



OFFICE OF THE
BOARD OF SELECTMEN
TOWN OF MAYNARD

MUNICIPAL BUILDING
195 MAIN STREET

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Selectmen's Meeting Minutes

Tuesday, September 17, 2013

Room 201, Town Hall

Time: 6:00 pm

Present: Chairman Brendon Chetwynd, Selectman David Gavin, Selectman William Cranshaw, and Selectman Dawn Capello, Town Administrator Kevin Sweet and Admin. Assistant Becky Mosca. Absent: Selectman James Buscemi

(This public meeting was recorded).

Pledge of Allegiance

Awards, Maynard Fire Department.

Chief Anthony Stowers gave out Service Awards to the following Town Fire Fighters for years of service to the Town of Maynard Fire Department:

Captain Peter Morrison, 30 years of service to the Town of Maynard

Firefighter James MacGillivray, 30 years of service

Firefighter David Hillman, 35 years of service

Captain William Soar, 35 years of service

Acting Captain Gerry Byrne, 35 years of service

Firefighter Timothy Gray, 30 years of service

Firefighter Craig Desjardins, 20 years of service

Firefighter Patrick Hakey, 20 years of service

Chief Joseph Landry, 25 years of service: (Notice, now the Chief in Stow, MA)

New firefighters were pinned:

Firefighter Shawn Boulette

Firefighter Dan Gould

Captain Walter Latta Jr.

New Firefighter was sworn in:

Firefighter Sean Layton

Water Abatement, I.D. 6118

DPW Operations Manager, Chris Okafor has recommended that the Board grant this abatement. A leak was discovered and reported back on August 5th. DPW used cameras to help locate the leaks. Leaks were found and fixed by a plumber. DPW found the water flowed back thru the water system and not into sewer.

A motion was made by Selectman Cranshaw to approve the sewer abatement for \$1,914.97. Second by Selectman Capello. Vote 4-0. Motion approved.

Charter Review Discussion, Brendon Chetwynd,

Workshop, Board members will give feedback to the Chair to take back to the charter review committee

Fire Commissioners: Chair wondering if the town should follow the same hiring practice we use for hiring Police for the Fire Commissioners?

Gavin: Concern with policy, is that personnel change staff changes, good things happening now, as we have goodness now there is process in place with contract language as opposed to charter change.

Capello: The Charter is reviewed, maybe add language in Charter. Interim not to do any hiring

Cranshaw: (3) points, Charter and bylaw does say Board hires police officers. Likes that process provides Board with interaction with new police officers, but could go either way. If the board does wish to hire the fire fighters, then we should add to charter.

Future / Contracts to amend the current contract language. We have strong chief law. Our Chief is here with us tonight let get Chief Stowers feedback; Interim cannot make hiring decisions must be signed off by TA. Should look at someone from within the department. It has to get into a contract with boards consent. All hiring to be review by TA.

Chair; does not think the board should hire even Police.

Board then discussed hires made by interim appointments.

Motion was made by Selectman Capello that the town follow a new hiring process for (Interim, Acting Department Heads, and Acting) to all be reviewed and signed off by the TA. Second by Selectman Gavin. Vote 4-0. Motion approved.

Sel. Chetwynd introduced discussion of suggestions by Sel. Cranshaw for topics to be considered by Charter Review Committee. Sel. Chetwynd wanted comments from entire Board before presenting to Charter Review Committee.

Charter requires Town Administrator to designate person to assume duties if TA is to be away for more than 15 days, but does not address shorter absences and provisions may not even be needed now that Town has established Assistant Town Administrator position.

There is no definition of "town official" Chair will review with town counsel and present findings to CRC.

Sel. Cranshaw thinks there is (still) too much detail of TA-related stuff in the Charter. It was needed when the TA position was established but maybe not now. There was no consensus on this from Board.

There should be a provision to fire TA without cause if all five BOS members vote to do so. Board agreed and Chair will bring recommendation to CRC.

Add clarity about whose responsibility for firing employees appointed by a board (I assume TA but maybe board can appeal to BOS?)

Are there any committees that are not really needed? Chair noted that CRC had not considered status of committees and will bring issue to CRC.

BOS should appoint ATA, (board agreed).

BOS should have pocket veto over TA hiring's. (Board did not agree)

BOS should have responsibility for hiring of positions not anticipated in charter (and can designate)

Chair has all the feedback from the board and will review with the Charter Review Committee.

