



TOWN OF MENDON

BOARD OF SELECTMEN

20 Main Street, Mendon, MA 01756

Tel: 508-473-2312 Fax: 508-478-8241

Notice of Meeting

July 12, 2017

Upper Town Hall

6:30 PM

Board Members

Christopher Burke, Chairman

Richard W. Schofield, Jr.

Mark W. Reil, Jr.

Board of Selectmen

Meeting Minutes

7/12/2017

Open Meeting and Pledge

A regular Board of Selectmen meeting was called to order at 6:30 PM.

Present: Chris Burke, Rich Schofield, Mark Reil, Kim Newman and Laura St.John-Dupuis

Mr. Burke led the Pledge of Allegiance.

Correspondence to the Board Kevin Philbrick- Kim's Way

Mr. Burke invited Mr. Kevin Philbrick to address the Board. Mr. Philbrick stated that he wrote to the Board regarding Kim's Way as it was in need of maintenance. Mr. Philbrick stated he spoke to Highway Surveyor, Mr. Alan Tetreault asking for maintenance on the road due to potholes. Mr. Philbrick stated that Mr. Tetreault advised he would maintain it this time but in the future Mr. Philbrick would have to maintain the road.

Mr. Philbrick stated that when he was building the house, he was going to have to pave the road after the house was built. Mr. Philbrick said that he was advised by his attorney that the road was going to be kept as a public way and he would not have to pave it. Mr. Philbrick stated that all he wants is the dirt road to be maintained or, if the Town will offer to pave it.

Town Counsel, Brandon Moss addressed the Board, stating that previous Town Counsel, Bob Mangiaratti was Town Counsel back in 2010 when the subject of this road came before the Board. Mr. Moss indicated that he had the opportunity to speak to Mr. Mangiaratti about this situation and he informed Mr. Moss that in 2010 to 2011 an agreement was reached essentially stating that the Town would discontinue the road for frontage once the house was built. There was never an agreement for the Town to maintain the road, in fact there is no state law stating that a town has to maintain a private way.

Mr. Burke asked for the letter that Mr. Philbrick's letter referenced from his attorney regarding this. Mr. Philbrick stated that he did not have a letter, he received a phone call.

Mr. Tetreault addressed the Board stating that the reason why the town allowed this was that there was going to be one house on the road and then the road was going to be discontinued in addition, the road was built to substandard specifications. Mr. Tetreault point out that if the town wants to accept the road there is a problem as there is no place to turn around at the end.

Mr. Schofield asked what the distinction between the two is. Mr. Moss stated you can have 2 types of roads. A Public Way, where the public has the right to pass and re-pass and a Private Way which is just for the property owners.

Mr. Burke stated that untimely we will have to make a decision with what to do with this road, there hasn't been any closure, do we decide to disc the road or do we keep that road, if we do there was an order of conditions back when Mr. Philbrick built his property. The contractual obligation by the planning board that states that he had to take it to this standard regardless of another abutter or not. Are we willing to accept this as a standard? As that is the standard Mr. Philbrick was told to build to.

Mr. Reil stated he was on the Board when the road was named but was not on the board thru discussion for discontinuing. The meeting minutes form 2012 state it was intention of the Board of Selectmen to discontinue the roadway after the improvements were made.

Mr. Philbrick stated that he is worried that if over the years becomes unsafe and in disrepair, if it does pose a safety issue he wants to know he can come to the town and say I am concerned that there is a safety issue will you come take care of this.

Mr. burke asked Mr. Moss if we need Town Meeting vote to accept the road. Mr. Moss stated yes.

Mr. Philbrick stated that with all due respect, the Town may be in danger of one of the other abutters suing the Town for damages, as soon as you discontinue the public the way as there are two lots with A&R approval.

Mr. Merolli addressed the Board and stated that until the town accepts the road it is not the Town's responsibility. The people who are developing the property have the responsibility to make it to standards so that it can be accepted.

Mr. Schofield stated it is very simple in my mind, either we revert it to a private way as we said we were going to do. Or we consider accepting as a public road only if the landowner improves it and brings it up to the standard that the survey claims that it has to be.

Mr. Burke stated as a Board need to take some next steps as to what we want to do with the road. We have some work to do on our end.

Mr. Philbrick stated that if there is anything he can provide, he has plenty of information.

Consider Exercising Right of First Refusal for 61A - 40 Quisset Road

Mr. Reil made a motion to not exercise the option to purchase the property located at 40 Quisset Road under Chapter 61A. Mr. Schofield seconded. The Motion passed unanimously.

Consider Chapter 90 Project Requests:

Southwick Street
Mowry Street- Route 16 to Park Street
Thayer Road

Mr. Reil made a motion to approve Chapter 90 Project Request for Southwick Street, Mowry Street and Thayer Road. Mr. Schofield seconded. The motion passed unanimously.

Discuss Police Station RFS for Owner's Project Manager

Mr. Don Morin and Mr. Joe Cronin from the Police Station Building Committee addressed the Board regarding the RFS for the Owner's Project Manager. They have worked with Town Counsel on the RFS. The Committee will need to discuss dates with the Chief for his availability for a site walk and dates to have the RFP posted in the Central Register, Milford Daily News and Commbuys on 8/26/17.

Mr. Reil made a motion to approve the RFS for the Owner's Project Manager for the Renovation of 22 Main Street for the new Mendon Police Station. Mr. Schofield seconded. The motion passed unanimously.

Consider placement of a stop sign at the intersection of Asylum and Southwick Streets.

Mr. Reil made a motion to place a stop sign at the intersection of Asylum and Southwick Streets. Mr. Schofield seconded. The motion passed unanimously.

