. Brooks told him this is not usually in the contract unless the Town Administrator is retiring. Ms. Wilson recommending doing a performance evaluation at the end of the fiscal year and keeping his contract on a fiscal year basis for accurate budgeting. Ms. Provencher asked that the new Town Administrator set annual goals like the previous Town Administrator. Ms. Wilson noted this contract saves the Town a total of \$20,000 in salary and benefits over the previous Town Administrator's salary.

A motion was made by Mr. Belanger and seconded by Ms. Provencher go out of executive session at 6:44pm. Vote by Roll Call: All Ayes. The motion carried unanimously.

**EXECUTIVE SESSION  
BOARD OF SELECTMEN MEETING  
November 06, 2017**

The Board went into Executive Session at 8:06pm under Mass General Laws Chapter 30A, Section 21(a), Exception 3.

Chair Harry Brooks, Vice-Chair Dianna Provencher, 2<sup>nd</sup> Vice-Chair Sandy Wilson, Selectman Doug Belanger, Selectmen Brian Green, Interim Town Administrator Jim Purcell and Assistant to the Town Administrator Kristen Forsberg were in attendance.

**Exception #3 – Discuss Strategy with respect to Collective Bargaining**

The Board discussed salary for the new police lieutenant position. Ms. Provencher noted the sergeants are at \$35.27 so the lieutenant must be above that but not 18% above this number. The Board was in agreement that an 18% increase was too high and discussed setting a lieutenant wage schedule. Ms. Wilson asked if the lieutenant would lose detail pay (Mr. Purcell stated the lieutenant could still do details) and the promotion must be incentivized but a scale should be created that is more consistent between steps. Mr. Belanger asked the Town Administrator to do a comparison of lieutenant salaries in area departments. Ms. Wilson noted most promotions get a 5-10% salary increase. Ms. Wilson noted the sergeants are at step 7 on their salary schedule so step 1 on the lieutenant salary schedule must be above \$35.27. Ms. Wilson noted if one adds 8% to the sergeant step 7 you arrive at a salary of \$36.08. Ms. Provencher felt there should be a 2.5% wage increase between steps.

A motion was made by Mr. Belanger and seconded by Ms. Provencher go out of executive session at 8:48pm. Vote by Roll Call: All Ayes. The motion carried unanimously.

**EXECUTIVE SESSION  
BOARD OF SELECTMEN MEETING  
November 20, 2017**

The Board went into Executive Session at 7:25pm under Mass General Laws Chapter 30A, Section 21(a), Exception 2.

Chair Harry Brooks, Vice-Chair Dianna Provencher, 2<sup>nd</sup> Vice-Chair Sandy Wilson, Selectmen Brian Green, Town Administrator David Genereux and Assistant to the Town Administrator Kristen Forsberg were in attendance.

A motion was made by Ms. Wilson and seconded by Ms. Provencher to approve the minutes of November 6, 2017 with a change to the following sentence:

- Ms. Wilson *asked* if lieutenants *would* lose detail pay (*Mr. Purcell stated the lieutenant can still do details*)

Roll Call: All Ayes

**Exception #2 – Strategy Sessions in Preparation for Negotiations with Nonunion Personnel**

Mr. Genereux discussed the Highway Superintendent search process. Three candidates were interviewed and one was above the rest. Mr. Genereux noted that candidate is Dennis Griffin and he does not have road construction experience but stated he is willing to do whatever it takes to get qualified in this respect. Mr. Genereux noted that Mr. Griffin has a good management philosophy and decades in municipal government.

Ms. Provencher noted the offer to Mr. Griffin is \$79,000 including his stipend for his tree warden duties. In fact, \$920 was removed from his tree warden salary and only \$1,000 was added on to his contract for these services. These services must be included as part of his Highway Superintendent contract because the Superintendent is not authorized to hold two separate municipal positions. Ms. Wilson noted that Sutton pays their Superintendent \$83,000 and Millbury pays theirs \$85,000 but this includes Town water and sewer duties. Mr. Genereux noted salaries west of Leicester range from \$65,000-\$80,000 plus winter stipends. Mr. Griffin's proposed contract would not include stipends. The proposed contract does include 30 days of sick leave paid out upon retirement and a clothing allowance of \$385 (same as the previous Highway Superintendent) and is based on a 40-hour work week. Mr. Genereux noted there will be additional work during weather related events and other times of high volume work but no additional salary will be paid out. Mr. Genereux added that Mr. Griffin would be allowed to carry over 10 vacation days from year to year and would earn 1.25 sick days per month. Mr. Griffin is in agreement with this contract and would be ready to start December 11<sup>th</sup>.