Public Comments:

Vic Tomyl resident had a few comments to make:

- 1) Zoning Board of Appeals meeting on Monday, Sept 16, 2013 the Town Planner, Eric Smith was taking the minutes and making comments to the Board. He is the Town Planner. TA, K. Sweet, informed Mr. Tomyl that Eric Smith has duties in both areas.
- 2) Construction down at the Waltham Street bridges looks like it is almost complete. Thinks that the Town should have the developer (MacDonald Development) of the nearby apartment building finish the work on the adjacent sidewalk/street per the Development Agreement to make that area look finished. TA, K. Sweet, noted the past DPW Supt. asked the developer to hold up that work because of the bridgework. TA will find out what is in the Development Agreement with Mr. MacDonald.
- 3) Town By-Laws for signs, Vic thinks that the Town should be out and do some enforcement on the signs around Town. TA will ask Building Inspector and Town Planner to take action.
- 4) First Responder, wondering why Maynard is going to Concord Mews. TA, K. Sweet responded that it an Automatic Response and the surrounding towns do the same for Maynard.

Acceptance of Minutes for July 16, 2013, and September 3, 2013.

A motion was made by Selectman Capello to approve the minutes for July 16, 2013 meeting. Second by Selectman Gavin. Vote 3-1 (Selectman Cranshaw). Motion approved.

Selectman Cranshaw questioned the lack of guidance by town counsel about how to handle IM communications during the meeting.

A motion was made by Selectman Capello to approve the minutes for September 3, 2013 meeting. Second by Selectman Gavin. Vote 4-0. Motion approved.

Selectman Cranshaw questioned missing meeting minutes from July 9, 2013, July 25th and August 1, 2013.

List of Correspondences:

- a) Treasurer/Collector Report for June and July 2013
- b) Municipal Services Report for July 2013
- c) Department of Public Works Report for July 2013
- d) Assessor Report for July 2013
- e) Notice of meeting for Retirement Board August 29, 2013
- f) Notice of meeting Golf Course Re-Use Committee August 12, 2013
- g) Resignation letter from Bill Freeman from Golf Course Re-Use Committee.
- h) Notice of meeting, MCC/MRC, August 8, 2013
- i) Incident Report Morey's August 9, 2013
- j) Incident Report Blue Coyote Grille August 12, 2013
- k) Letter from the ABCC, General Counsel, Bill Kelley retirement August 15, 2013.
- l) VHB, Wayne Amico On Call Log July 16 thru August 1, 2013
- m) Notice of nominations for MAPC, Sept. 27, 2013
- n) Comcast, Xfinity, notice of encryption for limited basic service
- o) ABCC notice effective July 11, 2013 of new type of pouring permit
- p) Town School Building Committee minutes for July 10, 2013
- q) Notice of meeting CPC, August 14, 2013
- r) Email, Assessors looking for replacement for member on Board of Assessors.

- s) Maynard Golf Course Report July 2013
- t) Restaurant Electricity Scam, Thai Chilli

A motion was made by Selectman Capello to approve the list of correspondences as shown. Second by Selectman Gavin. Vote 4-0. Motion approved.

Consent Agenda

- a) (New Employee), Appointment to Green Communities, Eric Smith, Town Planner
- b) (Repeat) Block Party Request, Saturday, September 28, 2013 McKinley Street
- c) (Repeat), One Day LL at Clock Works Café, Mike Adams on behalf of Acton Box, Friends of Music

Selectman Cranshaw asked to have item (C) removed from consent.

A motion was made by Selectman Capello to approve the consent agenda as amended. Second by Selectman Gavin. Vote 4-0. Motion approved.

Selectman Capello informed Selectman Cranshaw it is the practice of this Board when we receive a repeat One-Day Liquor License for event that this Board would put into the consent agenda.

A motion was made by Selectman Capello to approve the one-day Liquor license at Clock Work Café 8 Clock Tower on September 28, 2013 from 7:00 pm until 10:00 pm for Acton Boxboro Friends of Music. Second by Selectman Gavin. Vote 4-0. Motion approved.

Assistant Town Administrator Discussion

TA, Kevin Sweet commented the need to fill the ATA position. Copy of posting and job description attached. Would like feedback from BOS.

Not all Board members had a chance to read over the job description and job posting. Selectman Capello, like what she had read and gave her full support to move forward. If any Board members had additional comments, Chair asks that they send to him. No action needed from Board for TA to move forward.

Complete Streets Overview and Draft Resolution

Complete Streets Resolution: TA, Kevin Sweet introduced the new Complete Street Resolution to the Board for the first time.

(The Town Planner, Eric Smith and Chris Kuschel from MAPC will be at the October 1, 2013) meeting to discuss this overview and draft resolution to our streets, with assessment to potential obstacles to implement Complete Streets in the Town. The Town needs to develop proposed revisions to all appropriate plans, zoning and subdivision codes, laws procedures, rules, regulations, guidelines, programs, templates, and design manuals in order to integrate, accommodate, and balance the needs of all users in all projects.