Discuss Direct Detail Billing- Chief Kurczy

Chief Kurczy addressed the Board stating that the Police Department has been approached by Milford and Franklin to start direct billing for police details. Currently, whenever the PD need extra help for details we are responsible for those details, we maintain the records and get a 10% administration fee and we can track them accurately. Out toward the eastern part of the state they have done direct billing, which means if we send someone to another town and they come back with the detail billing from that town we are responsible for billing it, we still get the 10% administration fee but we are responsible for collecting if they are not paid. There are positives and negatives to both sides. Worcester County Chiefs are not leaning towards doing this. The Town Accountant and Town Treasurer like the system we have now. Chief Kurczy adds that this would not be right for us right now, we are a small department and the work that comes in we usually fill. The Chief recommends that sticking with the system we have. Mr. Burke stated he trusts the chief's judgement.

Discuss Marijuana Referendum

Mr. Burke stated this is a big question a lot of folks have been reading about around this topic, at some point the Town has to make a decision as to where we stand on this. To decide to either allow retail sale and cultivation of recreational marijuana or we don't. There is a process we should start taking as a community in making that decision. It is difficult as we are influx with what's happening at the State House. Do they give the authority to the Board of Selectmen to make the decisions well as the tax rate on the marijuana as opposed to doing a regular referendum and putting it before the tax payers? The Chief, the Planning Board and the Board of Health will want to have a say. This conversation is the beginning stages of that.

Mr. Reil, thought at this point we would know what the bill was. It was supposed to be negotiated and signed by July 1st that has not happened. We have to watch for that. Maybe get a group together planning Board, Board of Health and the Police Chief and have a conversation.

Mr. Schofield doesn't understand what the options, would like to come to a consensus with what the approach is.

Mr. Moss states the Town has the opportunity to opt out. Because the law is unclear, he advised clients to make a general bylaw/zoning bylaw amendment and a referendum vote and an election or a special election or on a general election. Handling it those three ways it makes it hard for a marijuana applicant to say we didn't do anything.

Mr. Burke stated that he can publicly state that he is opposed to the retail sale of recreation marijuana in our community for many reasons and that he is one opinion. We have start here as a Board and have a broader conversation.

Mr. Reil stated that he has his personal opinions and has always said he doesn't like to impose his personal opinions on everyone. So I think that it would be good to give the town an opportunity, the town vote favorably, there may be a different outcome with a referendum.

Mr. Burke stated that no matter we do, He would still be in favor in asking the tax payer their opinion and not putting that decision on the Board of Selectmen's shoulders. Mr. Reil stated this would be voted on at Town Meeting and not by Board of Selectmen.

Mr. Burke asks what the next steps would be. Mr. Reil states there are a lot of pieces involved. Chief stated this is still a fed prohibited drugs, this brings a lot of criminal elements to the town we need to look at many aspects of this.

Mr. Moss stated that some communities are putting in moratoriums. There are some things influx with the state. Mr. Burke asked if moratorium would be done at Town Meeting. Mr. Moss stated yes, just a zoning amendment.

Mr. Moss stated that in September the legislature will appoint the Marijuana Control Commission things may start happening that may impact the town at some point. If the state doesn't issue regulations by July 1, 2018, medical marijuana dispensaries can start selling retail, but Mendon does not have medical so it is not an issue for Mendon. April, 2018 is the earliest any Town can accept licenses.

The Chief suggests a coffee hour at the Senior Center. The Board decides on September 9th.

Consider Eric Kinsharf for Accounting Services

Mr. Reil made a motion to appoint Eric A. Kinsharf as Interim Town Accountant until a permanent Town Accountant is appointed. Mr. Schofield seconded. The motion passed unanimously.

Consider the Appointment of Kathy Schofield to the Police Station Building Committee

Mr. Reil made a motion to appoint Kathy Schofield to the Police Station Building Committee, for a term to end at the completion of the project. Mr. Burke seconded. Mr. Schofield abstained. The motion passed.

Consider Approval of End of the Year Transfers

Mr. Reil made a motion to approve End of the Year Transfers as presented. Mr. Schofield seconded. The motion passed unanimously.

Set Future Meeting Dates

The Board agreed to future meeting dates as follows: Wednesday 8/23/17, Wednesday 9/6/17 and Monday, 9/18. As well as a coffee hour at the Senior Center on September 9, 2017 to discuss a marijuana referendum.

Other Topics Not reasonably anticipated 48 hours prior to Meeting:

Consider Special License for Wines and Malt Beverages only- For the Mendon 350th Anniversary Committees' Farm to Table Event at Memorial Field on 9/16/17 from 3 PM to 6 PM

Mr. Reil made a motion to approve a Special License for Wines and Malt Beverages Only, for the Mendon 350th Anniversary Committees' Farm to Table Event at Memorial Field on 9/16/17 from 3 PM to 6 PM.

Executive Session- Purpose 2 for Executive Session, M.G.L. c.30A, § 21(a) (2) to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. Town Administrator.

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Executive Session-Purpose 3 for Executive Session, M.G.L. c.30A, § 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigation position of the public body and the chair so declares. Walckner.

Mr. Burke made a motion to enter into Executive Sessions under M.G.L. c.30A section 21 for three unrelated purposes. One, Purpose 2: to conduct contract negotiations with nonunion personnel for the Town Administrator. Two, Purpose 2: to conduct strategy sessions in preparation for contract negotiations with nonunion personnel for the Fire Chief. Three, Purpose 3: to conduct strategy with respect to litigation for the Walckner case. We will reconvene only to adjourn. Mr. Schofield seconded. The motion passed unanimously.

Roll Call Vote Schofield-aye, Reil-aye, Burke-aye

Adjournment

Mr. Reil made a motion at 10:05 to adjourn. Mr. Burke second. The Motion passed unanimously.

Submitted by: Laura St.John-Dupuis

Date Approved: 11/6/17