A motion was made by Ms. Wilson and seconded by Mr. Green to go out of executive session at 7:46pm. Vote by Roll Call: All Ayes. The motion carried unanimously.



**EXECUTIVE SESSION  
SELECT BOARD MEETING  
December 4, 2017**

The Board went into Executive Session at 8:21pm under Mass General Laws Chapter 30A, Section 21(a), Exceptions 3, 5 and 6.

Chair Harry Brooks, Vice-Chair Dianna Provencher, 2<sup>nd</sup> Vice-Chair Sandy Wilson, Selectman Doug Belanger, Selectmen Brian Green, Town Administrator David Genereux and Assistant to the Town Administrator Kristen Forsberg were in attendance.

A motion was made by Ms. Wilson and seconded by Mr. Green to approve the minutes of November 20, 2017. Roll Call: All Ayes. The motion carried unanimously.

**Exception #3 – Discuss Strategy with Respect to Litigation**

Mr. Genereux stated the Town has won on 2 out of 3 areas in the Verizon Cell Tower case. The last claim is that the Town is prohibiting wireless in the Town because the Route 56 location is the only feasible one. Town Counsel Joe Cove [REDACTED]

The Town has spent approximately \$12,000 to date on this legal case and can expect to spend another \$4,000-\$5,000 [REDACTED] If Verizon loses, they can appeal to federal court. The issue is whether the proposed site is truly the only site available.

[REDACTED]

**Exception #6 – Consider the Purchase, Exchange, Lease or Value of Real Property**

The Town has an option to purchase the house at Hillcrest for \$100,000. It does not appear the Town has set aside these funds but Mr. Genereux is continuing to research this. Mr. Belanger noted that future development may be inhibited if we don't purchase the house due to its roadside location and mutual sharing of the driveway. The well that serves the golf course is also located under the house. Mr. Brooks asked if the owners must bring the house up to code prior to selling it to the Town and Mr. Genereux responded that they do not. Ms. Wilson noted not owning the house would limit the Town's ability to lease or sell the property.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to go out of executive session at 8:51pm. Vote by Roll Call: All Ayes. The motion carried unanimously.

**EXECUTIVE SESSION  
SELECT BOARD MEETING  
December 4, 2017**

The Board went into Executive Session at 8:21pm under Mass General Laws Chapter 30A, Section 21(a), Exceptions 3, 5 and 6.

Chair Harry Brooks, Vice-Chair Dianna Provencher, 2<sup>nd</sup> Vice-Chair Sandy Wilson, Selectman Doug Belanger, Selectmen Brian Green, Town Administrator David Genereux and Assistant to the Town Administrator Kristen Forsberg were in attendance.

A motion was made by Ms. Wilson and seconded by Mr. Green to approve the minutes of November 20, 2017. Roll Call: All Ayes. The motion carried unanimously.

**Exception #3 – Discuss Strategy with Respect to Litigation**

Mr. Genereux stated the Town has won on 2 out of 3 areas in the Verizon Cell Tower case. The last claim is that the Town is prohibiting wireless in the Town because the Route 56 location is the only feasible one.

[REDACTED]

**Exception #5 – Investigate Charges of Criminal Misconduct**

A Town plowing contractor, Ryan Flynn, is under federal indictment. Mr. Flynn currently has a contract with the Town for snow removal. Nothing in this contract allows for termination for accused criminal activity.

[REDACTED]

[REDACTED] As the Town does not have many plow contractors, this will be a loss. Mr. Flynn's indictment has nothing to do with the Town or plowing but rather money laundering. Mr. Belanger felt there was no need to pay Town Labor Counsel because there is no termination clause in the contract, this has nothing to do with the Town and people are presumed innocent until proven guilty. Ms. Wilson asked if the Highway Superintendent could look into the rate paid to contractors to see if it is a fair rate.

**Exception #6 – Consider the Purchase, Exchange, Lease or Value of Real Property**

The Town has an option to purchase the house at Hillcrest for \$100,000. It does not appear the Town has set aside these funds but Mr. Genereux is continuing to research this. Mr. Belanger noted that future development may be inhibited if we don't purchase the house due to its roadside location and mutual sharing of the driveway. The well that serves the golf course is also located under the house. Mr. Brooks asked if the owners must bring the house up to code prior to selling it to the Town and Mr. Genereux responded that they do not. Ms. Wilson noted not owning the house would limit the Town's ability to lease or sell the property.

A motion was made by Mr. Belanger and seconded by Ms. Provencher to go out of executive session at 8:51pm. Vote by Roll Call: All Ayes. The motion carried unanimously.