Selectman Cranshaw questioned whether additional regulations and another committee is necessary to achieve Complete Street goals appropriate for Maynard, and asked whether Community Development Principles already provide such guidance. TA, K. Sweet indicated this resolution has some grant money available and has some tradeoffs. He will review last two large projects to evaluate how proposal would have affected them.

Goals and Initiatives (WORKSHOP) topic from Sept 10, 2013 meeting not finished

Miscellaneous Polices.

- a) **Role of TA and Board in regards to Counsel Communication;** Sel. Cranshaw believes that from past all communications to town council was thru the TA Office approval. Gavin request that all approval to ask town council's opinion on issue be from board. TA disagreed as that past issue was left with Town Clerk on passed on to town council as that issue was again regarding a Town employee.
- b) **Naming of Town Property;** Sel. Gavin, a letter we received from Vic Tomyl regarding his brother to name a property after him. We have many pieces of property, that we need to set a policy to naming, and we need to reflect. Chair asked if Gavin if he would take action and look into what other towns have for policies.

Town Administrator's Report, Kevin Sweet

Reo/Coolidge: Our team has been diligently working with the Design Engineer; Design Engineers to complete several final site construction items. We have a scheduled meeting set for Sept. 18th with our insurance representative and are hopeful we will be allowed to open those identified areas. At this time, we are still asking that residents continue to refrain from using the parks.

Solar Array / Dog Park; NStar is working on site, should take a couple of weeks and then we should here an opening date for town.

Complete Streets Concepts; TA, K. Sweet wanted to introduce this new Complete Streets Concept to board. On October 1st we will have this on our agenda with Chris Kuschel from MAPC and our town planner Eric Smith to present to the board the Complete Street Concepts Resolution.

February 8-9 2013 Storm Reimbursement; Have finalized and submitted Maynard's Project Worksheet and supporting documentation for FEMA reimbursement. It does not cover all the towns' costs but does provide for some significant relief.

Fall Special Town Meeting; we have set the date, time, place, and timeline for our Nov. 4, 2013 STM. It looks like we may have nine (9) articles for the STM.

Labor Negotiations; TA will be requesting the Chairman to allow him to go into executive session for the purpose of negotiations for a future meeting as the Police, Clerical, Supervisor's and DPW Labor's Union contracts are all expiring June 30th. TA will seek board's direction and feedback. This will be done at a future meeting.

Department of Revenue; FY13 is closed and the combined balance sheet has been submitted to DOR Bureau of Accounts. TA is anticipating having the FY13 Certified Free Cash by the end of the month if not sooner.

Downtown Updates; TA meet with a variety of folk's downtown on initiatives. Eric Smith and TA had opportunity to meet with the Revitalize Maynard Collaborative, a fairly new group, things discussed to become a more official part of the town, or attaching themselves to an existing group (such as Maynard Business Alliance).

10-16 Main Street; TA met with MacDonal Development to discuss moving forward with razing the existing two downtown residential structures. This project will really enhance the downtown and provide for significant aesthetic improvement.

Chairman Report; none

Old/New Business

Selectman Cranshaw;

- Golf Course Committee update; Noted they do not have sufficient funding to do financial analysis of any alternatives not involving continued operation as golf course. Requested Town Planner assistance on defining issues with additional site access.
- Board of Assessor, thinks the stipend should be removed as they only meet about 10 times per year and thinks it is disrespectful to other volunteer committees. Suggested some funding might be used for training.
- Comment from Vic Tomyl about the Mutual Aid to Concord Mews TA, said we receive aid from other towns and it is now called Automatic Aid.
- Wondering if we need article to make a change on Water Use Restrictions, as current Bylaw may be out of date and discussion would provide opportunity to highlight DEP's requirement that there be a watering ban every year.
- Prior missing minutes, executive session minutes, TA said that all the executive forms for the entire past meetings are in a 3-ring binder all sheets are filled out. TA will draft minutes for the minutes from April to current date.

Selectman Capello,

- Will need to call TA an set up appointment to meet and go over parks and plans

Selectman Gavin

- Question, didn't we have article to have all the Tennis Courts fixed? Where was it reallocated? TA we invested to make (2) good courts and used balance for the track. We need to maintain a funding source to keep up with all our parks.

- After our meeting last week, I met with Dr. Gerardi; we rekindled a conversation on the Goals of the Town and School and will share with board.
- Bob McCarthy sent a copy of the past spread sheet to him and will send to Chair of BOS.

TA

- Parking Deck, packet sent out to all board members via email and it is in drop box.
We will need to have more conversation about this project and where we should go with it. Board recommends sending this to Capital Planning.

A motion to adjourn the meeting was made by Selectman Capello. Second by Selectman Gavin.

Vote 4-0. Motion approved.

Time: 10:00 pm

Approved: _____

Date:

Selectman, David Gavin, Clerk

Initials: BJM